

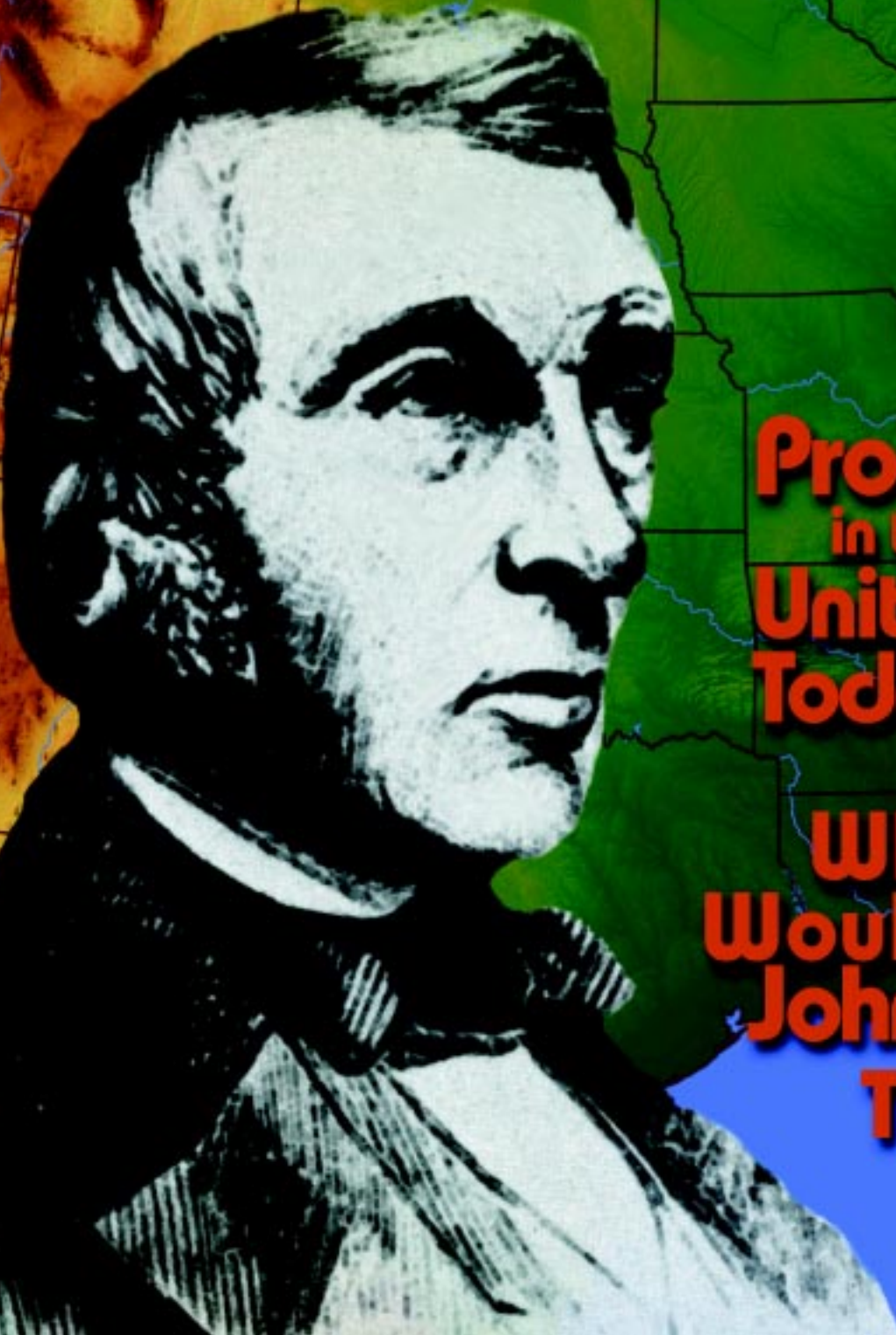
PERSPECTIVES

the journal of the American Probation and Parole Association

Volume 22

Number 2

Spring 1998



**Probation
in the
United States
Today...**

**What
Would
John Augustus
Think?**

PRESIDENT'S MESSAGE

I would like to take this opportunity to again thank our friends and colleagues in Florida for contributing to the success of this year's mid-winter Institute held January 4-7, 1998 in Orlando, Florida. One of the highlights of the conference was the extraordinary media coverage that we garnered. In fact, the coverage that we received was significantly more than any other Institute we have convened in the past. As a direct result of the efforts of Allen Moore (Florida), who handled the local media contacts, and Pam Riddle (Texas), the Association's press secretary for the Institute, we were covered by three television stations, three radio stations and at least one major newspaper. In addition, we were afforded an opportunity to engage the editorial board of the *Orlando Sentinel* in discussions regarding the Institute and its major themes. I was particularly pleased that some of the press coverage resulted in attendance of reporters (television and newspaper) at some of the workshops. It was even more gratifying to see the media operatives interviewing Institute faculty. Clearly, this kind of media coverage can only help our Association in delivering our message. Let us always be mindful that the media is a community constituency that must be invited to our "tables" if we are serious about advancing the notion of community justice.

The Orlando Institute caused me to reflect on the need for our Association in step up efforts to get its message out, and to proactively set the professional agenda. In short, we need to shape and clarify public opinion rather than mindlessly – sometimes hopelessly – follow it. The importance of creating a broad based political consensus for our professional agendas cannot be overstated. Once achieved, political consensus will quickly become our ally in advancing sensible community corrections policies. Moreover, such consensus will assure that established policies will not be undone with each new election cycle.

We professionals often lament the difficulty involved in achieving political consensus. However, before we can effectively achieve this objective, it is essential that the corrections profession define its messages. In my view, the panoply of correctional services that constitute the agendas of organizations like the American Correctional Association, the International Community Corrections Association and the American Probation and Parole Association are complimentary. The respective agendas clearly represent a continuum of services that lead us all to the same desired outcomes – public safety in the long term, risk management or incapacitation in the short term, a punishment component, and in the ideal, prevention. We simply do different things along the way to get to the finish line. To the extent that the continuum works as planned, services provided in one arena support services in any and all of the others. Not enough attention has been paid to this very important premise.

If you believe as I do, that the continuum is inextricably intertwined, then I ask that you give serious thought to strategies that result in active advocacy by the major professional associations for each other's specific needs. In this way, the professions will speak with a unified – and significantly stronger – voice. Moreover, it will make crystal clear the fact that the promotion of an agenda is less a self-serving endeavor and more of a legitimate civic minded approach to justice.

The leadership of the International Community Corrections Association recently met with me to discuss ways that we can work together to support our respective agendas. I am confident that we can build on our initial discussions and really make some progress at the national and local levels as far as constituency building is concerned.

If you have read this article and have any ideas, or would like to get involved in the process, please let me know. I would love to hear from you!



Mario A. Paparozzi

A handwritten signature in dark ink that reads "Mario A. Paparozzi".



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Recent studies consistently point out that citizens do not seem to have much confidence in the criminal justice system as a whole. This article discusses the importance of "don't know" answers on recent survey which measured people's evaluations of their local criminal justice system and its components.

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By Gayle R. Seigel, M.A. and Joanne M. Basta, Ph.D.

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EDITOR'S NOTES

The imminent arrival of the next millennium presents the perfect and obvious opportunity for all professions to reflect on their current state and desired future. Though perhaps an artificial event, the transition into the 21st century no doubt will include a wide-spread sense of review and renewal. It will be a good time to take stock.

Those of us in probation and parole are ahead of the curve, due to APPA's Vision project and the opportunity it provided to set our profession on a new and challenging course. We might still profitably spend the next two years in a searching examination of the trajectory we are on and the currents of public policy and opinion as they shape our course.

Good, solid, fundamental information will be vital for that task and in this edition of *Perspectives* we offer the first installment of a sweeping review of "Probation in the United States." Joan Petersilia has made signal contributions to the community corrections literature and she has done us all an invaluable service in her latest monograph, which paints a rich and comprehensive picture of probation's current structure, workload, offender base, effectiveness, future concerns and prospects. Few researchers have Joan's facility for the presentation of substantive information in accessible prose and user-friendly formats. We hope this and the second installment serve as grist for a deep and honest assessment of our respective agencies and our common profession.

Public perceptions of probation will likely figure in this self-examination and a second piece in this edition provides timely information on that score. Sam Houston State University has recently been a center for the study of public opinion on criminal justice and Professor Dennis Longmire presents some rather sobering data that must be attended to if we are to regain public trust.

The issue of the standing of probation and parole in the public's eye is an urgent one and we especially invite material that either documents public opinion or offers strategies that might more effectively bring the good news about community corrections to our customers, who don't much trust us or, more often, don't know us.

Have a great 1998.



Ron Corbett

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Electronic Supervision Tools: Lessons Learned

Recent national television broadcasts – on *60 Minutes* and *20/20* – as well as editorials and newspaper articles sensationalized seeming failures of community-based electronic monitoring programs and technologies. Moreover, during last year's legislative session various state policy makers seriously questioned the efficacy of funding and supporting electronic monitoring programs designed to allow community corrections agencies to monitor and track criminals. Community corrections budgets and programs have suffered throughout the years from knee-jerk responses to uninformed journalism. Therefore, it is essential that corrections professionals not allow what is reported in the media to unfairly taint public attitudes about electronic monitoring programs as a whole. It is our responsibility to take a leadership role in shaping the discourse, and hence public opinion, about electronic monitoring programs.

While it is true that there have been incidents, some with tragic consequences, perpetrated by criminals supervised in community-based electronic monitoring programs, it should be remembered that appropriately designed and well implemented electronic monitoring programs result in fewer tragedies. For example, an electronic monitoring program implemented in a northeastern state in the early 1990s reported a re-arrest rate for participants of less than two percent; failure rates for non-electronically monitored criminals were ten times higher. Nevertheless, the program experienced a tragic event when a program participant committed manslaughter. Negative media attention and confusion regarding the efficacy of the program resulted in termination of the program within six months of the incident. Two years later, after much discussion with key stakeholders regarding the program's purposes and expectations, the program was resurrected. State administrators recognized that citizens are safer with properly administered electronic monitoring programs than without them.

It is unfortunate at best, and misleading at worst, that isolated tragedies – not routine successful outcomes associated with electronic monitoring – have fostered skewed media cov-

erage, and consequently myths, that often result in the pursuit of policies that ultimately make us all less safe! Indeed, this kind of media coverage has long been a fact of organizational life for community corrections agencies. Anticipating and addressing misleading press coverage can result in complete stories that link our business to public safety in obvious ways.

Recent publicity of the failings of electronic monitoring programs focuses first on the technology and second on program policy. By association, the negative publicity directed at the

It is unfortunate at best, and misleading at worst, that isolated tragedies – not routine successful outcomes associated with electronic monitoring – have fostered skewed media coverage, and consequently myths, that often result in the pursuit of policies that ultimately make us all less safe!

technology has had adverse consequences for community corrections programs, and negative publicity about programs adversely affects the technology. In fact, analysis of the media coverage reveals that much of the public discontent regarding electronic monitoring programs derives from the design and implementation of the program and not the technology. Indeed, electronic monitoring technology is a vital tool that provides equipment and monitoring services in order to enhance public safety.

The providers of the technology and the practitioners that use them cannot ignore the downside to partial or misleading information presented in the media. Until the public information problem is adequately addressed, preferably through a joint effort, the public is at greater

risk than it would otherwise be. The future development and implementation of cost-effective public safety strategies, as well as the business climate for the electronic monitoring industry depends successful resolution of the public relations dilemma.

Beginning in the mid-1980s, electronic monitoring emerged as one solution to burgeoning prison and jail populations and spiraling correctional costs. The design of the programs as well as technologies used varied widely. Anxious to show that something was being done to

assure cost-effective expenditures of tax dollars, policy makers quickly embraced electronic monitoring of criminals – sometimes as a panacea for managing correctional populations and public safety concerns. Elevated by the excitement emanating from the field of criminal justice regarding the applications for electronic monitoring, entrepreneurs involved in the manufacture of technologies and operators of electronic monitoring case management centers moved quickly to provide new and improved equipment and services at reduced costs.

The convergence of criminal justice need for cost-effective alternatives to incarceration and the business opportunities available within this environment resulted in grandiose promises and expectations. Industry manufacturers and practitioners shared purveyance of the message equally. It all sounded so right.

Perhaps more importantly, it was what we wanted – even needed – to hear. With the technological hopes and promises of electronic monitoring, community corrections seemed to be moving into the next millennium retooled with the latest technological advances. However, as is the case with life in general, when something appears too good to be true it probably is.

Often we in the business hear and vociferously contend that technology is only as good as the framework of policies and procedures within which it functions. Overconfidence in, and ignorance about, the limitations of technology results in an over-reliance and over-selling of technology to do that which it was never intended to do in the first place. In instances where under-funded and/or poorly designed

BY MARIO PAPAROZZI AND CARL WICKLUND

programs rely on technologies to produce results that are impossible to achieve, the fragile public image of community corrections is jeopardized. In the final analysis, electronic monitoring technology in and of itself makes more information readily available to practitioners without the need for an exorbitant commitment of human labor. In other words, taken out of a programmatic context, the technology makes us more efficient in that it assures that we do things better. Effectiveness, which assures that we do better things, however, is yet another matter. And here we must rely on well thought out and implemented program designs, programs that will process and react to efficiently delivered information in ways that are relevant to the public. Technological progress should not, as stated by Aldous Huxley in his book entitled *Ends and Means*, "...merely provide us with more efficient means of going backwards."

Recognizing the negative impact of technologies that are mismatched to programs, and the relevance of program design to the ability to maximize public safety, the manufacturers of electronic monitoring technology and providers of monitoring services have advocated for standards as well as the maintenance of amicable relationships across the industry. The general standards that have been developed thus far fall far short of the mark in terms of their ability to link technologies and program practices to results that are valued by the public. At the same time, the sought after amicable relationships which would foster working together for the collective good of the industry, has been constrained by competitive product and service distinctiveness. Such competitiveness too often leads to an overselling of products and services in order to "win a bid." Under such circumstances, the public becomes confused, if not misled, about realistic purposes and expectations of electronic monitoring programs. In the end, both the industry and the profession lose credibility.

In recent months, representatives from electronic monitoring technology manufacturers and monitoring service providers met informally to discuss the state of electronic monitoring as a viable correctional option. The purpose of these informal discussions was to develop strategies which could improve the image of electronic monitoring programs overall, and the technologies in particular. The larger group of discussants agreed to create a small working group of six volunteers who were charged to meet and develop initial strategies for the industry. The smaller group met formally this past October at the headquarters of the American Probation and Parole Association in Lexington, Kentucky.

It was generally agreed that two major criti-

cal areas should be addressed immediately: (a) the need for model policies and procedures; and (b) the need for more public education. The industry representatives were in full agreement that the American Probation and Parole Association should serve as the catalyst for initiatives in these areas. A meaningful partnership in this regard will require bold introspective thinking on the part of community corrections agencies that use electronic monitoring equipment. For the industry's part, there will need to be a com-

mitment to avoid overselling the products and services provided and misleading advertising for the sole purpose of undercutting competitors.

Included in this issue of *Perspectives* are two submissions to the "Mail Box" section authored by David Bland and Linda Connelly which further address issues related to ET. □

Mario Paparozzi is the President and Carl Wicklund is the Executive Director of the American Probation and Parole Association.

Editor's Note: *Electronic monitoring has come under heavy fire recently, as Mario Paparozzi and Carl Wicklund's "Speak Out" in this edition attests. In light of recent and controversial coverage of electronic monitoring, it seemed appropriate to offer the following two letters as part of the on-going debate. APPA should not be construed as endorsing any one monitoring technology. We encourage our readership to submit additional letters, especially those documenting agency experience with electronic monitoring.*

What Happened To Electronic Monitoring?

Just over twelve years ago, the criminal justice industry was besieged by poor public opinion and constant scrutiny by the press. The introduction of electronic monitoring technology brought both promise and hope. With a swelling prison population, overextended probation/parole personnel and judges who felt they had few options between the revolving door of prison and probation, the level of frustration felt by the public and those in law enforcement was acute.

Initially, electronic monitoring was billed as *the panacea*. That was the first, and possibly the greatest in a series of misconceptions which severely injured the budding electronic monitoring industry. Common sense tells us that there is no sure cure to any problem. So why did the proponents of electronic monitoring think differently? Perhaps it was the "high tech" equipment, both exciting and different, brought into an industry where nothing else was working and where people were starting to look ahead with alarm to the "next generation." We may never know the reasons, but we do know this – labeling electronic monitoring as the antidote to the suffering correction's industry had the unfortunate effect of causing expectations and promises to soar, only to drop with a loud thud.

The second problem occurred as a result of electronic monitoring being introduced into the market place as an "easy alternative." It was commonplace to represent to potential customers that keeping track of offenders was simple; just place a bracelet on the offender's ankle and, in essence, don't be concerned unless notified of a violation. What was left out of the sales pitch was that the equipment installation was complicated and that competent electronic monitoring was quite complex. In fact, if the monitoring is improperly administered, false positives, equipment failure, computer crashes and system foul ups can become routine. And, since true violations can be hidden among a plethora of insignificant information and technical violations, the monitoring staff, and those responding at the agency level, need to be highly trained in order to respond quickly and appropriately

to potentially dangerous situation. This is criminal justice and public safety we're dealing with and anything less than strict compliance with specific procedures does not work.

A third problem arose when electronic monitoring was sold to the marketplace as a way to reduce probation caseloads and generally reduce the headaches of law enforcement in the community. You might not normally expect non-criminal justice agencies to realize that no piece of equipment can ever fully take the place of human contact and supervision in the area of criminal justice. Yet, whoever is working in this field and selling equipment that is used with the offender population has a responsibility to understand the complexity of issues. Many parole and probation offices had no idea how staff intensive monitoring the program really is. Instead of relieving burdened agencies, greater responsibility was placed on probation departments, many without proper policies and procedures in place and often lacking 24 hour violation notification plans. We all know what continues to get replayed over and over again on TV specials – even now in 1997.

Electronic monitoring will never be more than a *tool*; it could not and should not take the place of direct supervision and contact.

The fourth problem – the manufacturing industry and many business entrepreneurs got so excited about the potentially lucrative future of electronic monitoring that they forgot a very fundamental business principle – before you introduce a new product to the market you must develop a foundation of support. This very sound principal was ignored in the haste to get this universal remedy to market. The result was that all the unanswered questions, misgivings, misperceptions and public safety concerns that have abounded since the inception of electronic monitoring have resulted in a lack of support and an overall mistrust of the product. Twelve years after its introduction, and despite the fact that a recent *60 Minutes* broadcast portrayed electronic monitoring as a "hot rage," less than .01 percent of the criminal justice population in the United States is on electronic monitor-

ing. The sad truth is that electronic monitoring has fallen on its face.

Finally, in the race to get this panacea to market, greed rather than solid planning took precedent. Companies low-balled bids, trashed each other's reputations and bought up other companies to alleviate competition. Many refused to cooperate with each other to use joint efforts to promote the industry. Industry regulation was not supported and eventually the impression that the electronic monitoring industry was basically comprised of a bunch of used car salesmen took hold, an impression that still holds sway. (My apologies to the auto industry – I use the term generically.)

I think the picture is clear. Is this resolvable? Can the industry be saved? Is there a future for electronic monitoring? I give a resounding yes!

Electronic monitoring has the potential to provide great support to our overburdened criminal justice system now, and well into the next century. However, we have to re-educate the public about the benefits and limitations of electronic monitoring; we have to conduct comprehensive research studies to prove the value of electronic monitoring for different populations; we have to insure that all programs operate under stringent guidelines and regulations; we have to make sure that the right offenders are placed on programs for the right reasons; we have to provide technical assistance to those in the field to insure the proper development and implementation of programs; and, perhaps most importantly, we have to realize there is business enough for everyone. If all facets of the industry begin to support each other, instead of doing battle for the greatest piece of the pie, I believe we will all be amazed at the true growth potential of electronic monitoring.

Those of you who know me, understand how truly passionate I am about the field of criminal justice. I did not write this article with the intent of hurting anyone or to throw stones. I just know that we can halt the revolving door of crime and that offenders can change behavior when given the proper tools and support. I had as much faith in 1987 as I do now in 1997, that

electronic monitoring is a fabulous tool to help structure and organize an offender's life. Our success stories are incredible. Yet the public doesn't know this. They only see the negative, damaging stories continually promoted in the press.

It is up to us – criminal justice practitioners, manufacturers, service providers, researchers, government officials – to change the tide and begin to work together to promote this incredible history-making tool for our criminal justice system. Please join me.

Linda Connelly
President and CEO
Linda Connelly & Associates, Inc.
San Francisco, California

Community Corrections and the Paradigm Switch

One of the greatest disservices to community corrections over the past 20 years has been our allowance of others to divide it into so many different segments. The system has become fragmented. Over the years, we've seen a great proliferation of agencies and specialty courts, each competing for dollars and influence. In many areas, the probation/parole officer's real job is being trimmed and molded to this or that model, giving the other players (including private sector companies) an open door to step in and assume control.

What this leaves the probation/parole officer with, are the most difficult cases and a greater potential for public relations nightmares should things go wrong. It's both confusing and frustrating for those who work in the system and for those who use it. That is the bad news.

There is some good news, too. There is a change taking place in community corrections today. A paradigm switch, if you will.

In the early 1980's, electronic monitoring was introduced and understood as a unique technology that stood alone. That was the big mistake. The public perception was that if an offender was being electronically monitored, he/she was safely locked up. So, community corrections was caught in a trap. To let the offender have time out was just asking for bad press. But to prevent the offender from going to work, school, counseling, etc., was to deny the very foundation of the reintegration program for which he/she was a part.

The fundamental flaw then, and in many respects now, is that we lost sight of the continuum of service. The case management plan must be a series of interrelated living and learning experiences that over time produces a productive, responsible human being. You can't achieve that goal with a single technology or a flashy gadget. You must consider the human equation.

The change coming to community corrections is being precipitated by technology. Unlike the early 1980's, this technology complements the concept of a continuum of service. To realize the continuum of service for an offender, you must have a full range of options and decision points. You must have the ability

to apply rewards and sanctions appropriate to the offender's behavior.

The application of technologies as a case management tool can merge an individual's meeting of program requirements with immediate feedback, both to the offender and to his or her case officer.

The aborted paradigm switch of the early 80's was technology circumventing the basic fundamentals of community corrections. It was technology running amuck because it forced the community correction's person into singular response modes. The paradigm switch emerging today is the result of technology uses that recognize the individual needs and provide a structure that reinforces one's efforts to meet his or her responsibilities. The use of technology should encourage our striving for a continuum of service.

The switch is long overdue because we cannot as a society afford the illusion that if we lock enough people up, we will ultimately eradicate crime. In fact, since 1980, we have spent well over \$55 billion on construction alone and we are still over capacity.

We are at an exciting juncture in the community corrections' arena. If we are to move forward, we must truly recapture the value of operating within the concept of a continuum of service. It's a change everyone should look forward to.

David Bland, Ed.D
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Request for Site Proposals



APPA Institute – Bringing People Together

Our society has a strong tradition of coming together to decide what to do, both individually and collectively, to achieve common goals for ourselves, our workplace, our children and our communities. The APPA Institute unites people together for a common purpose– to boost performance and effectiveness of correctional programs, define national priorities for community corrections, create alternative ways to resolve the over crowded prison systems, link people with information and answers and build safer communities for our future. Hosting an APPA Institute can be a rewarding and exciting experience. We invite you to join together with APPA as we chart a course for innovation, excellence and growth.

Applications are being accepted to Host Future APPA Institutes

Applications to host the 2001 Winter Institute and 2003, 2004 or 2005 Annual Institute are now being accepted. Any board member, affiliate association 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 site selection committee, APPA must receive completed applications by June 30, 1998. Further information and applications may be obtained from:

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Working Toward Different Margins

I spent an interesting weekend recently playing a game with a bunch of grownups. Some eighty researchers, criminal justice practitioners including police chiefs and corrections executives, and state and local elected officials hunkered in small groups to discuss the future directions in crime control policy for their great state of Franklin, USA. If you sat in one corner, Franklin was experiencing a decline in crime rates and rising tax revenues. If you were unlucky enough (as I was) to sit in the opposite corner, Franklin was experiencing increases in violent crime and an exodus of some of its prime industries and labor force. Nevertheless, both corners had to advise the new governor of Franklin in the year 2002 on what to say about crime in his first major policy address.

The great state of Franklin existed for a weekend in the headquarters of the Rand Corporation in Santa Monica. The game was a simulation exercise meant to provoke thinking among the participants on how one might manage a state's criminal justice systems under vastly different circumstances. The objectives were first to explore how investments in the three P's — police, prevention and prisons (a euphemism for all corrections) — would vary under different economic and crime circumstances and later to balance investments across all three priorities. Even though there were no adjudged winners in the game, the weekend was certainly a triumph for rationality.

One game outcome struck me as quite peculiar at the time: both the teams in the "best case" (declining crime and increasing tax revenues) and the "worst case" (increasing crime and diminishing tax base) scenarios in the corrections arena recommended increases in resources for intermediate sanctions. My immediate reaction was that someone wasn't playing their role properly and was advocating a personal preference in defiance of the given political climate. On the plane ride home, however, it occurred to me that both groups might have been perfectly rational, just operating under different assumptions about the purposes for intermediate sanctions.

Is it possible to advocate intermediate sanctions in face of both rising and declining resources?

It depends on which way you need to move your margins for community risks and expenditures.

Intermediate sanctions are supposed to operate at the margin between prison and probation. They are supposed to address the balances between punishment, public safety and correctional economy in ways that neither prison nor probation can. Since each intermediate sanction developed during the past fifteen or twenty years offers different qualities in each of these dimensions, it seems logical that some hold advantage over others in certain scenarios while other scenarios might reverse the situation.

Let's assume that our state is facing rising crime rates and falling revenues. Prison expansion, while an obvious choice in an economic vacuum, isn't likely to rank high on a governor's list of solutions. His first choice is going to be (so his advisors tell him) a poor man's punishment that relies less on prison capacity and more on "tough but fair sanctions in the community." Of course, he could also reduce prison terms but that would be "going soft" in the throes of a crime wave.

What kinds of intermediate sanction would make sense? A smart advisor might observe that the state was being forced to shift some offenders from incarceration to the community, thereby increasing community risks. Intermediate sanctions with strong incapacitative qualities might be appropriate. Punishment-oriented boot camps, electronic monitoring and day reporting centers come to mind as sanctions that, while not cheap, cost far less than prison and provide some degree of direct control over an offender's whereabouts.

Now let's consider a state with declining crime trends and rising revenues. It has no particular need to increase prison capacities. In fact, chances are that if prisons were to remain relatively full, they could be taking in somewhat less dangerous offenders at the margin. Additionally, the corrections community may be enjoying some possibilities of increased budgetary options.

What kinds of intermediate sanctions make sense in this situation? A smart advisor might recognize that client populations under com-

munity control are somewhat less dangerous and that some more therapeutic approaches could be tried. Skill enhancing boot camps and treatment-oriented intensive probation could be suggested to the governor as well as and jobs-focussed programs to take advantage of increasing state employment demands. These programs would be far less palatable under declining revenues.

These are my interpretations on how one could use different forms of intermediate sanctions to advance changes in political fortunes. Reasonable people can disagree and come up with alternative packages.

Here's my suggestion for a rainy afternoon or a staff retreat: make up your own sentencing game, focussed on intermediate sanctions policies. Try these four scenarios: rising crime, rising revenues; rising crime, falling revenues; declining crime, rising revenues; and, declining crime, declining revenues. Divide the staff into four groups, one for each scenario. Challenge them to recommend a community-based program of intermediate sanctions appropriate for the economic and crime climates that their group faces. Take about an hour and a half for strategy formulation. Require each group to explain why they chose the strategy they did, which kinds of populations each piece of their strategy was aimed at, and how they would sell the package to political authorities. Take another hour for the groups to come together, present their packages, and discuss each other's assumptions and conclusions. Go home early.

Who knows, you just might find that you've developed both your staff and some valuable options for changing political tides. □

Ed Zedlewski is a Senior Scientist at the National Institute of Justice in Washington, DC.

BY EDWIN ZEDLEWSKI

Training for Trainers in Officer Safety & Executive Development for New CEO's in Probation and Parole

Officer safety has been and continues to be one of the most requested training topics and the Institute has supported training seminars at the local, state and federal levels of community correction nation wide. Several states have developed policies for armed officer in the past year such as Maine, Missouri and Washington. This has caused those agencies to re-examine their officer safety training programs. Because community corrections is an ever changing and dynamic profession, administrators have had to change with the times. To assist community corrections NIC has developed over the past year, a 36 hour training program to address the needs of probation and parole agencies in developing a sound office, staff and officer safety program. This program was offered on February 1-6, 1998 and will be offered again on June 28-July 3, 1998 at Sam Houston State University, Huntsville, Texas. Participants experience what are the "Ten Commandments" of a good safety program specifically for community corrections. Officer/staff safety is everyone's business, and as long as this profession is working closely with offenders we will need to be proactive with regards to training. The faculty was selected from trainers who are currently employed in local, state and federal community corrections departments. Interested trainers are encouraged to contact NIC

1-800-995-6423 ext. 138 for more information on the next class in June 1998.

Additionally, executive training has been a goal of the Institute since founding two decades ago. The Community Corrections Division has studied the issues that new executives must face during their first year on the job, and after several years has developed a one week training and orientation in collaboration with the National Association of Probation Executives (NAPE) and Sam Houston State University, Huntsville, Texas. The Institute held two pilot training programs in August 1993 and September 1997 and will hold two additional on May 11-16, 1998 and September 13-18. The faculty for this training was recruited from the field and includes Dan Beto, Sam Houston State University, Texas; Ron Corbett, Massachusetts; Sue Gionfriddo, California; Ron Goethals, Texas; Rich Kipp, Pennsylvania; Don Stiles, Arizona; and Rich Wyett, Nevada. This faculty planned and designed this training program utilizing surveys and their combined years of experience.

Sam Houston State University is an excellent location to offer this training because of the College of Criminal Justice has so many nationally known leaders in the field including Dr. Timothy J. Flanagan, Professor and Dean, Dr. Rolando del Carmen, Professor and Dr. Charles

Friel, Professor and Past Dean of the College of Criminal Justice. Sam Houston State University has been and continues to be at the forefront of criminal justice learning and it is appropriate that this executive training should take place in Huntsville, Texas.

This is not a program of leadership. This program was designed for the new executive as a "Survival Kit" for the first years on the job. Key topics include budget preparation and presentation, special interest groups including victims, personnel issues, operational framework, media relations, strategic planning and communications. Participants enjoy a peer interaction type of training and develop a network of peers to call upon as mentors and advisors. This training is restricted to CEO's of Probation and Parole who have budget authority and responsibility for agency human resource management, policy development, supervision, and establishment of the mission of the agency. New CEO's should contact NIC in Washington, DC for an application and further information regarding the next two classes; May 11-16, 1998 and September 13-18, 1998 at 1-800-995-6423 ext. 138. □

Rick Faulkner works for the National Institute of Corrections in Washington, DC.

BY RICK FAULKNER

Special Thanks to APPA Institute Sponsors

APPA wishes to recognize those companies whose generous support of the APPA Winter Training Institute held in Orlando, Florida, January 4-7, 1998, has allowed APPA to maintain its high standards of Institute training and has contributed to the future of community corrections.



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Minnesota Corrections Association Names Award Winners

Bruce W. McManus was named Corrections Person of the Year by the Minnesota Corrections Association (MCA) during the association's annual fall training institute at the Mayo Civic Center in downtown Rochester.

The Corrections Person of the Year Award is presented to recognize outstanding contributions to the field of corrections in Minnesota. McManus is executive director of ReEntry Services Inc., St. Paul, a private, nonprofit agency serving offenders in Minnesota. Prior to his current position, he served with the Minnesota Department of Corrections since 1956. He retired from state service in 1992. McManus has made numerous contributions to corrections and the criminal justice system over the past 41 years. He was specifically cited for serving as an exemplary role model for past, current and future correctional leaders through his intelligence, consistency and personal integrity.

MCA's Professional Achievement Award for a Correctional Facility Employee honors an employee in a federal, state, county, private or community-based correctional facility whose abilities and reasoning, judgment and communications have made a positive impact upon staff, residents for the general operations of his or her facility. It was presented to James W. Peterson, a cook/counselor II at the Northeast Regional Corrections Center (NERCC) in Saginaw. Peterson has worked at NERCC since 1973 and serves as an active member of the center's discipline panel, labor management board and staff development committee. He also assists with security and services as a work crew foreman and vegetable processor for NERCC.

The Professional Achievement Award for a Field Services Employee honors an employee in a federal, state, county or community corrections agency whose abilities and reasoning, judgment and communications have made a positive impact on offenders within the community. This year's recipient is David B. Swanson, a probation officer for the past 12 years with Dodge/Fillmore/Olmsted Community Corrections. He currently works at the Adult Day Alternative Services Program where he, along with his wife Susan K. Valvoda-Swanson, was instrumental in the creation of its organization and treatment model. He previously served as a juvenile probation officer working with high-risk juveniles.

The MCA President's Award is presented to programs, resources or facilities in corrections

and criminal justice that have demonstrated creativity, resourcefulness and innovation. The 1997 recipients are the Goodhue County Men's Domestic Abuse Program and the Todd/Wadena Community Corrections Comprehensive Sex Offender Treatment Program.

The Goodhue County Men's Domestic Abuse Program is a group therapy/education program operating since 1991 at the Zumbro Valley Mental Health Center in Red Wing, Minnesota. It is designed to provide a treatment alternative for men who have been violent with their adult partners. Program facilitators Judy Kuklinski and Reggie Christiansen show compassion for participants while holding them accountable for their actions. Each participant develops an individual treatment plan and treatment contact with the group therapists, and are expected to successfully complete all curriculum assignments. The program offers offenders the chance to change their lifestyle and attitudes.

The Todd/Wadena Community Corrections Comprehensive Sex Offender Treatment Program in Staples, Minnesota, offers

an intensive, outpatient sex offender treatment program for adult and juvenile sex offenders. The program is founded on the belief that corrections agents and therapists – working together – is the most effective way to deliver sex offender therapy and supervision to offenders. A unique component is that the agents co-facilitate the treatment group with the therapist. Agents Kathy Langer and Pat Schorn developed the adult program in 1994; agent Darcee Bell developed the juvenile program in 1995.

The MCA Board of Directors Award recognizes exemplary service to MCA members through participation in association activities. This year the board selected Thomas Lawson. Lawson was recognized for his time and talents contributed to MCA for more than two decades. He has served on many difficult committees to affect change, conducted a random sample survey of MCA membership to seek direction for the organization and brings a wealth of history to MCA – not only on the organization but on corrections in Minnesota and nationally. Most recently, Lawson has been promoting retirees to become MCA lifetime members. □

Evaluability Assessment: A Tool for Program Development in Corrections

Editor's Note: The following is a review of a National Institute of Corrections' monograph written by Patricia Van Voorhis and Kelly Brown.

Statement of the Problem

Crime and justice issues are at the top of the public policy agenda across the country. It is in this environment that public policy bodies are asking "what works" in controlling crime and effectively managing offenders. As a result, the findings of sound evaluation research utilizing performance-based measures are now of paramount importance for impacting public policy. At this same time, the standards for evaluation research have risen, with experimental design having become the "gold standard" for judging the validity of results.

Unfortunately, many correctional programs have not been properly evaluated or evaluated at all, or have produced negative results. In their monograph, authors Van Voorhis and Brown observe that the substantial costs of these circumstances include: 1) serious threats to the future of correctional programs and interventions as ineffective programs are not likely to be refunded; 2) inaccurate knowledge of "what works" with flawed research seriously compromises the development of a larger knowledge base; 3) inability to identify program changes that would make programs more effective; and 4) a waste of resources for research since outcome evaluations are time consuming and expensive to conduct.

Evaluability Assessment Revisited

According to Van Voorhis and Brown, these circumstances are not only unfortunate but often can be avoided. To overcome these problems, they revisit a research procedure known as evaluability assessment (EA) which was devised in the 1970's. Moreover, in their monograph they describe how this procedure can be refined to meet the particular conditions under which present-day correctional programming and evaluation must be conducted.

As the term suggests, the EA procedure is used to determine if a program is "evaluable" before an outcome or comprehensive evaluation is conducted. Essentially, EA is used to determine if a program has been planned and implemented well enough to warrant an evaluation on several levels. First, is the program design based on a sound theoretical framework supported by empirical evidence of its effectiveness? Second, has the program been implemented in ways consistent with its design? Too often an inference or conclusion that "nothing worked" is determined, when simply "nothing happened." Third, what are the criteria and effectiveness measures most appropriate for assessing outcomes?

The results of the EA can be used to substantiate the program's readiness for evaluation or determine that it is not currently evaluable. In the latter instance, the EA results should direct personnel to areas that need further development and to forestall costly and potentially damaging evaluation until needed adjustments can be made.

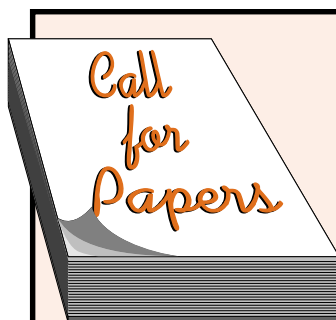
Conclusion

This monograph provides detailed and valuable guidance in conducting evaluability assessments and should be of great benefit to corrections professionals responsible for correctional program design, implementation and evaluation. Moreover, EA should be included as an essential element in the "gold standard" for evaluation research in corrections. To not do so will result in our field continuing to incur unnecessary economic and human costs.

Availability

Copies of the monograph can be obtained by contacting the National Institute of Corrections' Information Center at 800-877-1461 or by contacting the authors directly at the Division of Criminal Justice, University of Cincinnati by calling 513-556-5831. □

Robert E. DeComo, Ph.D. is the Director of Research at the National Council on Crime and Delinquency in San Francisco, California.



A Special Training Track for the APPA Winter Training Institute

January 10-13, 1999 in Phoenix, Arizona
tentatively titled

Applied Research in Community Corrections

Papers are now being accepted for a special training track for the 1999 APPA Winter Training Institute to be held on January 10-13, 1999 in Phoenix, Arizona. The training track is intended to showcase scholarly

academic research in the area of applied community corrections research. All papers selected to be part of the Applied Research Training Track will be compiled, published and made available to conference participants.

All manuscripts will be subjected to a peer-review process. For submission specifications and other inquiries about the special training track in Applied Research in Community Corrections, please contact:

Michele Moczygemba, Director of Research
Texas Department of Criminal Justice
209 West 14th Street, Suite 500
Austin, TX 78701
(512) 305-9338

BY ROBERT E. DECOMO, PH.D.

Examining the Public's Perception of Probation:

The Importance of People Who "Don't Know"

Recent studies consistently point out that citizens do not seem to have much confidence in the criminal justice system as a whole (Flanagan and Longmire, 1996). In fact, with the exception of people's evaluations of their local police departments, public opinion surveys show an overwhelming sense of dissatisfaction with each of the remaining components of the system (Lee and Ladd, 1997). Data drawn from two recent surveys conducted by the Survey Research Program at Sam Houston State University's Criminal Justice Center serve as excellent examples of this syndrome.

Figures reported in Table 1 show the results of a national survey completed in 1996 which oversampled Texas so that comparisons between Texas and the rest of the nation could be made (Longmire and Sims, 1996) and the results of a 1997 survey which focused only on a sample from Texas (Longmire and Hignite, 1997). These figures show that there are no significant differences between how Texans and the rest of the nation evaluate the criminal justice system and its components. In all instances, about 60 percent of the people surveyed evaluate their local police departments quite favorably. About a third of these same people rate their local courts favorably, and only about a quarter of them express favorable ratings of their probation and prison systems.

More detailed examinations of different subgroups of survey respondents (not reported here but included in the original publications) show that non-white respondents have significantly less favorable evaluations of their police departments as well as their local court systems. People with the highest reported levels of household income have the highest regard for their local police departments. Women have significantly less favorable evaluations of the prison system than do men and people with higher levels of education have significantly more favorable evaluations of the police, courts and prison systems.

When looking specifically at people's evaluations of their local probation departments, there are no discernable patterns that emerge. According to the data presented in these studies, one would conclude that people in general, regardless of age, ethnicity, gender, education or household income appear to be relatively dissatisfied with their local probation departments. Such a conclusion naturally causes people working in the field of probation much consternation. In a recent discussion group focusing specifically upon the findings of the *1997 Texas Crime Poll* (Longmire and Hignite, 1997), a group of Texas' probation executives raised a number of questions concerning the apparent lack of confidence the public has of their services. Some of their concerns included salient methodological criticisms concerning question wording and the possibility that respondents were confusing probation with parole or that the question form failed to distin-

Table 1

Percent of respondents expressing a "great deal" or "quite a lot" of confidence in the criminal justice system and its components*

	Texas (1997)	Texas (1996)	Nation (1996)
Local Police	62%	59%	60%
Local Courts	36	31	34
Community Probation	25	22	25
Prisons	25	24	25
C.J. System	25	22	24

*Data Source: *1996 Crime Poll: Texas and the Nation*, *1997 Texas Crime Poll*

BY DENNIS R. LONGMIRE, PH.D.

guish between probation services being offered to adults and those being offered to juveniles. Other concerns focused on their frustrations about how they can better educate their communities of the value and effectiveness of their particular services.

As part of the discussion, attention was directed toward the figures reported in Table 2 showing how many respondents to the 1996 and 1997 surveys had responded "don't know" or refused to answer the interviewer's questions about their confidence in the criminal justice system and its different components.

Almost one quarter of the respondents claim that they don't know how much confidence they have in their local probation departments while less than five percent of them have similar reservations about their confidence in the other components of the system. In fact, only one percent of the respondents withhold judgment about their local police departments and only two percent withhold evaluations of the criminal justice system in general. Clearly, people seem to think they have enough information about the police, courts, prisons and the system in general to make an estimate about how much confidence they have in these components of the system. When asked about their local probation departments, however, there is an exceptionally large proportion of the

sample who do not have sufficient information to offer an assessment of their confidence in their services.

The figures reported in Table 2 show an important finding associated with reported estimates of the level of confidence people appear to have in their probation departments *vis a vis* the other components of the criminal justice system. In all instances, there are significant numbers of people who withhold judgment about their probation departments and these people are usually excluded from

the calculations used to identify the proportions of people who have or do not have confidence in the different components of the system. People seem to be much more familiar with the other components of the system since very few claim that they don't know how confident they are in the police, courts, prisons or in the system in general. Similar findings are reported in a recent survey in Massachusetts where as many as 41 percent of the respondents to that survey stated that they don't know how effective their local probation and parole departments are at monitoring and sanctioning substance abuse by probationers (Harrison, 1997: 14).

The impact such a high level of "don't know" responses has on the general conclusions that can be drawn about how confident people are in probation programs is significant. Acknowledging the high numbers of people who don't know how they feel about probation might help ease some of the frustration currently expressed by probation workers who hear about the results of general surveys suggesting low levels of public confidence in their services. In fact, if all of those people who currently claim that they don't know about probation could be converted into people with positive evaluations, the numbers of people sup-

Table 2

Percent of sample who responded "don't know" or "refused" to answer questions about the level of confidence they had in the criminal justice system and its components*

	Texas (1997)	Texas (1996)	Nation (1996)
Police	1%	1%	1%
Courts	4	8	5
Probation	24	17	22
Prisons	7	7	9
C.J. System	3	2	5

*Data Source: 1996 Crime Poll: Texas and the Nation, 1997 Texas Crime Poll

porting probation will look much more like the numbers supporting the police, which are quite high when compared to the other components of the system.

Further analysis of the data drawn from the 1997 Texas Crime Poll shows that there are several significant characteristics of the people who claim that they don't know enough about their local probation departments to offer an assessment of them. People who are over the age of 40 are significantly more likely to withhold judgment about probation than others. Similarly, those respondents who are white are significantly more likely than non-whites to claim that they don't know how much confidence they have in their local probation departments. There were no significant associations between don't know responses about probation and the gender of respondents, their annual household incomes, their levels of education or whether or not they live in urban, suburban or rural communities.

The discovery that so many people are unfamiliar with their probation departments is important for many reasons; two of which are particularly salient at this time. First, probation managers need to be aware that the results of public opinion surveys may not be accurately reflecting people's levels of confidence in probation services being offered by their departments. Close attention needs to be given to the manner in which researchers handle those respondents who don't know or who refuse to answer questions for other reasons. If the researchers simply consider these cases as missing and calculate their subsequent figures based on all of the remaining cases (which is the most common practice among survey researchers), they will very likely be missing a very significant number of respondents. Failure to recognize these "don't know" respondents as a group worthy of attention may result in the development of policy initiatives and practices that are not responsive to the general community's concerns. Furthermore, failure to acknowledge the high levels of "don't know" respondents may contribute to increased levels of job dissatisfaction, low morale, and high frustration among probation officers.

The second important issue raised by the discovery that such a large proportion of people don't know enough

Probation programs do not generally receive as much attention from the popular media as do the other components of the system so they must exercise much more aggressive public relations campaigns.

about their probation services to offer an assessment of their confidence in them turns attention to the need for much more deliberate and organized public relations work by probation departments. Where people get their information about the other components of the system is unclear at this time but it is safe to conclude that both the popular media's attention to policing, the courts and the prisons along with the exerted efforts of public relations activities generated through those components play a significant role in helping form people's opinions about those components. Probation programs do not generally receive as much attention from the popular media as do the other components of the system so they must exercise much more aggressive public relations campaigns. Many probation departments are already actively involved in such activities, however, the findings reported here suggest that older, white community members may represent a group that needs special attention. Developing public information activities that help inform this particular group of community members about the kinds of programs, supervision strategies and monitoring activities being offered under the auspices of local probation departments may go a long way in improving the overall levels of confidence people have in probation as a sentencing option.

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Dennis R. Longmire, Ph. D., is Professor of Criminal Justice and Director of the Survey Research Program at the George J. Beto Criminal Justice Center, Sam Houston State University, Huntsville, Texas

Call for Presenters

American Probation and Parole Association
Winter Training Institute
Phoenix, Arizona – January 10-13, 1999

The American Probation and Parole Association together with the Arizona Chief Probation Officers Association are pleased to issue a call for presenters for the 1999 Winter Training Institute. The Institute is scheduled to be held in Phoenix, Arizona, January 10-13, 1999. Institute participants include community supervision and corrections personnel, the judiciary, treatment providers, criminal justice researchers and others who are interested in the field of community justice.

Presentations should relate to the following topics:

Community Justice Initiatives and Innovations • Program Specializations in Community Supervision and Corrections • Technological Innovations • Executive Management • Parole Issues and Post-Incarceration Supervision Strategies • Juvenile Justice Sentencing and Programming Strategies • Pre-Trial Services • Sentencing Strategies and the Judiciary • Multi-Agency Collaboration/Interdisciplinary Participation

The above suggested topics are not all-inclusive. Other topics related to the field of community supervision and corrections are acceptable.

Submission Guidelines - Persons interested in submitting a proposal for consideration should forward the following:

Workshop title • One-page summary of the proposed workshop • Names, complete mailing addresses and phone numbers of all the proposed faculty • Brief resume or vitae of each of the faculty

Presentation summaries may be mailed or faxed to:

Nancy Allen, Training & Staff Development
Administrative Office of the Courts
P.O. Box 966
Trenton, NJ 08625-0966
(609) 984-3086
(609) 292-3430

Presentation summaries need to be received no later than **April 15, 1998**. Ideally, a presentation panel should consist of two or three persons. Winter Institute program track committee members will contact the person who nominated the workshop(s) to indicate their selection for the Institute. Please note that it is the APPA policy that, regrettably, expenses and fees associated with participation cannot be reimbursed by APPA.

APPA's Victim Issues Committee Seeks Your Input

The American Probation and Parole Association's Victim Issues Committee met on February 4, 1998, during APPA's Winter Institute in Orlando, Florida. Two projects the committee will be focusing on over the next few months include the development of: (1) recommendations to the Parole and Probation Compact Administrator's Association to ensure that victims of crime receive adequate notification and protection in Interstate Compact cases, and (2) strategies to get probation and parole agencies actively involved in National Crime Victims' Rights Week activities. Subcommittees have been formed to examine each of the topics in more detail. The Victim Issues Committee would like to have your comments and suggestions for use during the development of these recommendations and strategies.

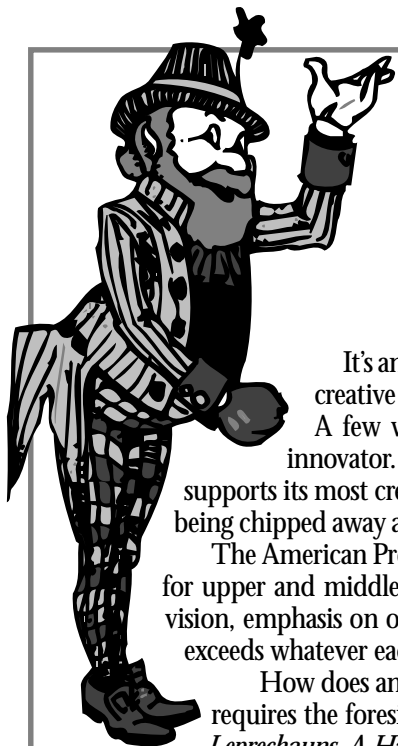
Anyone who has comments, suggestions, or concerns related to Interstate Compact policies and procedures as they relate to victim services, please contact:

Jim Sinclair
Co-chair, APPA Victim Issues
Committee
Tarrant County CSCD
200 W. Belknap St.
Fort Worth, TX 76196-0255
(817) 884-1704
Fax: (817) 884-1862
email: jas5@flash.net

If your department has organized or taken part in creative activities during National Crime Victims' Rights Week, please contact:

Tracy Godwin
Staff Liaison, APPA Victim Issues
Committee
APPA
P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8215
Fax: (606) 244-8001
email: tgodwin@csg.org

Comments and suggestions should be received no later than May 15, 1998.



DON'T NEGOTIATE WITH LEPRECHAUNS

A Handbook of Management Principles Which Promote Dynamic Organizational Change and Innovation

It's an age old storyline. Certain individuals in an organization have an uncanny ability to come up with one creative idea after another. These ideas are usually discovered and expressed with great excitement and vision. A few weeks later, not only has the innovation been watered down or died, but so has the spirit of the innovator. Why? It usually has to do with the culture and leadership inability to sustain the environment which supports its most creative personnel. Of course it goes on. The ingredients that go into the recipe for success are at risk of being chipped away and rendered impotent without a conscious and determined mindset by the organizational leadership.

The American Probation and Parole Association would like to introduce you to a new and insightful handbook created for upper and middle managers facing similar questions and challenges. Flexibility, positive problem solving, ambiguity, vision, emphasis on outcomes, joy in the workplace, etc., together create a form of synergy in which the final product far exceeds whatever each trait could produce individually.

How does an organization create and sustain such an environment? It is not something that happens by chance. It requires the foresight and a persistent strategy which is emphasized in Mark Carey's publication, *Don't Negotiate With Leprechauns, A Handbook of Management Principles Which Promote Dynamic Organizational Change and Innovation*.

The principles described throughout this handbook apply to any major organizational change which threatens the existing method of operation. Fortunately, individuals will embrace change when they are given the opportunity to help shape it, when leadership acts with resolve and patience, and when employees know that the organization will provide necessary supports for the change to be a successful one for all involved. For more information on *Don't Negotiate With Leprechauns*, by Mark Carey, please call the American Probation and Parole Association's Publications Department at (606) 244-8207 or you can order your own copy by filling out the below order form.

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To order *Don't Negotiate With Leprechauns* complete the following order form and send it to: APPA, Attn: Publications Department, P.O. Box 11910, Lexington, KY 40578-1910.

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Preventing Crime, Saving Children: Sticking To The Basics

"Post-Crack," Not Post-Problem

Like media coverage of most complicated social problems, press attention to the problems of youth crime and substance abuse ebbs and flows. But make no mistake: the passing of the much publicized inner-city crack-cocaine-and-crime epidemic of the late 1980s and early 1990s is *not* synonymous with the passing of the challenges of youth crime and substance abuse, least of all in urban America. The news spotlight on juvenile crime and delinquency flickers, but the practical and moral challenges posed by millions of juveniles who murder, rape, rob, assault, burglarize, vandalize, join street gangs, deal illegal drugs or consume illegal drugs does not thereby fade.

To the contrary, an intellectually and ideologically diverse range of expert voices has been proclaiming that the challenges of youth crime and substance abuse are more pressing today than they were at the height of the crack plague. Consider, for example, reports released over the last several years by the National Research Council, the International Association of Chiefs of Police, and the Council on Crime in America.

A few years ago, the National Research Council's Panel on High-Risk Youth reported that at least seven million young Americans—roughly a quarter of adolescents aged 10 to 17—are at risk of failing to achieve productive adult lives.¹ The United States, the panel warned, is in danger of "losing generations" of low-income children who abuse illegal drugs, engage in unprotected premarital sex, drop out of school, prove unable to get and keep jobs, succumb to the blandishments of illegal drugs, commit serious crimes or become victims of serious crimes.

In 1996, the International Association of Chiefs of Police (IACP) held a major summit on youth violence. The IACP noted that the number of juvenile offenders had risen rapidly in recent years, and warned that juvenile crime "will get considerably worse as a big new group of youngsters reach their teenage years." Looking over the horizon of the next few years, the IACP envisioned more kids, more drugs, more guns and more murders.²

According to the IACP, in 1996 crack cocaine use was down, but crack was hardly invisible on East Coast inner-city streets, heroin was making a roaring comeback (especially on the West Coast), and LSD, amphetamine, stimulant and inhalant use was rising among teenagers nationwide. Thus, in several big cities, the percentage of juveniles in custody who tested positive for illegal drug use has more than tripled since 1990.

In 1997, the bipartisan Council on Crime in America stated flatly that "America's crime prevention challenge—at core a challenge of at-risk youth in need of adults—must be met, and soon." According to the Council, in 1994 there were over 2.7 million arrests of persons under age 18 (a third of them under age 15), up from 1.7 million juvenile arrests in 1991. Some 150,000 of these 2.7 million arrests were for violent crimes. In all, juveniles were responsible for an estimated 14 percent of all violent crimes and a quarter of all property crimes known to the police. Nationally, juveniles perpetrated 137,000 more violent crimes in 1994 than in 1985, and were responsible for 26 percent of the growth in violent crime over that period, including 50 percent of the increase in robberies, 48 percent of the increase in rapes, and 35 percent of the increase in murders. Juvenile violent crime arrest rates rose 5.2 percent in 1987-88, 18.8 percent in 1988-89, 12.1 percent in 1989-90, 7.6 percent in 1990-91, and by at least 4.4 percent in every year thereafter until 1994-95, when arrests for violent crime among juveniles aged 10 to 17 fell by 2.9 percent. While such recent drops in juvenile arrest rates are obviously welcome, the Council urged all Americans to place them against the backdrop of a decade's worth of steep annual increases in youth crime and violence.

Moreover, the Council warned, America is now home to about 57 million children under age 15, some 20 million of them aged four to eight. The teenage population will top 30 million by the year 2006, the highest number since 1975. Thus, "no one," the Council concluded,

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“should feel certain that recent declines in crime will continue into the next century,” and we must resist any temptation to “ignore or trivialize our nation’s present and future youth crime dilemmas.”³

Indeed, the nation’s two most widely respected criminologists, Professor James Q. Wilson of UCLA and Professor Marvin E. Wolfgang of the University of Pennsylvania, have both expressed deep concerns about present and impending youth crime and delinquency patterns and trends. According to Wilson, average Americans of every race, creed and region are right to “believe that something fundamental has changed in our patterns of crime,” namely, the tangible threat of unprecedented levels of youth crime and substance abuse, including acts of violence committed by youngsters who “afterwards show us the blank, unremorseful stare of a feral, pre-social being.”⁴ Likewise, Wolfgang has observed that today’s juvenile offenders probably do about three times as much serious crime as did the crime-prone boys born in the 1940s and 1950s, and could represent a new and especially challenging “subculture of violence.”⁵

The expert understandings, statistics and warnings about youth crime and substance abuse seem broadly consistent with the well-founded worries of young Americans themselves. Any juvenile between ages 12 and 17 is more likely to be the victim of violent crime than are persons past their mid-twenties, and about half of all crimes of violence committed by juveniles are committed against juveniles.⁶ A 1994 survey asked teenagers “How much of the time do you worry about being the victim of a crime?” In response, about 36 percent of white teenagers and 54 percent of black teenagers said “A lot or some of the time.”⁷ Apparently, the number of youngsters who are growing up scared in America—scared of other juveniles, that is—has been increasing for some time now. A 1995 Gallup Youth Survey found that between 1977 and 1994 the fraction of teenagers who regularly fear for their physical safety at school increased by 38 percent to one in four. And one teen in four said there was at least one time in the past year when they feared for their physical safety while in school classrooms or hallways, on playgrounds, or walking to and from school.⁸

Sticking to the Basics, Acting Now

The good news is that we do know a lot about youth crime and substance abuse that is relevant to saving at-risk youth—and acting now. Strategically, the key to preventing youth crime and substance abuse among our country’s expanding juvenile population is to improve the real, live, day-to-day connections between responsible adults and young people—period. Whether it emanates from the juvenile justice system or from the community, from government agencies or from civil institutions, from faith-based programs or secular ones, from nonprofits or for-profits or public/private partnerships, from structural theorists or cultural theorists, from veteran probation officers or applied econometricians, no policy, program or intervention that fails to build meaningful connections between responsible adults and at-risk young people has worked, or can.

It is all well and good to acknowledge both the multivariate character of social problems, and the myriad legal, political, administrative, financial and other difficulties of replicating what works. But it is also all too easy

to let such intellectually de rigueur acknowledgments of social complexity become convenient covers for academic excuse-mongering, inaction and, of course, calls for more grants for more basic research, more research symposia, more conferences—more of everything save more human and financial support of people and existing programs that actually put responsible adults into the daily lives of the at-risk kids of inner-city Detroit, Philadelphia, and other major metropolitan regions.

James Q. Wilson has argued that uncovering “the subtle interaction between individual characteristics and social circumstances requires policy-related research of a sort and on a scale that has not been attempted before.”⁹ I agree. But there is already a voluminous private foundation-funded literature on understanding and reducing violence.¹⁰ There is also a huge and still-growing government-funded literature on the literally dozens of “contexts and factors” that determine crime patterns.¹¹

Besides, easily the most persistent, policy-relevant and common-sensical finding of the literature is that most disadvantaged youth who commit crimes and abuse drugs begin as neglected or maltreated children in need of responsible adults. In the words of a 1996 draft report of an American Society of Criminology task force on juvenile delinquency:

Of all the factors we have found as contributing to delinquency, the clearest and most exhaustive evidence concerns the adequacy of parenting. Parents who are incompetent, abusive, or rejecting, parents who fail to maintain adequate supervision over their children, and parents who, indeed, are little more than children themselves, have direct effects on anti-social behavior of their children. Inadequacy of parenting cannot be viewed in isolation as the sole cause of delinquency. However, its association with other factors is critical in predicting future delinquency.¹²

Likewise, in a magisterial, still unsurpassed and only slightly dated 500-plus-page summary of

the scientific literatures on criminal behavior, Wilson and the late Richard J. Herrnstein concluded that “after all is said and done, the most serious offenders are boys who begin their careers at a very early age.”¹³ Numerous empirical studies have indeed found that most juveniles who engage “in frequent criminal acts against persons and property...come from family settings characterized by high levels of violence, chaos, and dysfunction.”¹⁴ For example, a study that compared the family experiences of more violent and less violent incarcerated juveniles found that 75 percent of the former group had suffered serious abuse by a family member, while “only” 33 percent of the latter group had been so abused; and 78 percent of the more violent group had been witnesses to extreme violence, while 20 percent of the less violent group had been witnesses.¹⁵

Similarly, a recent ethnography of nearly 200 young West Coast street gangsters and felons found that, almost without exception, the kids’ families “were a social fabric of fragile and undependable social ties that weakly bound children to their parents and other socializers.” Nearly all parents abused alcohol or illegal drugs or both. Most young street criminals and drug abusers had no father in the home; many had fathers who were in prison or jail. Parents who were present in the home often “beat their sons and daughters—whipped them with belts, punched them with fists, slapped them, and kicked them.”¹⁶ Much the same was

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found in a 1996 study that reconstructed the entire juvenile and adult criminal histories of a randomly selected sample of 170 Wisconsin prisoners from Milwaukee: "Most inmates were raised in dysfunctional families...Drug and alcohol abuse was common among inmates, their parents, and siblings."¹⁷

Of course, today's at-risk child in need of meaningful connections with responsible adults is also tomorrow's young adult in need of a meaningful, living-wage job. At least with respect to the crime- and drug-abuse-reduction value of legitimate work opportunities, "liberal and conservative criminologists do not differ all that much about the causes of street crime."¹⁸ There is almost universal agreement among crime analysts that "jobs matter," and that in the big-city neighborhoods that so many at-risk youth and the adults in their lives call home, jobs have virtually disappeared.¹⁹ And there is also almost complete agreement among employment and training experts that, regardless of how bright or bleak general economic conditions may be, the most effective way—and perhaps the only way—to help no- and low-skill urban youth get and keep jobs is to "stick to basics: adult caring and guidance, plenty of legitimate things to do in a youth's spare time, and real help in connecting to employers. This is the stuff of successful human, citizen and worker development."²⁰

Unfortunately, on youth crime, substance abuse and related social problems, sticking to the basics is anything but common, and anything but easy. The very conceptual and moral simplicity of the hard work that needs to be done—that is, the hard person-, place-, and institution-specific work of building meaningful connections between responsible adults and at-risk young people—makes getting it done very hard indeed. One little-acknowledged reason is that in the elite social policy, foundation and research communities, most financial, reputational and other rewards have been, and continue to be, skewed in favor of peddling "original" and esoteric (if often empty erudite) ideas and "comprehensive" (if hardly feasible) top-down program strategies and designs.

But if we really care about getting a handle on our present and impending youth crime and substance abuse problems, then the time has come to proceed inductively, building meaningful connections between at-risk youth and responsible adults via existing community-based programs; focusing on the highly particular and often banal barriers to helping at-risk youth in particular places with particular people at particular times; having the money to fix a broken pipe that flooded the inner-city church basement where a "latch-key" ministry operates; finding a way to transport a young job-seeker from a public housing site to a private job site; getting police and probation officers in a particular neighborhood to work together on a daily basis; funding an incremental expansion of a well-established national or local mentoring program; and so on.

In fact, the youth crime and delinquency problem is highly concentrated where America's most severely at-risk youth are concentrated, namely, on the predominantly minority inner-city streets of places like Newark, New Jersey, not on the predominantly white tree-lined streets of places like Princeton, New Jersey. This is hardly a new social fact. For example, in 1969, a presidential commission on violent crime broadcast it far and wide.²¹ Still, the concentration of at-risk youth and associated social ills in America's big cities easily ranks among the most often ignored, distorted or forgotten of all policy-relevant social realities.

The concentration of crime and delinquency among low-income urban minority youth is especially striking for crimes of violence, including murder. In 1995, a nationwide total of 21,597 murders were

reported to police, a total 7 percent lower than the 1994 total, and representing a national murder rate of 8 per 100,000 inhabitants. But 77 percent of murder victims in 1995 were males, 48 percent were black, and 12 percent were under age 18. Moreover, recent studies find that males ages 14 to 24 are roughly 8 percent of the country's total population, but they constitute over a quarter of all homicide victims and nearly half of all murderers. Between 1985 and 1992, for example, black males ages 14-24 remained just above 1 percent of the population but increased from 9 to 17 percent of the murder victims and from 17 to 30 percent of the assailants.²²

One thing is tragically clear: "Homicide for young black males is very concentrated geographically," and remained so throughout the epidemic increases of the last decade.²³ As a 1994 study of youth violence concluded: "The violence now occurring within our cities is a national scourge. The fact that minority youth are disproportionately its victims makes it a tragedy as well as a disgrace."²⁴

There is growing evidence of a substantial overlap between the highly concentrated populations of young crime victims and the highly concentrated populations of young offenders. For example, in an ongoing analysis of youth homicides in Boston, Professor Anne Morrison Piehl of Harvard University has found that about 75 percent of both offenders and victims of youth homicides (victim age 25 or younger) have criminal histories consisting of at least one arraignment. "In fact," Piehl observes, "among those with criminal histories, the victims and offenders were virtually indistinguishable in terms of criminal records. This finding suggests several things: the distribution of victimization may be even more concentrated than commonly believed, and strategic innovations based on law enforcement may be able to diffuse violent situations because there is leverage over both potential victims and potential offenders."²⁵

Few "Guppies", Few "Great Whites"

But, as you well know, most juvenile offenders with whom the justice system deals are neither violent nor incorrigible.²⁶ Metaphorically speaking, today the system must handle relatively more young "Great White Sharks" (serious, violent, and predatory juvenile criminals) and relatively fewer "Guppies" (mere first-time midemeanants or delinquents) than it did in previous decades. Still, most juvenile offenders are neither Great Whites nor Guppies, and, for that reason, and even with the passage of so-called get-tough laws in many states, the system still rightly responds by putting the vast majority of juvenile offenders on probation, not behind bars.

For example, in 1993 public juvenile detention, correctional and shelter facilities held a total of over 60,000 juveniles (89 percent of them male, 43 percent of them black)—the largest number of juveniles in such public facilities on any given day since these data on juveniles in public facilities were first compiled in 1974. There were 1,025 facilities with a median population capacity of 24 and a mean capacity of 57—clearly not the huge, 500-plus bed juvenile reformatories of old. From 1991 to 1993, the one-day population of juveniles in publicly operated facilities increased by 5 percent. And note: the one-day population figures grossly minimize the actual amount of traffic in and out of these facilities each year. In 1993, for example, about 674,000 juveniles were admitted to these facilities, and 669,000 were released from their custody.²⁷

Still, even today, it is probation authorities, not custodial institutions, that remain the true "workhorses" of the juvenile justice system. In 1993, 520,600 cases disposed by juvenile courts resulted in probation—a 21 percent increase over the 428,500 cases handled via probation in 1989. Probation has long been, and continues to be, the most severe disposition in over half (56 percent) of adjudicated delinquency cases. Between 1989

and 1993, the number of adjudicated juvenile cases placed on formal probation rose by 17 percent to 254,800. Over the same period, the number of juvenile probation cases involving a "person offense" such as homicide, rape, robbery, assault or kidnapping, soared by 45 percent to 53,900.²⁸

As you also are well aware, alcohol, illegal drugs and substance abuse are clearly implicated in youth crime. The trouble almost always begins—both for the at-risk children and often for their parents as well—with child maltreatment in the home or a severe lack of positive adult-child relationships. Recently, a number of popular books have spoken to this harsh social reality in the vivid way that only first-rate journalism can.²⁹ In one such account, we are treated to the following summary of the research on at-risk youth, juvenile crime and related social ills:

Boiled down to its core (the research teaches) that most adolescents who become delinquent, and the overwhelming majority who commit violent crimes, started very young... They were the impulsive, aggressive, irritable children... If children know someone is watching them and that they may get caught, they are less likely to get into trouble.³⁰

Even some older children who have gone badly astray and gotten "caught" (even incarcerated) can be saved if they are not only watched or monitored in the future, but mentored or ministered to as needed by responsible adults. Weigh the following synopses of a representative armful of relevant research monographs published over the last decade or so:

- Since 1986, the National Institute of Justice and the National Institute of Alcohol Abuse and Alcoholism have been conducting an ongoing examination of 1,575 child victims identified in court cases of abuse and neglect from 1967 to 1971. By 1994, almost half the victims (most of whom were then in their late twenties or early thirties) had been arrested for some type of nontraffic offense. About 18 percent had been arrested for a violent crime. Substance abuse rates were elevated, especially among women who were maltreated as children. Blacks who had been abused or neglected as children had higher crime rates than whites with the same background: 82 percent of black males had been arrested for some type of nontraffic offense; half of black males had at least one arrest for violence. For all child victims, in terms of future criminality, neglect appeared to be as damaging as physical abuse. The rate of arrest for violent crimes of those who had been neglected as children was almost as high as the rate for those who had been physically abused. Overall, maltreatment of children increased their chances of delinquency and crime by about 40 percent.³¹

- A 1985 study based on a representative national sample of 7,514 adolescents aged 12 to 17 compared delinquency rates of children in single-parent (mother-only) households to rates of children in two-parent households. Delinquency was measured in terms of number of arrests, school disciplinary problems (truancy, for example), and similar indicators. By all measures, the children in single-parent households were more likely to be delinquent.³²

- A major re-analysis of data from a classic study of crime and delinquency confirmed the primacy of family factors: "Despite controlling for these individual difference constructs, all family effects retained their significant predictive power. And once again mother's supervision had the largest of all effects on delinquency, whether official or unofficial. A major finding of our analysis is that the family process variables are strongly and directly related to delinquency... family processes of informal social control still explain the largest share of variance in adolescent delinquency."³³

- A study of the relationship between adolescent motherhood and the criminality of her offspring revealed a birds-of-a-feather phenomenon. About "25 percent of boys with criminal fathers also have a criminal mother, compared to 4 percent in the case of non-criminal fathers. Similarly, 67 percent of boys with criminal mothers also have a criminal father, compared to just 19 percent when the mother is not convicted.... Our results suggest that the children latest in the birth order of women who begin childbearing early are at greatest risk of criminality. This finding appears to reflect the coming together of the deleterious impacts of poor parenting and role modeling and diminished resources per child."³⁴

- A study of urban street criminals concluded: "An abundance of scholarly research shows that anti-social and delinquent tendencies emerge early in the lives of neglected, abused, and unloved youngsters, often by age nine. My ethnographic data support these findings and show that, once these youngsters leave home and go on the street, they are at best difficult to extricate from street culture...."³⁵

- A study of "resilient youth"—the half of all high-risk children who do not engage in delinquency or drug use—indicated that child "maltreatment itself has for a long time been associated with problematic outcomes for children.... Considerable research in both criminology and child development suggests that family deviance, including criminality and substance abuse of family members, affects developing children because such parents are likely to tolerate and model deviance for children."³⁶

Four decades ago, child psychologist Emmy Werner began studying the offspring of desperately poor, alcoholic and abusive Kauai, Hawaii parents. She was hoping to discover how these dysfunctions were passed from one generation to the next. Instead, she found that about a third of the children



reached adulthood virtually unscathed—healthy, happy, employed, without substance abuse problems, and so on. So she shifted her attention to these abuse-and-neglect survivors, hoping to discover what made them so resilient and capable of beating the social odds. In 1992, a major storm flattened Kauai, leaving over 15 percent of its residents homeless and many others scrambling to find money for repairs, avoid bankruptcy, and fend off deep depression. But most of the study's resilient youth, then in their thirties, were not among the homeless, the foreclosed, or the depressed. They had heeded storm warnings, prepared their properties, saved for a stormy day, and bought insurance. For them, successfully riding out the storm was, as it were, an old habit. During the social hurricanes of their early lives, Kauai's resilient youth had responsible nonparental adults enter their lives, and through relationships with these adults the children had developed not only a sense of self-worth and respect for others, but, in Werner's words, personalities as "planners and problem solvers and picker-uppers." As she argued in her book, the crux of the Kauai story is consistent with the bottom line of the basic research on resilient youth: caring adults are the bedrock of a young person's behavior toward self and others, as well as the primary avenue for securing those skills, services, and opportunities (such as jobs) that are key to a civil and self-sufficient life.³⁷

Thus, our brisk walk through the literatures on the concentrations and causes of youth crime and substance abuse returns us to the core strategic principle: no approach that does not build connections between responsible adults and at-risk youth has worked, or should rationally be expected to work. Again, no one can reasonably deny that, whatever the state of adult-child relationships, growing up in neighborhoods with few opportunities for healthy play and employment is a breeding ground for youth crime and substance abuse. But improving those opportunities, without first ensuring that there is adequate parental or nonparental adult caring, supervision, guidance and

support, is unlikely to prevent or reduce youth crime and substance abuse, and hence unlikely to forestall the adult dysfunctions and criminal activities that fuel the "cycle of violence."

The single most consistent and powerful finding in the evaluation literature on youth development interventions is that positive effects accrue while at-risk children are in the programs, and sometimes for a few years thereafter, but diminish or dwindle to nothing by the time the child reaches adulthood. Many have met this finding as a counsel of despair. Logically, however, all the finding says is that the young generally do better when they are being helped by adults than when that help has stopped—better with and while in Head Start than without and after it; better when they stay in structured drug treatment than when they drop out of it; better during a summer education and training program than two summers later when they are older, more challenged, and unhelped by responsible adults; and so on. Many social programs do not so much "fail" as "stop." The obvious need, therefore, is to translate a series of short-term, non-stop positive adult-child connections into that long-term developmental success known as responsible, self-sufficient adulthood. To employ a football metaphor, winning at at-risk youth development is impossible when your most ill-equipped players have coaches or quarterbacks but only on alternate game days, are only occasionally given playbooks or schedules, and, should they even bother to keep playing, get invited to take the field as a team only during the first and third quarters of a four-quarter game. Or, shift the context from at-risk youth in need of responsible adults to children living with both parents in the best of all possible emotional, material and cognitive early life circumstances. Even for well-loved, advantaged children in their teens, we know that when their circumstances change for the worse—when, for example, their family breaks up or falls suddenly on economic hard times—the youth are more likely to experience a wide variety of life troubles than are comparable youth who remained, as it were, in the 'advantaged children's' program. In short, the plural of short-term is long-term.

Likewise, many well-intentioned persons have concluded that unless interventions into the lives of at-risk youth are quite early, intensive and expensive, not much good can come of them. To some, "early" means while still in dirty diapers, and certainly no later than ages seven or eight. This perspective is, to be sure, a useful corrective to unfettered optimism about social programs, especially, perhaps, where our country's most severely at-risk youth are concerned. But there are, alas, few unfettered optimists still walking the social planet, and the "dirty diapers or doom" perspective is grossly inconsistent with recent findings on the efficacy of mentoring programs like Big Brothers Big Sisters. Moreover, it is largely beside the point: whether or not we think we can help at-risk youth who are out of dirty diapers, the fact is that there are millions of them out there and on the way. In particular, intellectual confidence that these children are beyond help, even if it were justified (and I think it is most certainly not justified), would constitute no real answer to challenges posed by youth criminals and substance abusers—our youngest, most needy, and potentially our most dangerous fellow citizens.

The 3 M's of Youth Crime and Substance Abuse Prevention

The nation's at-risk youth population, including the segment of it that is involved in illegal activities, is not an undifferentiated mass. The best way, I believe, to think about and relate to present and potential juvenile offenders is with respect to their varying needs for adult supervision and guidance.

Specifically, I believe that some at-risk juveniles—for example, truants, petty thieves or kids who have had non-violent run-ins with their peers,



neighbors and the law—need little more than a dedicated probation officer or a caring adult volunteer looking over their shoulder. They need monitoring. Other at-risk juveniles need responsible adults in their lives on a deeper, more intensive level, helping them with their personal problems, offering a sympathetic ear and a guiding hand. They need mentoring. Still other juveniles are among the nation's most severely at-risk children—abused and neglected as infants and toddlers, exploited for sex, drugs and money as adolescents, and already involved in (or quite likely to become involved in) serious, organized or predatory street crime as teenagers and young adults. Their badly broken lives and spirits cry out for a type and a degree of adult help that is holistic, personal and challenging. They need some type of ministering.

Over the last two years, I have spent most of my time working on the “3rd M”—ministering. I believe that local churches represent the single best hope for reaching some of our most severely at-risk youth, and I have witnessed, if you will, the capacity of “super-preachers” to stop potential “super-predators” before it's too late. But preachers and church volunteers need the support of prosecutors, probation and police to succeed.

In conclusion, a recent report from the Bureau of Justice Statistics indicates that, at present, the lifetime risks of a black male going to prison or jail in America are 1 in 3 versus 1 in 20 for the population as a whole.³⁸ Strategies that put responsible adults into the lives of at-risk youth can change both odds for the better. But how much have monitoring, mentoring and ministering-type efforts proliferated to date? These programs are far from being taken to scale and need lots of human and financial help if they are to make a real difference. Precious little is now being done by private foundations to bolster this strategic, street-level approach to youth crime and substance abuse.

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²⁹For example, see Fox Butterfield, *All God's Children* (Knopf, 1995), and Leon Dash, *Rosa Lee: A Mother and Her Family in Urban America* (Basic Books, 1996).

³⁰Butterfield, *ibid.*, pp. 327-328.

³¹*The Cycle of Violence* (National Institute of Justice, 1992), and *The Cycle of Violence Revisited* (National Institute of Justice, 1996).

³²Sanford M. Dornbusch et al., “Single Parents, Extended Households, and the Control of Adolescents,” *Child Development*, 1985, pp. 326-341. Also see the following: Anthony Pillay, “Psychological Disturbances in Children of Single Parents,” *Psychological Reports*, 1987, pp. 803-806; Laurence Steinberg, “Single Parents, Stepparents, and Susceptibility of Adolescents to Antisocial Peer Pressure,” *Child Development*, 1987, pp. 269-275; and Brigitte Mednick et al., “Patterns of Family Instability and Crime,” *Journal of Youth and Adolescence*, 1990, pp. 201-220. I am grateful to Boston probation officer Milton Britton for directing our attention to these additional studies.

³³Robert J. Sampson and John H. Laub, *Crime in the Making* (Harvard University Press, 1993), pp. 95-96.

³⁴Daniel S. Nagin et al., “Adolescent Mothers and the Criminal Justice System,” unpublished paper, Carnegie Mellon University, December 15, 1995, pp. 28, 30.

³⁵Fleisher, *Beggars and Thieves*, op. cit., pp. 262-63.

³⁶Carolyn Smith et al., “Resilient Youth: Identifying Factors That Prevent High-Risk Youth from Engaging in Delinquency and Drug Use,” *Current Perspectives on A*

³⁷Emmy Werner and Ruth Smith, *Overcoming the Odds: High-Risk Children from Birth to Adulthood* (Cornell University Press, 1992), and Joseph P. Shapiro, “Invincible Kids,” *U.S. News & World Report*, November 11, 1996.

³⁸I am grateful to Dr. Allen Beck of the Bureau for supplying a draft copy of this document. □

This article was based on an address given to the National District Attorneys Association on July 14, 1997.

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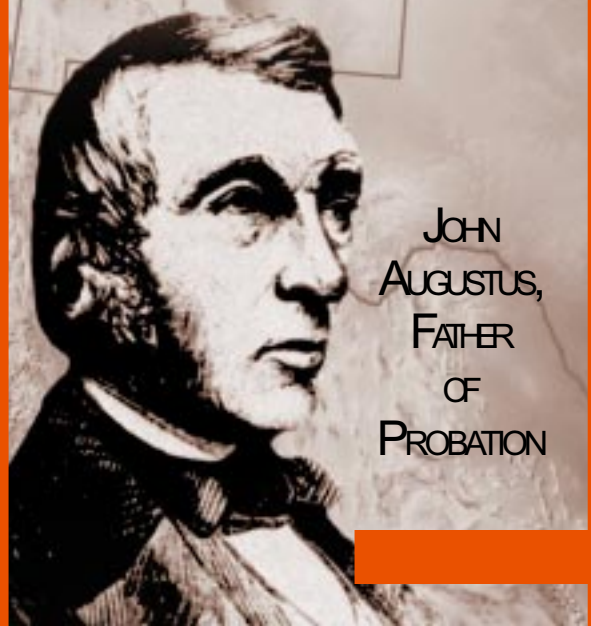
P robation

in

the

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JOHN
AUGUSTUS,
FATHER
OF
PROBATION

Part I

Editor's note: This is the first part of a two part article. Part two of this article will appear in the Perspectives Summer 1998 issue.

Probation is the most common form of criminal sentencing in the United States. It is commonly defined as: A court-ordered disposition alternative through which an adjudicated offender is placed under the control, supervision and care of a probation staff member in lieu of imprisonment, so long as the probationer meets certain standards of contact (American Correctional Association 1995).

The Bureau of Justice Statistics reports that just over 3 million adults were under state or federal probation at year-end 1995, and that probationers make up 58 percent of all adults under correctional supervision (BJS 1996). In fact, the number of persons on probation is so large that the U.S. Department of Justice estimates that, on any one day, nearly 2 percent of all U.S. adult citizens are under probation supervision. And the population continues to rise—increasing 4 percent in 1994, and almost 300 percent over the past ten years (BJS 1996).

Despite its wide usage, probation is often the subject of intense criticism. It suffers from a "soft on crime" image, and as a result, maintains little public support. Probation is often depicted as permissive, uncaring about crime victims, and blindly advocating a rehabilitative ideal while ignoring the reality of violent, predatory criminals.

Their poor (and some believe, misunderstood) public image leaves them unable to compete effectively for scarce public funds. Nationally, community corrections receives less than 10 percent of state and local government expenditures for corrections, even though they supervise two out of three correctional clients (Petersilia 1995b).

As a result of inadequate funding, probation often means freedom from supervision. Offenders in large urban areas are often assigned to a probation officer's hundred-plus caseload, where meetings occur at most once a month, and there is little monitoring of employment or treatment progress. As long as no re-arrest occurs, offenders can successfully complete probation whether or not conditions have been fully met or court fees paid (Langan 1994). Such "supervision" not only makes a mockery of the justice system, but leaves many serious offenders unsupervised.

But while current programs are often seen as inadequate, the *concept* of probation has a great deal of appeal. As Judge Burton Roberts, Administrative Judge of the Bronx Supreme and Criminal Courts explained: "Nothing is wrong with probation. It is the *execution* of probation that is wrong" (cited in Klein 1997:72).

Scholars and citizens agree that probation has many advantages over imprisonment, including lower cost, increased opportunities for rehabilitation, and reduced risk of criminal socialization. And with prison crowding a nationwide problem, the need for inexpensive and flexible community punishment options has never been greater. Probation leaders (Corbett 1996; Nidorf 1996), policymakers (Bell and Bennett 1996), and scholars (Clear and Braga 1995; Tonry and Lynch 1996) are now calling for "reforming," "reinvesting," and "restructuring" probation.

But exactly *how* would one go about reforming probation? Some are beginning to offer suggestions. There is a general trend toward greater judicial involvement in monitoring probation conditions. In many jurisdictions, judges have established special drug courts. Here, judges identify first-time drug offenders, sentence them to participate in drug testing and rehabilitation programs, and then the judge personally monitors their progress. If the offender successfully completes the program, he or she is not incarcerated and in some jurisdictions (e.g., Denver, Colorado), the conviction is expunged from the official record. Research on drug courts has been limited, but some studies have shown reductions in recidivism (Goldkamp 1994) and increased offender

BY JOAN PETERSILIA, PH.D.

participation in treatment (Deschenes, Turner, and Greenwood 1995).

Other judges have decided on an individual basis to impose probation sentences that are more punitive and meaningful. A judge in Houston, Texas, as part of his sentencing for molesting two students, a 66 year old music instructor was forced to give up his \$12,000 piano and post a sign on his front door warning children to stay away. State District Judge Ted Poe also barred the teacher from buying another piano, and even from playing one until the end of his 20-year probation (Mulholland 1994).

But meting out individualized sentences, and personally monitoring offenders takes time, and judges' court calendars are crowded. James Q. Wilson of UCLA has suggested enlisting the police to help probation officers monitor offenders, particularly for the presence of weapons (Wilson 1995). He recommends giving each police patrol officer a list of people on probation or parole who live on that officer's beat and then rewarding the police for making frequent stops to insure that the offenders are not carrying guns or violating other statutes. Police in Redmond, Washington have been involved in such an experiment since 1992, and while the program has not been formally evaluated, the police believe it has resulted in reduced crime (Morgan and Marris 1994).

But closer monitoring of probationers is only half the problem. The more difficult problem is finding jail and prison capacity to punish violators once they are discovered. Closely monitoring drug testing, for example, leads to many positive drug tests (Petersilia and Turner 1993). Most local jails don't have sufficient space to incarcerate all drug users, wanting to prioritize space for violent offenders. The result is that probationers quickly learn that testing dirty for drugs, or violating other court-ordered conditions, has little consequence.

Oregon is trying to rectify this problem by imposing a swift and certain, but short (two to three days) jail sentence on *every* probationer who tests positive for drugs (Parent et al. 1994). The notion is that the offender will find the term disruptive to his normal life and be deterred from further drug use. Sanctions are gradually increased upon each subsequent failed drug test according to written department policy, and after three failed tests, the probationer is sent to prison. An evaluation of the program by the National Council on Crime and Delinquency (Baird, Wagner, and DeComo 1995) show encouraging results in terms of increasing offender participation in treatment and lowering recidivism while under supervision.

Unfortunately, debating the merits of these or other strategies is severely limited because we know so little about current probation practice. Assembling what is known about U.S. probation practices, so that public policy can be better informed, is the main purpose of this article.

Together, the data in this article show that probation is seriously underfunded relative to prisons—a policy that is not only short-sighted but dangerous. Probationers in urban areas often receive little or no supervision, and the resulting recidivism rates are high for felons. But prison crowding has renewed interest in community-based sanctions, and recent evaluative evidence suggests that probation programs—properly designed and implemented—can be effective on a number of dimensions, including reducing recidivism.

There are several steps to achieving greater crime control over probationers. First, we must provide adequate financial resources to deliver programs that have been shown to work. Successful probation programs combine *both* treatment and surveillance, and are targeted toward appropriate offender subgroups. Current evidence suggests low-level drug offenders are prime candidates for enhanced probation programs. We must then work to garner more public support by convincing citizens that probation sanctions are punitive, and convincing the judiciary that offenders will be held accountable for their behavior. Over time, probation will demonstrate its effectiveness, both in terms of reducing the human toll that imprisonment exacts on those incarcerated, and reserving scarce resources to ensure that truly violent offenders remain in prison.

Section I begins by describing U.S. juvenile and adult probation data sources, explaining briefly why the topic has received relatively little attention.

Section II presents a brief history of probation in the U.S., highlighting important milestones.

Section III summarizes probation in modern sentencing practice, discussing how the probation decision is made, the preparation of the presentence investigation, and the setting and enforcement of probation conditions. This section also describes the organi-

“Moved by the plight of those in the jails and prisons of his day, a humble Boston bootmaker began a great movement in the reformation of offenders when, in 1841, he took from the court for a period of probation one who under his care and with his friendship became a man again.”

From the memorial plaque displayed in Boston in recognition of John Augustus, the Father of Probation

zation and funding of U.S. probation departments.

Section IV describes current probation population characteristics. It reviews the growth in probation populations, and what is known about offenders' crimes, court-ordered conditions, and supervision requirements. It also presents data detailing how the granting of probation varies across jurisdictions.

Section V is devoted to assessing probation outcomes, reviewing recidivism and alternative outcomes measures. Section VI outlines several steps to reviving probation and achieving greater crime control over probationers.

I. Sources of Probation Information

Probation receives little public scrutiny, not by intent but because the probation system is so complex and the data is scattered among hundreds of loosely connected agencies, each operating with a wide variety of rules and structures. Whereas one agency may be required to serve juvenile, misdemeanor, and felony offenders, another agency may handle only one type of offender. In some locations, probation officers run detention facilities and day-reporting centers, and in still others, they supervise pretrial offenders or even parolees, and run school-based prevention programs. The term "probation" has various meanings within multiple areas of corrections, and the volume and type of offenders on probation are quite large and varied.

Virtually all probation information is national in scope and collected by agencies within the Office of Justice Programs, U.S. Department of Justice. There are only a few states (e.g., Minnesota, Vermont, North Carolina) that collect more detailed data on probationers, and very few probation agencies maintain their own research units. As a result, most states can not describe the demographic or crime characteristics of probationers under their supervision. For example, California—which supervises nearly 300,000 adult probationers—is unable to provide the gender, age, or crime convictions of its probationers on the annual survey administered by the Bureau of Justice Statistics (Maquire and Pastore 1995).

A. Juvenile Probationers

Information on the number of youth placed on probation comes from the *Juvenile Court Statistics* series. This annual series collects information from all U.S. courts with juvenile jurisdiction. Sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and analyzed by the National Center for Juvenile Justice (NCJJ), it describes the numbers of youth granted probation, as well as their underlying crime and demographic characteristics (see Butts, et al. 1995).

In 1992, the OJJDP sponsored a nationwide survey of juvenile probation departments, collecting information on departments' size, organization, and caseload size. Results of this survey are contained in Hurst and Torbet (1993).

B. Adult Probationers

Nearly all existing national data describing adult probationers comes from two statistical series sponsored by the Bureau of Justice Statistics (BJS), the statistical arm of the U.S. Department of Justice (DOJ). The first series, *Correctional Populations in the United States* (BJS 1995) collects annual counts and movements from all Federal, State, and local adult probation agencies in the United States. Probationer information includes race, sex, and ethnicity, and the numbers on probation for felonies, misdemeanors, and driving while intoxicated. Data on the type of discharge is also obtained (i.e., successful completion, incarcerated). This information has been collected by the DOJ since the mid-1970s.

The second series is the *National Judicial Reporting Program* (NJRP) a biennial sample survey, which compiles information on the sentences

that felons receive in State courts nationwide and on the characteristics of the felons. The latest information is reported in *State Court Sentencing of Convicted Felons, 1992* (Langan and Cohen 1996) and is based on a sample of 300 nationally representative counties. The information collected on convicted felons includes their age, race, gender, prior criminal record, length of sentence, and conviction offense.¹

Data on the organization of adult probation departments has been sporadically collected over the years by the National Institute of Justice (Comptroller General 1976; Allen, Carlson, Parks 1979; Nelson, Ohmart, Harlow 1978); National Association of Criminal Justice Planners (Cunniff and Bergsmann 1990; Cunniff and Shilton 1991), the National Institute of Corrections (NIC 1993), and the Criminal Justice Institute (Camp and Camp 1995). The Criminal Justice Institute is a private, non-profit organization that has been publishing, since 1990, selected probation data in *The Corrections Yearbook: Probation and Parole*.

The National Institute of Justice (NIJ), the research arm of the U.S. Department of Justice, has sponsored nearly all of the basic and evaluation research conducted to date on adult probation. In recent years, these efforts have focused primarily on evaluating the effects of intermediate sanctions, programs that are more severe than routine probation but do not involve incarceration (for a review, see Tonry and Lynch 1996).

Beyond these minimal data, there is little systematic information on probation. We know almost nothing, for example, about the over one million adults misdemeanants who are placed on probation—what were their crimes, what services did probation provide, and how many are re-arrested? And except for the studies mentioned above, we don't have that type of information for adult felons or juveniles either. There are serious gaps in our knowledge, and what does exist is not easily accessible or summarized.

II. The Origins and Evolution of Probation

To understand current probation practice, you must appreciate its historical roots. Probation in the U.S. began in 1841 with the innovative work of John Augustus, a Boston bootmaker who was the first to post bail for a man charged with being a common drunk under the authority of the Boston Police Court. Mr. Augustus was a religious man of financial means, and had some experience working with alcoholics. When the man appeared before the judge for sentencing, Mr. Augustus asked the judge to defer sentencing for three weeks and release the man into Augustus' custody. At the end of this brief probationary period, the offender convinced the judge of his reform and therefore received a nominal fine. The concept of probation had been born (Dressler 1962).

From the beginning, the "helping" role of Augustus met with the scorn of law enforcement officials who wanted the offenders punished not helped. But Augustus persisted, and the court gradually accepted the notion that not all offenders needed to be incarcerated. During the next fifteen years (from 1841 until his death in 1859), Augustus bailed out over 1,800 persons in the Boston courts, making himself liable to the extent of \$243,234 and preventing these individuals from being held in jail to await trial. Augustus is reported to have selected his candidates carefully, offering assistance "mainly to those who were indicted for their first offense, and whose hearts were not wholly depraved, but gave promise of better things" (Augustus 1939). He provided his charges with aid in obtaining employment, an education, or a place to live, and also made an impartial report to the court.

Augustus reported great success with his charges, nearly all of whom were accused or convicted of violating Boston's vice or temperance laws.

Of the first 1,100 offenders he discussed in his autobiography, he claimed only one had forfeited bond, and asserted that, with help, most of them eventually led upright lives (Augustus 1939).

Buoyed by Augustus's example, Massachusetts quickly moved into the forefront of probation development. An experiment in providing services for children (resembling probation) was inaugurated in 1869. In 1878, Massachusetts was the first state to formally adopt a probation law for juveniles. Interestingly, it was also the concern for mitigating the harshness of penalties for children that led to the international development of probation (Hamai et al. 1995).

Public support for adult probation was much more difficult to come by. It was not until 1901 that New York passed the first statute authorizing probation for adult offenders; over 20 years after Massachusetts passed its law for juvenile probationers (Latessa and Allen 1997). By 1956, all states had adopted adult and juvenile probation laws.

John Augustus' early work provided the model for probation as we know it today. Virtually every basic practice of probation was originally conceived by him. He was the first person to use the term probation—which derives from the Latin term *probatio*, meaning a “period of proving or trial.” He developed the ideas of the presentence investigation, supervision conditions, social casework, reports to the court, and revocation of probation. Unfortunately, for such a visionary, it is unfortunate that Augustus died destitute (Dressler 1962).

Initially, probation officers were volunteers who according to Augustus, just needed to have a good heart. Early probation volunteer officers were often drawn from Catholic, Protestant, and Jewish church groups. In addition, police were reassigned to function as probation officers while continuing to draw their pay as municipal employees. But as the concept spread and the number of persons arrested increased, the need for presentence investigations and other court investigations increased, and the volunteer probation officer was converted into a paid position (Dressler 1962). The new officers hired were drawn largely from the law enforcement community—retired sheriffs and policemen—and worked directly for the judge.

Gradually the role of court support and probation officer became synonymous, and probation officers became “the eyes and ears of the local court.” As Rothman observed some years later, probation developed in the U.S. very haphazardly, and with no real thought (Rothman 1980:244). Missions were unclear and often contradictory, and from the start there was tension between the law enforcement and rehabilitation purposes of probation (McAnany, Thomson and Fogel 1984). But most importantly, tasks were continually added to probation's responsibilities, while funding remained constant or declined. A 1979 survey (Fitzharris 1979) found that probation departments were responsible for more than 50 different activities, including court-related civil functions (for example, step-parent adoption investigations, minority age marriage investigations).

Between the 1950s and 1970s, U.S. probation evolved in relative obscurity. But a number of reports issued in the 1970s brought national attention to the inadequacy of probation services and their organization. The National Advisory Commission on Criminal Justice Standards and Goals (1973:112) stated that probation was the “brightest hope for corrections,” but was “failing to provide services and supervision.” In 1974, a widely publicized review of rehabilitation programs purportedly showed probation's ineffectiveness (Martinson 1974), and two years later the U.S. Comptroller General's Office released a report concluding that probation as currently practiced was a failure, and that the U.S. probation systems were “in crisis” (1976:3). They urged that “Since most offenders are sentenced to probation, probation systems must receive adequate resources. But something more fundamental is needed. The priority given to probation in the criminal justice system

must be reevaluated.” (Comptroller General 1976:74).

In recent years, probation agencies have struggled—with continued meager resources—to upgrade services and supervision. Important developments have included the widespread adoption of case classification systems and various types of intermediate sanctions (e.g., electronic monitoring, intensive supervision). These programs have had varied success in reducing recidivism, but the evaluations have been instructive in terms of future program design.

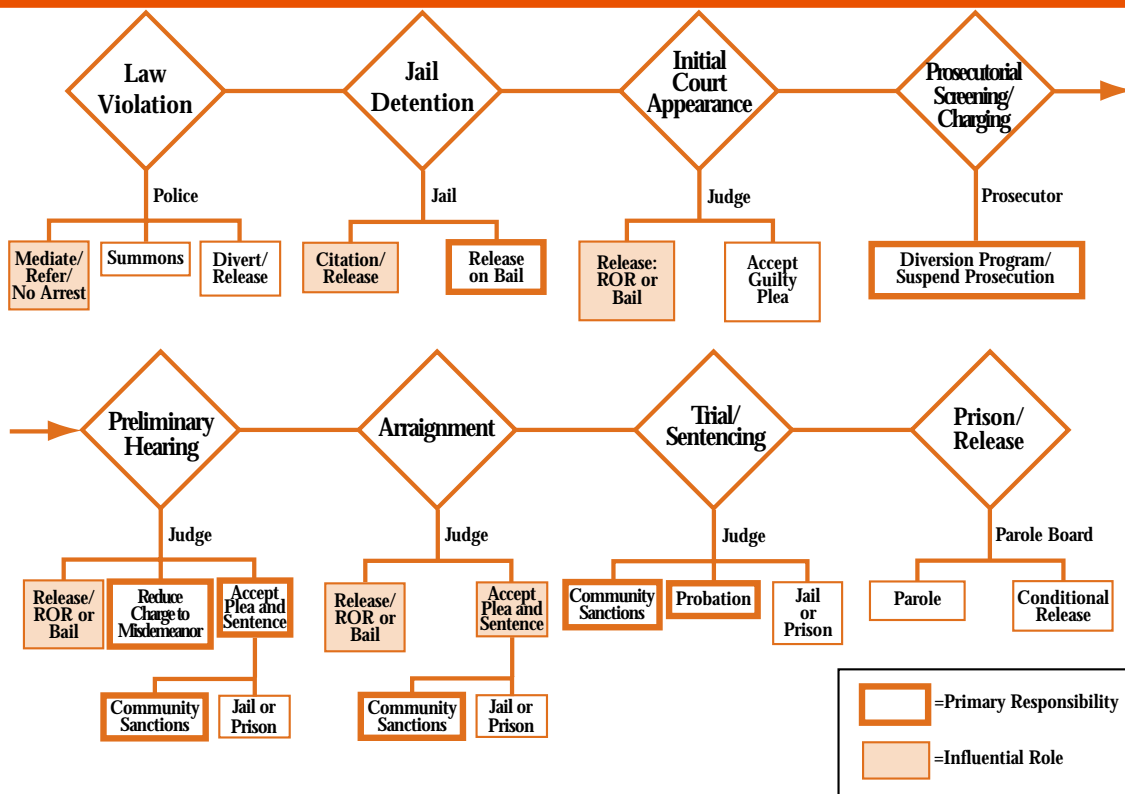
Significant events in the development of U.S. probation are contained in Table 1.

Table 1 Significant Events in the Development of US Probation	
Year	Event
1841	John Augustus introduces probation in the US in Boston
1878	Massachusetts is first state to formally adopt probation for juveniles
1878-1938	37 states, the District of Columbia, and the federal government passed juvenile and adult probation laws
1927	All states but Wyoming have juvenile probation laws
1954	All states have juvenile probation laws
1956	All states have adult probation laws (Mississippi becomes the last state to pass authorizing legislation)
1973	National Advisory Commission on Criminal Justice Standards and Goals endorses more extensive use of probation.
1973	Minnesota first state to adopt Community Corrections Act, 18 states follow by 1995
1974	Martinson's widely publicized research purportedly proving that probation does not work
1975	US Department of Justice conducts the first census of US probationers
1975	Wisconsin implements first probation case classification system. American Probation and Parole founded.
1976	U.S. Comptroller General's study of US probation concludes it is a “system in crisis” due to inadequate funding
1982	Georgia's Intensive Supervision Probation (ISP) Program claims to reduce recidivism and costs.
1983	Electronic monitoring of offenders begins in New Mexico, followed by larger experiment in Florida
1985	RAND releases study of felony probationers, showing high failure rates. Replications follow, showing probation services and effectiveness vary widely across nation.
1989	Government Accounting Office survey shows all 50 States have adopted intensive probation and other intermediate sanction programs
1991	U.S. Department of Justice funds nationwide intensive supervision demonstration and evaluation.
1993	Program evaluations show probation without adequate surveillance and treatment is ineffective, but appropriate programs reduce recidivism.

Source: Compiled by the author.

Figure 1

Probation's Involvement in the Criminal Justice System



In fact, it is safe to say that no other justice agency is involved with the offender and his case as comprehensively as the probation department. Every other agency completes their work, and hands the case over to the next decision maker. For example, the police arrest offenders, hand them over to the prosecutor who files charges, who hands them to the judge who sentences, and finally to the warden who confines—but the probation department interacts with all of these agencies, provides the data that influences each of their processing decisions, and takes charge of the offender's supervision at any point

III. Probation and Modern Sentencing Practice

Anyone who is convicted, and many of those arrested, come into contact with the probation department and probation officials who operate with a great deal of discretionary authority and dramatically affect most subsequent justice processing decisions. Their input affects not only the subsequent liberties offenders will enjoy, but their decisions influence public safety, since they recommend (within certain legal restraints) which offenders will be released back to their communities, and judges usually accept their sentence recommendations.

A. Probation's Influence Throughout the Justice System

As shown in Figure 1, probation officials are involved in decision-making long before sentencing, often beginning from the point of a crime being noted by the police. They usually perform the personal investigation to determine whether or not a defendant will be released on his own recognizance or bail. Probation reports are the primary source of information the court uses to determine which cases will be deferred from formal prosecution. If deferred, probation officers will also supervise the diverted offender and their recommendation will be primary in whether or not the offender has successfully complied with the diversionary sentence, and hence no formal prosecution will occur.

For persons who violate court-ordered conditions, probation officers are responsible for deciding which violations will be brought back to the courts' attention, and what subsequent sanctions to recommend. When the court grants probation, probation staff have great discretionary authority about which court-ordered conditions to enforce and monitor. And even when an offender goes to prison, the offender's initial security classification (and eligibility for parole) will be based on information contained in the presentence investigation. Finally, when the offender is released from jail or prison, probation staff often provide his or her community supervision.

when the system decides to return the offender to the community (of course, for parolees, parole officers usually assume this function). Figure 1 highlights the involvement of probation agencies throughout the justice system, showing its integral role to custody and supervision.

B. The Presentence Investigation Report

When most think of probation, they think of its *supervision* function. But providing law enforcement agencies and the courts with the necessary information to make key processing decisions is the other major function of probation, commonly referred to as probation's *investigation* function.

From the point of arrest, information about the offenders' crime and criminal background is accumulated and eventually presented to the court if the case proceeds through prosecution and sentencing. This formal document is known as the presentence investigation (PSI) or presentence report (PSR).

The PSI is a critically important document, since over 90 percent of all felony cases in the U.S. are eventually resolved through a negotiated plea (BJS 1995), and the major decision of the court is whether imprisonment will be imposed. A survey by the National Institute of Corrections found that half of all states require a PSI in all felony cases; the PSI is discretionary for felonies in another sixteen states. Only two states require a PSI prior to disposition in misdemeanor cases (NIC 1993). Where PSIs are discretionary, the option of requesting them usually rests with the courts.

Research has repeatedly shown that judge's knowledge of the defendant is usually limited to the information contained in the PSI, and as a result, there is a high correlation between the recommendation of the PO and the judge's sentence. Research by the American Justice Institute (1981), for example, using samples from representative probation departments throughout the United States, found that recommendations

for probation were adopted by the sentencing judge between 66 and 95 percent of the time.

The probation department's PSI typically includes information on the seriousness of the crime, the defendant's risk, the defendant's circumstance, a summary of the legally permissible sentencing options, and a recommendation for or against prison. If recommending prison, the PSI recommends sentence length; and if recommending probation, the PSI recommends sentence length and the conditions to be imposed.

Some have noted that the introduction of sentencing guidelines—which require calculations based on details of the crime and prior criminal record—have increased the importance of the PSI and the role and responsibility of the probation officer, particularly at the federal level (McDonald and Carlson 1993).

While the PSI is initially prepared to aid the sentencing judge, once prepared it becomes a critically important document to justice officials throughout the system, as well as the basis of most criminological research studies. As Abadinsky (1997:105) noted, its most common uses are:

- serving as the basis for the initial risk/needs classification probation officers use to assign an offender to a supervision caseload and treatment plan;
- assisting jail and prison personnel in their classification and treatment programs;
- furnishing parole authorities with information pertinent to consideration for parole and release planning; and
- providing a source of information for research studies.

C. Factors Influencing Who Gets Probation Versus Prison

The most important purpose of the PSI is to assist in making the prison/probation decision. Generally speaking, the more serious the offender, the greater likelihood of a prison term. But exactly what crime and/or offender characteristics are used by the court to assess "seriousness?"

Petersilia and Turner (1986) analyzed the criminal records and case files of approximately 16,500 males, each of whom had been convicted of selected felony crimes in one of 17 California counties in 1980. The researchers coded detailed information about the offender's crimes, criminal backgrounds, and how their case was processed (e.g., private or public attorney). The purpose was to identify the specific factors that distinguished who was granted probation (with or without a jail term) and who was sentenced to prison, when both persons have been convicted of the same penal code, in the same county, and in the same year. They found that a person was more likely to receive a prison sentence if he:

- had two or more conviction counts (i.e., convicted of multiple charges)
- had two or more prior criminal convictions
- was on probation or parole at the time of the arrest
- was a drug addict
- used a weapon during the commission of the offense or seriously injured the victims.

For all offenses except assault, offenders having three or more of these characteristics had an 80 percent or greater probability of going to prison in California, regardless of the type of crime of which they were currently convicted (Petersilia and Turner 1986).

After controlling for these "basic factors," the researchers also found that having a private (versus public) attorney could reduce a defendant's chances of imprisonment (this was true except for drug cases, where attorney type made no difference). Obtaining pretrial release also lessened the probability of going to prison, whereas going to trial increased

that probability (Petersilia and Turner 1986: xi).

But while such factors predicted about 75 percent of the sentencing decisions in the study, they did not explain the remainder. Thus, Petersilia and Turner (1986) concluded that in about 25 percent of the cases studied, those persons sent to prison could not be effectively distinguished in terms of their crimes or criminal backgrounds from those receiving probation. These data suggest that many offenders who are granted felony probation are indistinguishable in terms of their crimes or criminal record from those who are imprisoned (or vice versa).

D. Setting and Enforcing the Conditions of Probation

For those offenders granted probation, the court decides which specific conditions will be included in the probation contract between the offender and the court. In actual practice, when a judge sentences an offender to probation, he/she often combines the probation term with a suspended sentence, whereby the judge sentences a defendant to prison or jail and then suspends the sentence in favor of probation. In this way, the jail or prison term has been legally imposed, but simply held in abeyance to be reinstated if the offender fails to abide by the probation conditions (Latessa and Allen 1997). Offenders are presumed to be more motivated to comply with the conditions of probation by knowing what awaits should they fail to do so.

In addition to deciding whether to impose a sentence of incarceration and then "suspend" it in favor of probation (or sentence to probation directly), the judge makes a number of other highly important, but discretionary decisions. He/she must decide whether to impose a jail term along with probation. This is commonly referred to as "split sentencing," and nationally, probation is combined with a jail term in 26 percent of felony cases (Langan and Cohen 1996). Some states use split sentencing more frequently. For example, 60 percent of persons sentenced to probation in Minnesota are required to serve some jail time (Minnesota Guidelines Commission 1996), as are nearly 80 percent of felons in California (California Department of Justice 1995). The average jail sentence for felony probationers is 7 months, while the average length of felony probation is 47 months (BJS 1995).

It is the judge's responsibility to enumerate the conditions the probationer must abide by in order to remain in the community. The particular conditions of an offender's probation contract are usually recommended by probation officers and contained in the PSI. But they may also be designed by the judge, and judges are generally free to construct any terms of probation they deem necessary. Judges also often authorize the setting of "such other conditions as the probation officer may deem proper to impose" or may leave the mode of implementation a condition (such as method of treatment) to the discretion of the probation officer.

The judge's (and probation officer's) required conditions usually fall into one of three realms:

- standard *conditions* imposed on all probationers, include such requirements as reporting to the probation office, notifying the agency of any change of address, remaining gainfully employed and not leaving the jurisdiction without permission.
- punitive *conditions* are usually established to reflect the seriousness of the offense, and increase the painfulness of probation. Examples are fines, community service, victim restitution, house arrest, and drug testing.
- treatment *conditions* are imposed to force probationers to deal with a significant problems or need, such as substance abuse, family counseling, or vocational training.

The Supreme Court has held that probation should not be considered a form of "prison without walls," but rather, a period of conditional

liberty that is protected by due process (McShane and Krause 1993:93). In that vein, the courts have ruled that each probation condition must not infringe on the basic rights of the person being supervised. Case law has established that there are four general elements in establishing the legal validity of a probation condition. Each imposed probation condition:

- must serve a *legitimate purpose*—must either protect society or lead to the rehabilitation of the offender;
- must be *clear*—with language that is explicit, outlining specifically what can or cannot be done so that the average person can know exactly what is expected;
- must be *reasonable*—not excessive in its expectations, and
- must be *constitutional*—while probationers do have a diminished expectation of certain privileges, they retain basic human freedoms such as religion, speech, and marriage.

In legal terms, the probation conditions form a contract between the offender and the court². The contract states the conditions, at least theoretically, the offender must abide by to remain in the community. The court requires that the probation officer provide the defendant with a written statement setting forth all the conditions to which the sentence is subject. The offender signs the contract, and the probation officer is the “enforcer” of the contract, responsible for notifying the court when the contract is not being fulfilled.

Should a defendant violate a probation condition at any time prior to the expiration of the term of probation, the court may, after a hearing pursuant to certain rules (which include written notification of charges):

- continue him or her on probation, with or without extending the term or modifying or enlarging the conditions; or
- revoke the sentence of probation and impose any other sentence that was available at the time of initial sentencing (e.g., prison or jail).

As mentioned previously, a suspended sentence is often issued along with probation, and upon revocation, judges may order the original sentence to be carried out. When a suspended sentence is reinstated, the judge may decide to give credit for probation time already served, or he/she may require the complete original incarceration term to be served.

Over the years, the number of offenders who have special conditions

attached to probation has increased (Clear 1994). The public’s more punitive mood, combined with inexpensive drug testing and a higher number of probationers having substance abuse problems, undoubtedly contributes to the increase in the number of conditions imposed on probationers. More stringent conditions increase the chances of failure (Petersilia and Turner 1993). According to BJS, a lower percentage of offenders are successfully completing their probation terms. In 1986, 74 percent of those who exited probation successfully completed their terms; in 1992, the figure was 67 percent, and by 1994, that figure had dropped to 60 percent (Langan 1996).

Langan and Cuniff’s (1992) study of felons on probation showed that 55 percent of the offenders had some special condition (beyond the standard conditions) added to their probation terms (shown in Figure 2), the most common being drug testing.

Further analysis by Langan (1994) showed that many probationers failed to satisfy their probation-ordered conditions. He found that half of all probationers simply did not comply with the court-ordered terms of their probation, and only a fifty percent of the known violators ever went to jail or prison for their noncompliance. Langan concluded (1994:791) “...sanctions are not vigorously enforced.”

Taxman and Byrne (1994) reanalyzing a national sample of felons placed on probation and tracked by BJS for 2 years (Dawson 1990), and discovered that even probation absconders (i.e., those who fail to report) are not often punished. They found that, on any one day, about 10 to 20 percent of adult felony probationers were on abscond status, their whereabouts unknown. While warrants were usually issued for their arrest, no agency actively invests time finding the offenders and serving the warrants. They concluded that, practically speaking, as long as offenders are not rearrested, they are not violated.

Even though many court-ordered conditions are not actively enforced, the probation population is so large, that even revoking a few percent of them or revoking all those who are rearrested, can have a dramatic impact on prison admissions. In fact, current estimates show that between 30 and 50 percent of all new prison admissions are probation and parole failures (Parent et al., 1994). Texas, for example, reported that in 1993, approximately two thirds of all prison admissions were either probation

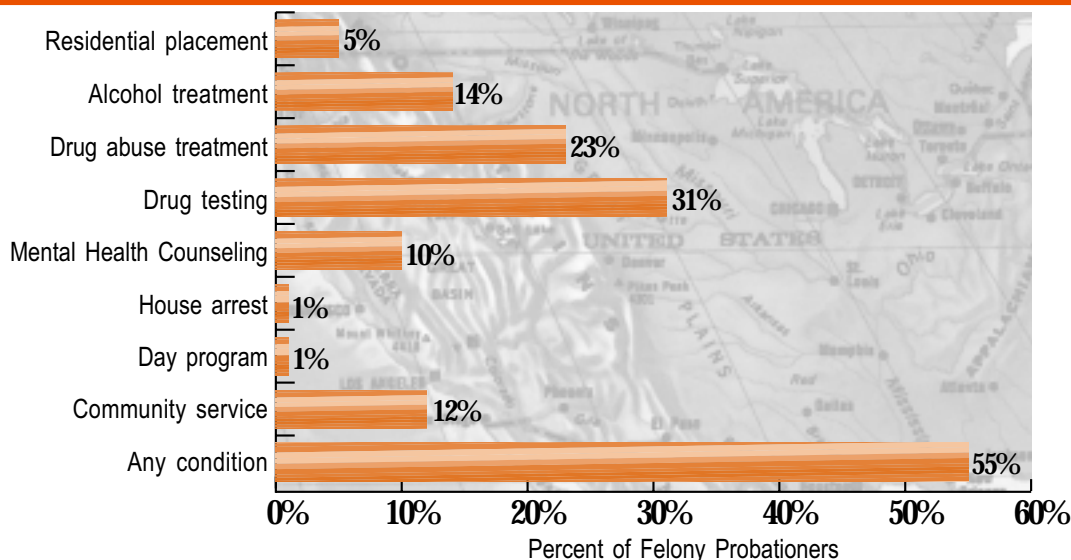
or parole violators. In Oregon, the figure was over 80 percent, and in California, over 60 percent (Parent et al. 1994)³.

Due to the scarcity of prison beds, policymakers have begun to wonder whether revoking probationers and parolees for technical violations (i.e., infractions of the conditions of supervision, rather than for a new crime) makes sense. While it is important to take some action when probation violations are discovered, it is not obvious that prison is the best response.

Several states, trying to reserve prison beds for

Figure 2

Special Conditions Imposed on Adult Felony Probationers



violent offenders, are now structuring the courts response to technical violations. Missouri has opened up the Kansas City Recycling Center, a forty-one bed facility operated by a private contractor to deal exclusively with technical violators who have been recommended for revocation (Herman 1993). Mississippi and Georgia use ninety-day boot camp programs, housed in separate wings of the State prison, for probation violators (Grubbs 1993; Prevost, Rhine, and Jackson 1993). While empirical evidence is scant as to the effects of these programs, system officials believe that the programs serve to increase the certainty of punishment, while reserving scarce prison space for the truly violent (Rhine 1993).

E. Probation Caseloads and Contact Levels

The most common measure of probation's workload is caseload size, or the number of offenders assigned to each probation officer. Published reports normally divide the number of probation department employees or line officers, with the number of adult probationers under supervision to indicate average caseload size. Over the years, probation caseloads have grown from what was thought to be an ideal size of 30:1 in the mid-1970s (President's Commission on Law Enforcement 1967) to today, where the average adult regular supervision caseload is reported to be 117:1 (Camp and Camp 1995).

The adult figure is misleading and vastly overstates the number of officers available for offender supervision. First, as Cuniff and Bergsmann's study (1990) showed, not all probation employees or even line officers are assigned to offender supervision. On average, Cuniff and Bergsmann (1990) found that in a typical U.S. probation department:

- only 52 percent of a typical probation department's staff are line officers, 48 percent are clerical, support staff, and management. Such high clerical staffing (23 percent) is required because a third to a half of all clerical personnel type PSIs for the court.

- Of line probation officers, *only about 17 percent of them supervise adult felons*. The remaining officers supervise juveniles (half of all U.S. adult probation departments also have responsibility for supervising juveniles), and 11 percent prepare PSIs.

These figures were nearly identical to those found in the NIC national survey of probation departments (NIC 1993).

There were an estimated 50,000 probation employees in 1994 (Camp and Camp 1995). If 23 percent of them (or 11,500 officers) were supervising 2,962,166 adult probationers, then the average U.S. adult probation caseload in 1994 would equal 258 offenders for each line officer.

A recent survey (Thomas 1993) of juvenile probation officers responsible for supervision showed that U.S. juvenile caseloads range between 2 and 200 cases, with a typical (median) active caseload of 41. The optimal caseload suggested by juvenile probation officers was 30 cases.

Of course, offenders are not supervised on "average" caseloads. Rather, probation staff utilize a variety of risk and needs classification instruments to identify those offenders needing more intensive supervision and/or services. Developing these "risk/need" classification devices occupied probation personnel throughout the 1970s, and their use is now routine throughout the U.S. (for a review, see Clear 1988). Unfortunately, while risk assessments are better able to identify offenders more likely to reoffend, funds are usually insufficient to implement the level of supervision predicted by the classification instrument (Jones 1996).

Recent BJS data show 95 percent of *all* us adult probationers are supervised on regular caseloads, whereas about 4 percent are on intensive supervision and about 1 percent are on specialized caseloads, such as electronic monitoring or boot camps (Brown et al. 1996). Again, however, these numbers don't tell U.S. much about the actual contact

Table 2

Felony Probationers' Initial Supervision Levels

Supervision Level	Prescribed # of Contacts	% of Caseload
Intensive	9 per month	10%
Maximum	3 per month	32%
Medium	1 per month	37%
Minimum	1 per 3 months	12%
Administrative	none required	9%

Source: Langan and Cuniff, 1994.

levels received by felons. The best data on this subject comes from the Langan and Cuniff (1992) study tracking felony probationers. They report that about 10 percent of *felony* probationers are placed on intensive caseloads, where administrative guidelines suggest probation officers should have contact with probationers 9 times per month (Table 2). The authors note that this initial classification level doesn't necessarily mean that they got that level of service, but rather they were assigned to a caseload having that administrative standard.

The Langan and Cuniff (1992) study also provides information about supervision level, relative to conviction crime and county of conviction. They report that, across all the sites and felony crimes studied, about 20 percent of adult felony probationers are assigned to caseloads requiring *no* personal contact.

In large urban counties, the situation is particularly acute, and the average caseload size noted above still does not convey the seriousness of the situation. Take, for example, the Los Angeles County Probation Department, the largest probation department in the world. In 1995, its 900 line officers were responsible for supervising 88,000 adult and juvenile offenders. Since the mid-1970s, county officials have continually cut their budgets, while the number of persons granted probation and the number of required presentence investigations has grown (Nidorf 1996).

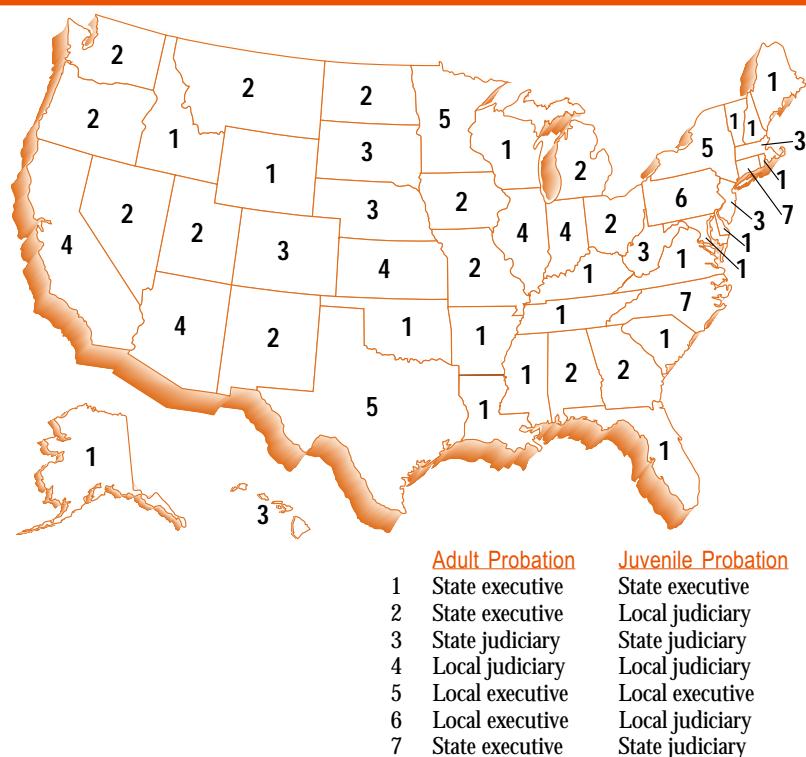
The result is that in 1995, 66 percent of *all* probationers in LA were supervised on "automated" or banked caseloads (Petersilia 1995b). In these caseloads, no services, supervision, or personal contact is provided. Rather, these persons are simply required to send in a pre-addressed postcard once or twice a month reporting on their activities. A more detailed study found that on any given day, there are nearly 10,000 violent offenders (convicted of murder, rape, assault, kidnapping and robbery) being supervised by probation officers in LA, and about half of them are on "automated minimum" caseloads with no reporting requirements (Los Angeles County Planning Committee 1996).

E. The Organization of Probation

Probation is basically a State and local activity, with the Federal Government providing technical support, data gathering, and funding for innovative programs and their evaluation. Probation is administered by more than 2,000 separate agencies, and there is no uniform structure (Abadinsky 1997). As the National Institute of Corrections (NIC) recently observed, "Probation was established in nearly as many patterns as there are states, and they have since been modified by forces unique to each state and each locality." (1993:v). The result is that probation services in the U.S. differ in terms of whether they are delivered by the executive or the judicial branch of government, how services are funded, and whether probation services are primarily a state or a local function. While a detailed discussion of these issues is beyond the scope of this essay, interested readers are referred to the NIC's (1993) report *State and*

Figure 3

Jurisdictional Arrangements for Probation, by State



Local Probation Systems in the United States: A Survey of Current Practice.

1. Centralized or Decentralized Probation?

The centralization issue concerns the location of authority to administer probation services. Proponents of probation argue that judicially administered probation (usually on a county level) promotes diversity. Nelson, Ohmart, and Harlow (1978) suggest that an agency administered by a city or county instead of a state is smaller, more flexible and better able to respond to the unique problems of the community. And because decentralized probation draws its support from its community and local government, it can offer more appropriate supervision for its clients and make better use of existing resources. It is also predicted that if the State took over probation, it might be assigned a lower level of priority than it would be if it remained a local, judicially controlled service.

Over time, adult probation services moved from the judicial to the executive branch, and is now located in the judicial branch in only one-quarter of the states (see Figure 3). However, more than half of the agencies providing juvenile probation services, are administered on the local level. [Fortunately, the administration of parole is much less complex: one agency per state and always in the executive branch].

The trend in adult probation is towards centralization, where authority for a state's probation activities are placed in a single statewide administrative body (NIC 1993). In 1996, three quarters of all states located adult probation in the executive branch, where services and funding were centralized. Proponents of this approach assert that all other human services and correctional subsystems are located within the executive branch; program budgeting can be better coordinated; and judges, trained in law, not administration, are not well equipped to administer probation services (Abadinsky 1997:35). Even in those county-based probation systems, states have usually created an oversight agency for better coordination and uniformity of probation services—California is

currently the only State operating probation locally without a state oversight agency (Parent et al. 1994).

As Clear and Cole (1997) point out, there is no optimal probation organization. In jurisdictions with a tradition of strong and effective local probation programming, decentralized services make sense. In states that typically have provided services through centralized, large scale bureaucracies, perhaps probation should be part of such services. One thing is for sure, as probation receives greater attention—and its services and supervision are more closely scrutinized—the issue of who oversees probation, and who is responsible for standards, training, and revocation policy, will become central in the years ahead.

2. Probation Funding

a. State versus County Funding

Probation funding has always been recognized as woefully inadequate, given its prominence in modern U.S. sentencing practices. While states have become more willing to fund probation, counties still provide primary funding for probation in twelve states, although some of these agencies receive significant state support. In NIC's 1993 survey, California counties received the least amount of state assistance, ranging from a low of 9 percent in Los Angeles and San Diego to a high of 14 percent in San Francisco. Counties in Texas, on the other hand, received some of the largest shares of state assistance (Dallas received 50 percent of its operating budget from the State) (NIC 1993).

Some states have used other means to upgrade the quality of probation services and funding. Community Corrections Acts (CCAs) are mechanisms by which state funds are granted to local governments to foster local sanctions to be used in lieu of state prison. By 1995, 18 states had enacted CCAs and the evidence suggests that CCAs have encouraged some good local probation programs, but have been less successful at reducing commitments to state prison or improving coordination of state and local programs (Shilton 1995; Parent 1995). Still, interest in the CCA concept—and other state "subsidies" to upgrade probation—is growing across the U.S.

Arizona probation probably has the most ideal system. In 1987, the State Legislature wrote into statute that felony probation caseloads could not exceed 60 offenders to one probation officer. And, they allocated state funding to maintain that level of service. As a result, probation departments in Arizona are nationally recognized to be among the best, providing their offenders with both strict surveillance and needed treatment services.

b. Annual Costs Per Probationer

The *Corrections Yearbook* reports that the annual costs spent for probationers on supervision in the U.S. ranged from \$156 in Connecticut to \$1,500 in the federal system. The average of the 44 reporting states was \$584 spent per probationer, per year (Camp and Camp 1995). But such numbers are rather meaningless, since we don't know what factors were considered in reaching that cost estimate. One system may actually compute the average cost per offender, per day on the basis of services rendered and officers salaries, whereas other jurisdictions may simply divide the total operating budget by the number of clients served. Still others may figure into the equation the costs of various, private contracts for treatment and drug testing. In short, there is no standard

formula for computing probationer costs, but funds are known to be inadequate.

Since its beginnings, probation has continually been asked to take on greater numbers of probationers and conduct a greater number of presentence investigations, all while experiencing stable or declining funding. As Clear and Braga recently wrote: "Apparently, community supervision has been seen as a kind of elastic resource that could handle whatever numbers of offenders the system required it to." (Clear and Braga 1995:423).

From 1977 to 1990 prison, jail, parole, and probation populations all about tripled in size. Yet only spending for prisons and jails had increased expenditures. In 1990, prison and jail spending accounted for two cents of every state and local dollar spent — twice the amount spent in 1977. Spending for probation and parole accounted for two-tenths of one cent of every dollar spent in 1990—unchanged from what it was in 1977 (Langan 1994). Today, although two-thirds of all persons convicted are in the community, only about one tenth of the correctional budget goes to supervise them.

c. Fines and Fees

As part of the conditions of probation, many jurisdictions are including various offender-imposed fees, which when collected, are used to support the probation department. These fees are levied for a variety of services including the preparation of presentence reports, electronic monitoring, work release programs, drug counseling, and regular probation supervision. By 1992, more than half of the states allowed probation departments to charge fees to probationers, ranging anywhere from \$10 to \$40 per month, usually with a sliding scale for those unable to pay (Finn and Parent 1992).

Finn and Parent (1992), in an NIJ study of fines, found that despite a common perception of the criminal as penniless and unemployable, most offenders on probation who have committed misdemeanors—and even many who have committed felonies—can afford reasonably monthly supervision fees. Texas, for example, has been highly successful in generating probation fees. Probationers there are required to pay a standard monthly fee of \$10 plus \$5 for the victims fund. In 1990, they spent about \$106 million to supervise probationers, but collected more than \$57 million in fees—about one half the cost of basic probation supervision (Finn and Parent 1992:12).

Taxpayers applaud such efforts and they may also teach offenders personal responsibility, but the practice causes dilemmas concerning whether to revoke probation for nonpayment. The courts have ruled that probation cannot be revoked when an indigent offender has not paid his fees or restitution (*Bearden v. Georgia* 1983).

IV. Who Is On Probation? Characteristics and Risks of Current Probation Population

Probation was never intended to serve as a major criminal sanction. It was designed for first time offenders who were not too deeply involved in crime, and for whom individualized treatment and casework could make a difference. But, as shown below, things have

changed considerably.

A. Profile of Persons Placed on Probation

1. Size of the Probation Population

BJS recently reported that U.S. judges sentence to probation or probation with jail, 80 percent of all adults convicted of misdemeanors (crimes normally punishable by less than a year incarceration), and about 60 percent of all adults convicted of felonies (crimes punishable by more than 1 year in prison)—or fully two-thirds of all persons convicted of a crime (BJS 1996). As a result, BJS estimated that there were a record number of 2,962,166 adults on probation at yearend 1994, an increase of 4 percent over the previous year (see Figure 4).

Figure 4 also shows a consistent 3:1 ratio between probationers and prisoners over the past decade. An interesting recent analysis by Zvekcic (1996) shows that the U.S. and other Western European countries preference for probation versus prison sentencing is not shared within some other countries, most notably Japan, Israel, and Scotland. For example, the ratio of imprisonment to probation in Japan is 4:1.

BJS also reports that the southern U.S. states generally have the highest per capita ratio of probationers—reporting 1,846 probationers per 100,000 adults at yearend 1995 (BJS 1996). In terms of sheer numbers of probationers, Texas has the largest adult probation population (about 396,000), followed by California (about 277,000). In Texas, 3.1 percent of all adults were on probation at yearend 1995 (BJS 1996).

If probation were being used primarily as an alternative to incarceration, one might expect to find that the states that imposed more probationary sentences would have lower than average incarceration rates and vice versa. This is not the case. Generally, states with a relatively high per capita imprisonment rate also have a relatively high per capita use of probation. Texas, for example, has one of the highest state imprisonment rates in the nation (sixth highest) and the highest rate of probation impositions. Similarly, Southern states generally place persons on probation at a high rate, and they also generally incarcerate more than the rest of the nation (Klein 1997).

2. Demographic Characteristics and Conviction Crimes

Half of all offenders on probation in 1995 had been convicted of a felony, and a quarter were on probation for a misdemeanor. One in every six probationers had been convicted of driving while intoxicated—which could be either a felony or misdemeanor (BJS 1996).

Figure 4

Adults in Prison, Jail, Probation and Parole, 1980-1994

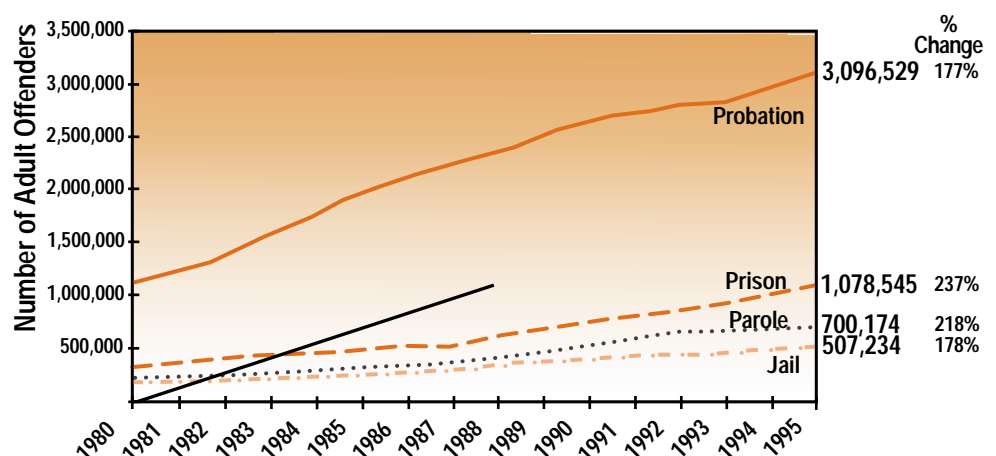
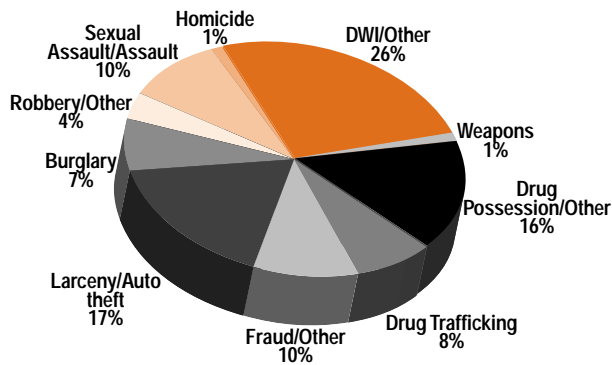


Figure 5

Adults on Probation by Conviction Type



The average age of all (state) adult probationers nationwide is 29 years; women made up 21 percent of the nation's probationers. Approximately 64 percent of adults on probation were white, and 34 percent were black. Hispanics, who may be of any race, represented 14 percent of probationers (BJS, 1996). These percentages have remained relatively constant since BJS began collecting the data in 1978 (Langan 1996).

While BJS does not routinely collect the conviction crimes of probationers, they undertook a special *Census of Probation and Parole in 1991* (BJS 1992) where such information was obtained for a nationally representative sample of adult probationers (felons and misdemeanors combined). The conviction crimes of adult probationers are contained in Figure 5.

While we know less about the characteristics of juvenile probationers, Butts et al. (1995) reports that in 1993, 35 percent (520,600) of all formally and informally handled delinquency cases disposed by juvenile courts resulted in probation. Probation was the most severe disposition in over half (56 percent) of adjudicated delinquency cases, with annual proportions remaining constant for the 5-year period 1989-1993.

Figure 6 shows the growth in juvenile probation populations, as well as their underlying offense. It is important to remember that this growth in juvenile probation populations has occurred even though a greater number of serious juvenile offenders are being waived to adult court for prosecution and sentencing (Butts et al. 1994). Judicial waivers increased 68 percent between 1988 and 1992, although waivers to adult court are still estimated to be less than 2 percent of all cases filed in juvenile court (Howell, Krisberg, Jones 1993).

B. The Variability and Prevalence of Probation Sentencing

As noted earlier, the decision to grant probation is highly discretionary within certain legal boundaries and practices vary considerably within and among states. Cuniff and Shelton (1991), in a study of over 12,000 cases sentenced to probation in 1986 in 32 large jurisdictions, found that among the participating jurisdictions, the percent of all sentences involving probation ranged from a low of 30 percent in New York County (Manhattan) to a high of 75 percent in Hennepin County (Minneapolis).

Cuniff and Shelton (1991) suggest some of the variation is due to sentencing laws under which these jurisdictions function and their justice environment. They report that courts in determinate sentencing states (with no parole board) tend to use probation more frequently than courts in indeterminate sentencing states (with parole boards). Presumably, in indeterminate states, parole boards will release early the less serious and less dangerous offenders—thus, reducing length of prison time served for less serious offenders. But in determinate sentencing states, prison terms are fixed and parole boards have little ability to reduce the length of stay courts impose. Apparently, judges are less willing to sentence to prison when length of term is fixed.

Studies have also shown that judges are more willing to place felons on probation when they perceive that the probation department can monitor the offender closely and that community resources are sufficient to address some of the offender's underlying problems (Frank, Cullen, and Cullen, 1987). Minnesota, Washington, and Arizona—the three states identified by Cuniff and Shelton (1992) as utilizing probation most frequently—are well known for delivering good probation supervision and having adequate resources to provide treatment and services.

Some of the variability in granting probation, however, must also be due to the underlying distribution of offense categories within these jurisdictions. For example, it may be that the robberies committed in one location are much less serious than those committed in another. However, reanalysis of a data set collected by RAND researchers, where offense seriousness was statistically controlled, still revealed a wide disparity among jurisdictions in their use of straight probation (i.e., without a jail term). Klein and his colleagues examined adjudication outcomes of defendants from 14 large urban jurisdictions across the country in 1986, where all of the defendants were charged with stranger-to-stranger armed robberies and residential burglaries (Klein et al. 1991). They found that the granting of straight probation, even for felons convicted of similar crimes, varies substantially across the nation, particularly for burglary (see Figure 7). The figures for the California counties are particularly low because California commonly uses split sentences (probation plus jail) for felony crimes.

This demonstrated variability in the granting of probation is important, as it suggests that the underlying probation population and the services they need and supervision risks they pose is vastly different,

Figure 6

Number of Juveniles in U.S. on Probation, by Year and Crime

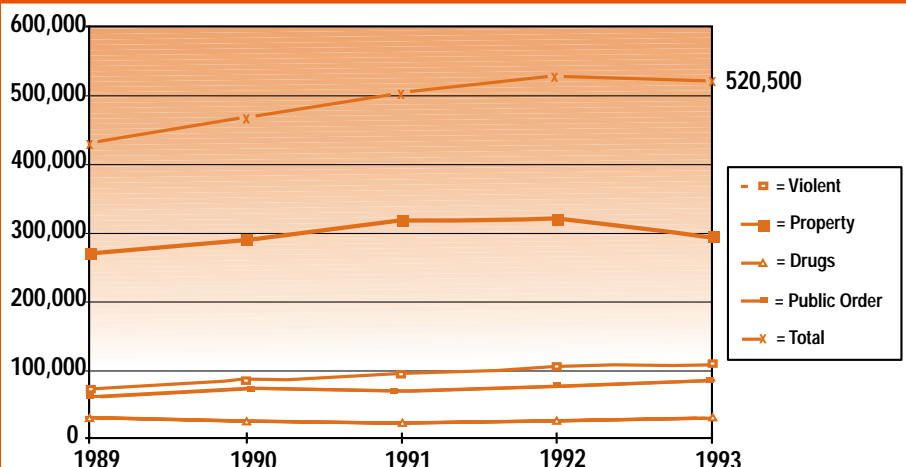
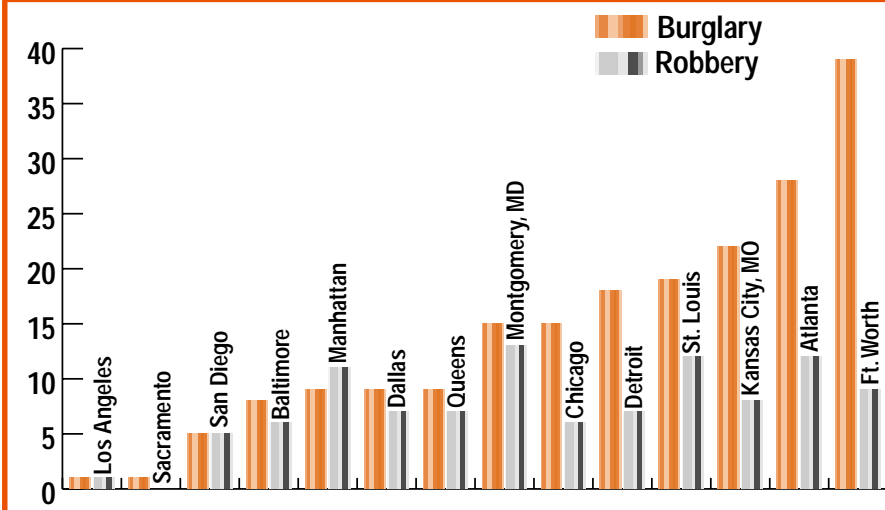


Figure 7

Percent of Convicted Residential Burglars and Armed Robbers Granted Straight Probation



depending on the jurisdiction studied.

As noted above, states vary considerably in their usage of probation. The main reason is that there are no national guidelines for granting probation, or limiting its use. Rather, generally speaking, the court is supposed to grant probation when the defendant does not pose a risk to society or need correctional supervision, and if the granting of probation would not underrate the seriousness of the crime (American Bar Association 1970). Until recently those broad guidelines were interpreted with great discretion.

During recent years, however, states have been redefining categories of offense that render an offender ineligible for probation—or alternatively, identifying offenders who are low risk and *should* be sentenced to probation. In fact, recent mandatory sentencing laws, such as the popular “three strikes and you’re out” have been motivated, in large part, by a desire to limit judicial discretion and the court’s ability to grant probation to repeat offenders (Greenwood et al. 1994).

The public perceives that the justice system is too lenient, and when certain statistics are publicized, it appears that way. But, as is other matters involving justice data, the truth is more complicated and it all depends on which populations are included in the summary statistics.

As noted previously in this essay, roughly two thirds of all adult convicted felons are granted probation. Hence, the commonly stated fact that: “probation is our nation’s most common sentence.” Many use this data to characterize U.S. sentencing practices as lenient (Bell and Bennett 1996). But felony probation terms typically include jail, particularly for person offenses. BJS recently reported that overall, 74 percent of convicted felons were sentenced to incarceration in a State prison or local jail,

and just 25 percent of were sentenced to straight probation (see Table 3).

Endnotes

In 1992, BJS conducted the *National Survey of Adults on Probation*, the first-ever survey which will obtain detailed information on the backgrounds and characteristics of a national sample of probationers. The results will be available in Spring, 1997.

²An excellent discussion of the legal basis for probation and enforcing probation conditions can be found in Klein 1997.

³California reports that more than 60% of its prison admissions each year are probation and parole violators, but a recent analysis by Petersilia (1995a) found that “true” technical violators (those returned for rule infractions rather than a new crimes) made up only 4 percent of the total prison admissions in 1991.

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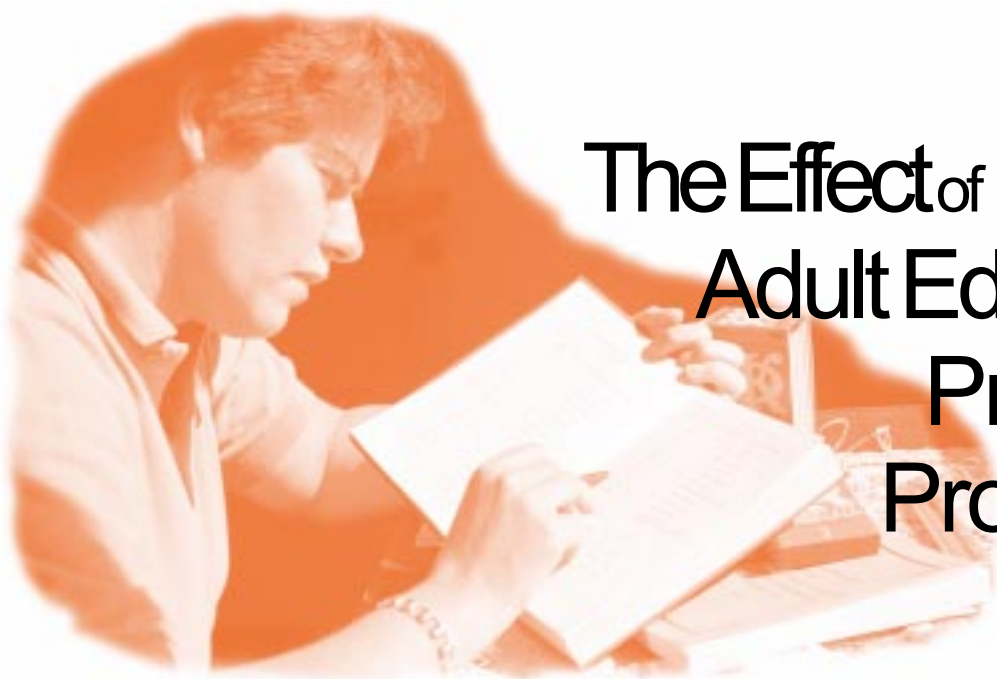
Table 3

Felony Sentences Imposed by State and Federal Courts, By Offense, United States, 1990

Most serious conviction offense	Percent of felons sentenced to:					
	Total	Incarceration			Straight Probation	
		Total	Prison	Jail		
Violent Offenses						
Murder/manslaughter	100%	95%	91%	4%	5%	
Rape	100	86	67	19	14	
Robbery	100	90	74	16	10	
Aggravated assault	100	72	45	27	26	
Other violent	100	67	42	25	33	
Property Offenses						
Burglary	100	75	54	21	25	
Larceny	100	64	39	25	36	
Motor vehicle theft	100	75	46	29	25	
Other theft	100	62	38	24	38	
Fraud/forgery	100	52	32	20	48	
Fraud	100	46	25	21	54	
Forgery	100	59	40	19	41	
Drug Offenses						
Possession	100	64	35	29	36	
Trafficking	100	77	51	26	23	

Note: For persons receiving a combination of sentences, the sentence designation came from the most severe penalty imposed — prison being the most severe, followed by jail, then probation.

Source: U.S. Department of Justice, Bureau of Justice Statistics, Felony Sentences in the United States, 1990, Washington DC: U.S. Department of Justice, 1994, p. 5.



The Effect of Adult Education Programs on Probationers

Introduction

Does literacy and education prevent criminality? This question has been investigated in numerous studies examining the impact of prison education programs on inmates' post-release behaviors. The evidence points in a positive direction—that education does make a difference. For example, Gerber & Fritsch (1993) conducted an extensive literature review evaluating the outcomes of adult correctional education programs and found that the most common finding was that participants in education programs, that is, literacy, adult basic education, and GED, had lower recidivism rates than nonparticipants. In another review of the literature in this area, Tracy & Steurer (1995) found the quality of research on correctional education's impact is inconsistent in terms of good design, statistical controls and definitions of recidivism. They argue that because of the weak research, it is difficult to draw good conclusions about the impact of correctional education programs. What is clear is that very few evaluations have been conducted with an adult probation population.

In Arizona, the State Supreme Court has supported adult educational programs for its county probation departments. In a recent study on the Arizona probation population which examined probation outcomes, earning a GED while on probation was significantly correlated with completing probation both at the state and county level in Arizona. (Arizona Administrative Office of the Courts, 1995; Pima County Adult Probation, 1996). Given the limited research examining the impact of adult education on adult probationers, Arizona's model provided an opportunity to evaluate the effects of participation and completion of adult education programs on successful completion of probation.

Current Research

Purpose of Study - The purpose of this study was to evaluate the Principle of the Alphabet Literacy System (PALS) and GED components of Pima County, Arizona's Adult Probation Department's Literacy, Education, and Reading Network (LEARN) program. Specifically, it sought to determine if program involvement increased the probability of successful completion of probation and decreased subsequent criminal involvement after successful probation completion. Preliminary results from the evaluation found that the LEARN program components had

increased probationer's success in completing their probation term (Siegel, 1994). This report is a follow-up to this previously published study.

The findings are presented in two parts. Part I of the study addresses education's impact on probation success. Part II of the study addresses education's impact on criminality after completion of probation. A description of the methods and design used in the study will be described in the next section and applies to both parts of the study.

Method

Pima County's Education Program - The LEARN program is staffed by employees of the Adult Probation Department. In addition, Pima County Adult Education provides an adult education instructor seven hours per week. The involvement and cooperation of probation staff at all levels is imperative for the successful operation of LEARN. Staff provide periodic training to probation staff and pre-sentence investigators to ensure appropriate program referrals. Prospective probationers are given a brief educational assessment test during the pre-sentence investigation process. This enables the investigating officer to make appropriate program recommendations for literacy, adult basic education, or GED instruction. This system also lessens the likelihood of inappropriate court referrals, such as ordering a functionally illiterate defendant to obtain a GED within one year.

Once a student is directed to attend classes, a more in-depth screening takes place with one of the instructors. A class schedule is developed with the probationer, and is then enforced as a regulation of probation. Attendance is closely monitored by LEARN staff and reported to the appropriate supervising officer each month. Chronic absence problems result in a violation notice to the sentencing judge. Staff also contact students and encourage them to attend.

Research Design and Participants - The evaluation used a quasi-experimental design with a non-equivalent control group. The following outcomes were measured: 1) successful completion of probation and felony arrests at 1, 2, 3, 4, and 5 year follow-ups after completion of probation.

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

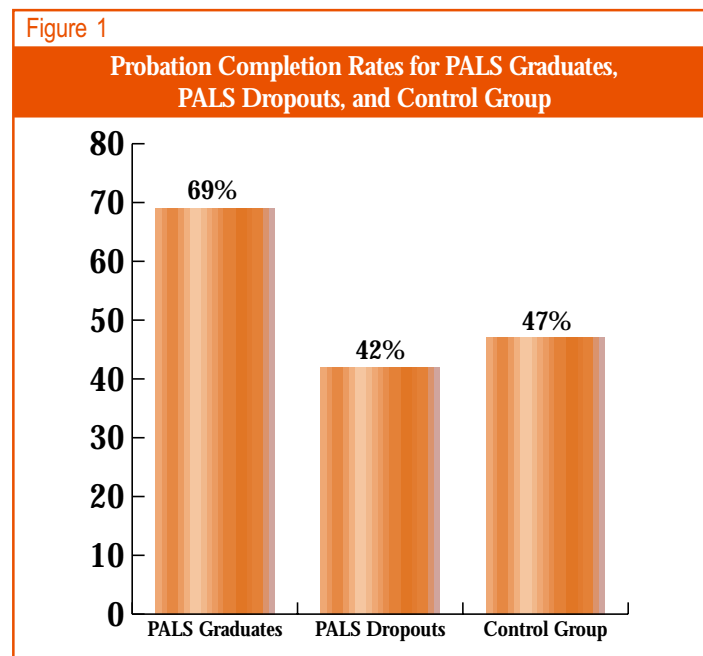
BY GAYLE R. SEIGEL, M.A. AND JOANNE M. BASTA, Ph.D.

those who displayed reading scores below the sixth grade level as measured by the Test of Adult Basic Education (TABE). These students were also unable to write complete sentences. GED students' academic levels fell between the eighth and twelfth grade levels, as measured by the TABE or GED practice tests.

Data were collected from the Education Services Unit program files and the Adult Probation Department's historical records on 277 offenders who had terminated their probation between March 1989 through June, 1992.

The Research Groups

There were three levels of program involvement contained in this analysis: completion of the program (PALS and GED graduates), partial involvement with the program but without completion (PALS and GED dropouts), or no involvement with LEARN (control group). Program graduation was operationally defined as follows: For PALS, participants must have completed between 80 to 100 hours of instruction, and demonstrated the ability to write complete sentences and the ability to complete job applications; for GED, participants must have passed the GED exam. Program dropouts were identified as those who had not completed the PALS or GED component and left the program anywhere from one week to two years after starting. The control group was comprised of similar probationers who had terminated probation but did not participate in any educational program while on probation. The groups were considered equivalent based on a statistical comparison of their demographics and criminal history.



Part I Findings: Success While on Probation

Parallel analyses were conducted for each of the two components of the LEARN program (PALS and GED). The proportion of probationers successfully completing probation for each of the study groups were compared using a one-way, fixed effects, analysis of variance. The Student-Newman-Keuls Post hoc test ($p < .05$) demonstrated the graduates had higher successful completion of probation rates than the dropouts and the control group. Figure 1 reports the proportion of successful probation completion rates for PALS graduates, PALS dropouts, and the control group subjects.

Figure 2

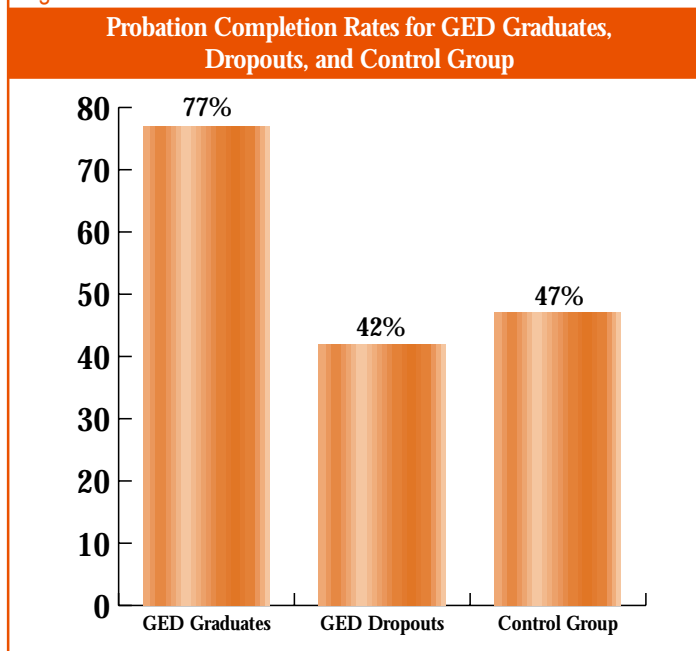


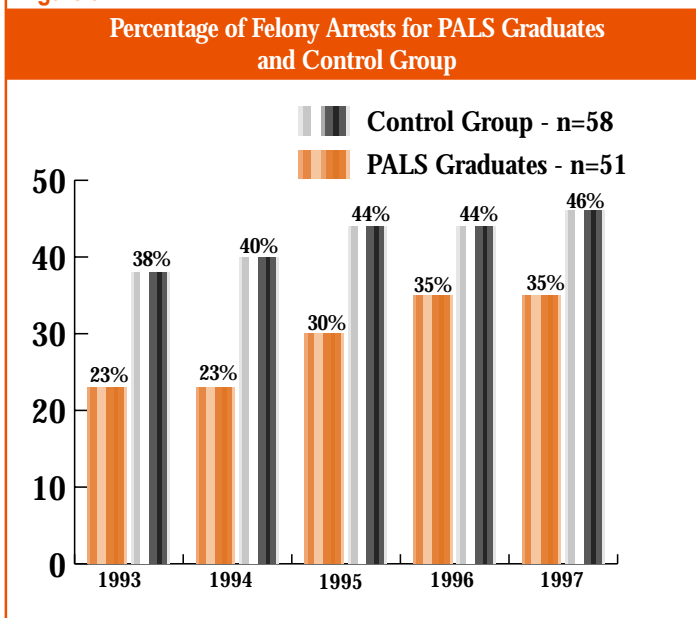
Figure 2 reports the proportion of successful probation completion rates for GED graduates, GED dropouts, and the control group subjects.

Part II Findings: Success After Probation

After the completion of Part I, follow ups were conducted each year on probationers' recidivism rates until 1997. Probationers who had successfully completed probation were tracked. Part II examines the trends on probationers recidivism rates as measured by felony arrests over this five year period.

Each year, the terminated probationers who were still arrest-free were checked for a new felony arrest. Multiple arrests were not recorded. Cross-tabulations of group members (PALS graduates, GED graduates and control group) by felony arrest status were conducted and tested using the chi-square. Arrest rates are reported for each type of educational group (PALS and GED) in comparison with the control group over each of the five years of follow-ups.

Figure 3



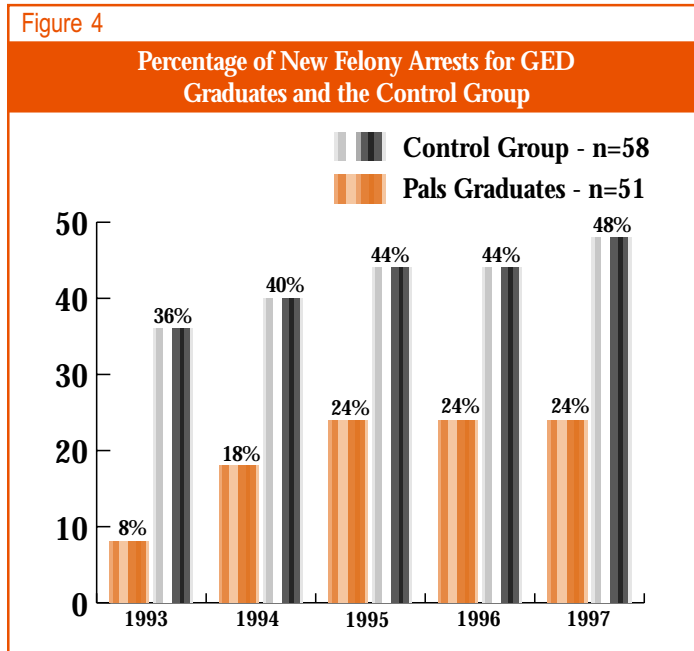
PALS graduates were found to have a slight increase in the fourth year of the follow up in terms of arrests. Despite this slight increase, PALS graduates were consistently found to have lower arrest (35 percent) as compared to the control group (46 percent). Figure 3 shows these results for PALS graduates.

GED graduates were consistently found to have lower new felony arrest rates (24 percent) compared to the control group (46 percent). Of those program graduates who did get arrested, graduates remained arrest-free for longer periods of time than the control group or program drop-outs. Figure 4 shows the results for the GED graduates.

Summary and Conclusions

Part I study findings demonstrate that completion of literacy and adult education programs increase the probability of completing a probation term. Part II, the follow-up to Part I of the LEARN Program evaluation demonstrates that educational attainment while on probation may prevent subsequent criminality.

This success could be attributed to the fact that the LEARN program was carefully designed, implemented, and administered: from the screening of referrals and secondary assessments, to quality instruction and monitoring. Although the strength of intervention and its various components were not directly measured in this study, these aspects of program design and implementation must be given strong consideration



for the positive effects that were found.

Research begets more research because no study can examine all factors in a flawless manner. For example, the current study was quasi-experimental and used retrospective data. It is also relied on official records (felony arrests) which can be flawed and do not provide a comprehensive measure of recidivism (Boone, 1994). Also, questions remain which lead to further research such as: Is the LEARN program more effective with certain types of probationers? Does the LEARN program enhance success in other areas of probation behavior, such as employment status? Is the LEARN program more predictive of probation success than other factors such as offender risk, treatment compliance, probation officer or type of probation?

While there were several limitations to the research, it is the first of its kind in the field of community corrections examining the impact of education attainment and reduction of criminality using a quasi-experimental design with a five year follow-up. The rigor of the design and the positive pattern of results were invaluable for program administrators and funding agents. The evaluation provided "objective data" for decision-makers to judge the worth of the program and continued funding. In addition, the evaluation allowed the program to incorporate the continual tracking of program performance and outcomes.

LEARN program staff have always believed that creative education services lead to positive changes in adult offender behavior. This study documented the positive impact of community-based adult education programs on probationers in Pima County, Arizona. While critics of rehabilitative programs continue to posit that "nothing works," this evaluation offered evidence of the effectiveness of LEARN as a means of enhancing the likelihood that adult offenders will successfully complete probation and maintain higher success rates after completion of probation.

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