

PRESIDENT'S MESSAGE

The 24^{th} Annual Training Institute in New York City, New York on August 22-25, 1999 is fast approaching, and the program committee, under the direction of Renee Bergeron, and the Institute co-chairs: Vinnie Iaria; Rocco Pozzi; and Raul Russi have been hard at work on what promises to be one of our best Institutes ever.

The Institute will feature Dr. Paul Gendreau at the opening session. For those of you who have had the pleasure of hearing Dr. Gendreau speak, you know you are in for a real treat. For those who have not had the opportunity to hear Dr. Gendreau's views on correctional programming and correctional administration, this Institute will give you a unique opportunity to interact with a major thinker in our profession.

One of the things that I would like to accomplish in New York is to achieve some consensus regarding the need and a model for reinvented probation and parole practice. Much has been done over the past few years in the way of focused discussions on what needs to be done to assure relevancy in probation and parole. One of the major efforts in this regard has been the work supported by Public/Private Ventures (P/PV).

The P/PV project is spearheaded by Ron Corbett and John DiIulio. The P/PV working group has been developing a model for reinvented probation and parole. At the Institute in New York, we will have an opportunity to hear about the work of the P/PV project, and we will be presented with a new paradigm for thinking about our work. To be sure, this dialogue will likely prove to be remembered as a significant marker in the development of probation and parole.



Mario A. Paparozzi

In other news:

APPA has been active in responding to attacks on parole in New York. A copy of our press release can be obtained from the APPA Internet website at www.appa-net.org. If there are others among us who need support from APPA on a local, professional issue, please let me know. Our association stands ready to assist.

Gary Hinzman (Iowa), the chair of APPA's Positions Committee, is in the process of putting together a living laboratory for probation and parole professionals. The laboratory is intended to bring together the worlds of scholar and practitioner for the purpose of providing viable correctional program options and staff development.

APPA is attempting to open a dialogue with ACA regarding our desire to be the accrediting body for probation and parole. Our goal is to find a way for both associations to work together in order to meet the needs of the profession as well as each association. The APPA Executive Committee will be discussing this matter further.



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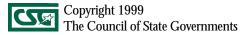
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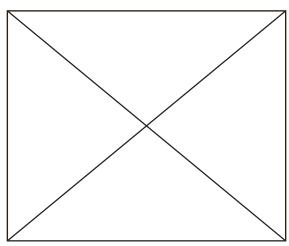
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Published four times annually by APPA through its secretariat office in Lexington, Kentucky. ISSN 0821-1507





We seek to create a system of Community Justice where:

A full range of sanctions and services provides public safety by insuring humane, effective, and individualized sentences for offenders, and support and protection for victims

Primary prevention initiatives are cultivated through our leadership and guidance;

Our communities are empowered to own and participate in solutions;

Results are measured and direct our service delivery;

Dignity and respect describe how each person is treated;

Staff are empowered and supported in an environment of honesty, inclusion, and respect for differences: and

Partnerships with stakeholders lead to shared ownership of our vision.

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



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

Articles should be submitted in ASCII format on an IBM-compatible computer disk, along with five hard copies, to Production Coordinator, Perspectives Magazine, P.O. Box 11910, Lexington, KY, 40578-1910, in accordance with the following deadlines:

- Fall 1999 Issue June 20, 1999
- Spring 2000 Issue December 11, 1999
- Winter 2000 Issue September 21, 1999
 Summer 2000 Issue March 19, 2000

Unless previously discussed with the editors, submissions should not exceed 6 typed pages, numbered consecutively and double-spaced. All charts, graphs, tables and photographs must be of reproduction quality. Optional titles may be submitted and selected after review with the editors.

All submissions must be in English. Notes should be used only for clarification or substantive comments, and should appear at the end of the text. References to source documents should appear in the body of the text with the author's surname and the year of publication in parentheses, e.g., (Jackson, 1985: 162-165). Alphabetize each reference at the end of the text using the following format:

Anderson, Paul J. "Salary Survey of Juvenile Probation Officers." Criminal Justice Center, University of Michigan (1982).

Jackson, D.J. "Electronic Monitoring Devices." Probation Quarterly (Spring, 1985): 86-101.

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

Reprints and back issues. To order back issues, single copies of articles or reprints of articles in quantities of 100 or more, please call (606) 244-8205.

Reprint permission. Direct requests for permission to use material published in Perspectives in writing to the Production Coordinator.

EDITOR'S NOTES

Who are our customers and what do they want from us? What do we stand for and how are we perceived? Mike Brown addresses these critical questions and many others in his "primer" on marketing community corrections. His writing is of a piece with a variety of other articles featured over the last two years in *Perspectives* that focus on public opinion and the legitimacy of probation and parole.

Brown's article is a valuable addition to the public sector marketing literature as much for his style as his substance. He writes in a clear, commonsense style, full of sharp observations and concrete suggestions. He reminds us that only a well managed and creatively led agency can

succeed with promoting itself in the public domain. In other words, it is as important to attend to agency mission, public value and performance objectives as it is to develop a coherent marketing strategy. Agencies must put themselves together before they can put themselves forward.

The risk profile of probationers has deteriorated markedly over the last several years, as Joan Petersilia has informed us in previous issues. Accordingly, the safety of officers must be a prime concern of community corrections officials. Terry Arola, a corrections veteran, and Richard Lawrence of St. Cloud University in Minnesota, have teamed up to report on their survey of probation and parole agents and their safety experiences and recommendations. Nearly a fifth of all officers reported experiencing at least one physical assault during their careers and nearly three-quarters report having been threatened on the job—numbers that are not reassuring. Of greatest concern is the relatively large percentage of agents (40%) who felt inadequately trained. Arola and Lawrence usefully include the agents' recommendations on how to improve safety levels, including measures such as cellular phones (available to less than 20 percent of agents) and the use of police-probation teams, a theme also addressed recently in *Perspectives*

Professor Craig Hemmens,, editor of the Legally Speaking column in Perspectives, joins two colleagues in presenting a very timely and important piece on a recent U.S. Supreme Court decision on the application of the exclusionary rule to parole revocation hearings. The ruling of the court is characterized by our authors as "doubtless a victor for probation and parole agencies" and their detailed and amply cited scholarly analysis repays the reading.

Our reader should take note of the information included in this issue on the upcoming $24^{\rm th}$ Annual Training Institute in New York City, August 22-25, 1999. The Big Apple is Back! It's been a while since the city was safer or cleaner and conference planners have an Institute planned that may well set a new standard.

For Corbell

The Editorial Committee has recommended to the leadership of APPA that all issues of Perspectives published during the year 2000 devote the majority of its pages to what we will call "Millennial Minutes"—that is, brief pieces from our readership that either look back on key events in the last 100 years of community corrections or look forward to likely developments over the next 100 years. We're looking for both historians and prophets! So climb into the time machine and, upon your return, write us.



Ronald P. Corbett Jr.

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APPA Announces New Associate Membership Category

On January 13, 1999 at the Winter Training Institute in Phoenix, Arizona, the APPA membership voted to add a new category of membership, the Associate Membership. Associate Membership is open to corporations with an interest in the field of probation, parole and community corrections who want to become more involved in the association. Similar to the Corporate Membership category, the objectives of the Associate Membership category are to engage our corporate friends in association activities and to share information with each other. Associate members have no voting privileges and membership does not constitute an endorsement of any product or company.

Please welcome APPA's newest Associate Members

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Associate Membership Now Available!

Join APPA's community corrections partnership

Corporations interested in probation, parole and community corrections who want to become more involved in the American Probation and Parole Association are encouraged to join APPA's newest category of membership. For more information on becoming an Associate Member, please contact: Susan Meeks APPA P.O. Box 11910 Lexington, KY 40578-1910 Ph: (606) 244-8205 Fax: (606) 244-8001 Email: smeeks@csg.org

Associate Membership Benefits

- Ten percent discount on exhibit booths at the Annual and Winter Institutes
- Ten percent discount on APPA membership lists on mailing labels or computer disk
- Participation in Associate Member sponsored events at the Annual Institutes
- Membership certificate to be displayed in their booth at the Annual and Winter Institutes
- Listing in each issue of *Perspectives* with contact information
- Three copies of *Perspectives*

- Participation on the Associate Relations Committee
- Membership discount for publications and Institute registrations for company employees
- Listing on the APPA Internet website with the company's logo and contact information

Membership Application	n
Associate Membership \$1,000 annually	
Name of Organization:	Address:
City:	Sate/Province: Zip:
Membership Representative:	Title:
Phone:	Fax:
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Method of payment: □Check □Visa	□MasterCard
Credit card number:	Expiration:Signature:
Annual dues made payable to APPA must be enclosed Association, c/o The Council of State Governments, P.	d with application. Mail payment and application to: American Probation and Parole P.O. Box 11910, Lexington, KY 40578-1910



Interstate Compact to be Updated

The National Institute of Corrections (NIC) estimates that nearly a quarter of a million adult probationers and parolees live or travel in states other than where they were convicted. The need to protect the public and otherwise manage these offenders has brought together a special NIC advisory group working on more effective supervision of state and local probationers and parolees under the Interstate Compact for Probation and Parole.

The current interstate compact is 60 years old, overwhelmed and outdated. New measures dealing with registration of sex offenders and notification to victims are examples of how managing offenders across state lines has become more complex and not adequately addressed in the current compact. The advisory group, including members of the Parole and Probation Compact Administrators Association, has concluded that under the current compact, there are frequent violations of compact rules and inadequate ability to enforce compliance. They also noted difficulty in creating new rules, that routine information on offenders often is not

available, and that exchange of case information is slow and unreliable.

Under the existing compact, a probationer or parolee may be sent by one state and received by another if he or she meets family, employment or other visible-means-of-support criteria. The advisory group acknowledges that there are legitimate reasons why some offenders are more likely to succeed in a certain out-of-state location. The system for interstate movement of offenders must meet dual objectives of providing individualized opportunity to succeed and safe reentry and supervision of offenders on probation and parole. In order to effectively meet these objectives, the advisory group proposed amending the compact to include the following provisions:

- The establishment of an independent compact operating authority to administer ongoing compact activity, including a provision of staff support.
- A national governing commission made up of appointees from all member states. The

- commission would meet infrequently, to elect operating authority members, attend to rule making and other general business.
- Rule making authority provision for significant sanctions and meaningful enforcement.
- A mandatory funding mechanism sufficient to support essential compact operations.
- Collection of standardized information.

The amended compact will be designed to promote effective management of adult probationers and parolees who travel or are supervised in states other than where they were sentenced. For more information, contact Kermit Humphries at NIC, (202) 307-3995 ext. 136. You may also access information through the web at www.nicic.org/inst/compact.htm.

Ed Barajas is a Correctional Program Specialist at the National Institute of Corrections in Washington, DC.

BY ED BARAJAS



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 overcrowded 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 future APPA Winter and Annual Institutes are now being accepted. Any board member, affiliate association or state agency wishing to request consideration of a particular city must complete an application. In order to be considered by the site selection committee, APPA must receive completed applications by July 15, 1999. Further information and applications may be obtained from:

Yolanda Swinford, APPA

c/o The Council of State Governments P.O. Box 11910 Lexington, KY 40578 (606) 244-8194 fax: (606) 244-8001 email: yswinfrd@csg.org



Return Of The Prison Spaceship

Remember those long drug sentences handed out in the mid-1980s? Remember the mandatory minimums? The Habitual Offender enhancements? The lengthy terms for sex offenders? In those glory days, states could basically "throw away the key." Long sentences were the justice equivalent of NASA's Mariner mission: just send 'em up; don't worry about the return.

Well, our prison spaceships have just landed. Offenders sentenced to 10 and 20 years in the early "get tough" days are coming back in record numbers. Older but not necessarily wiser or wellendowed with the skills needed to be productive

in a 21st century civilization, many of these offenders are struggling to find a place in the New Age economy. Some will undoubtedly fail. If the number of failures becomes large enough or the media coverage of failures locates a new Willy Horton, then politicians will be forced to confront the aftermath of their rhetoric with new resources.

America's political thought is just beginning to weigh its options for dealing with its "domestic aliens." This article spotlights some of the emerging choices in offender reentry policies.

Aliens Schmaliens, Who Cares? Many states continue in the mindset that led to the abolition of parole and truth in sentencing. They follow a strict "just deserts" philosophy, so returning offenders don't concern them any more than any other citizen. The societal debt has been paid and no one owes anybody anything. Time will tell whether this philosophy can be sustained as inmates return in increasing numbers.

Unabolish Parole/Some abolitionist states have backpedaled from their rhetoric that parole is neither appropriate nor effective. Wrapped around euphemisms like "community supervision," activities that look suspiciously like parole supervise returning offenders from locations that look suspiciously like parole offices. It's possible that these states have indeed changed their basic beliefs. It's also possible that they support some level of offender surveillance "just

in case." In either frame of logic, they provide an excellent benchmark, both for the abolitionist cases and for the newly emerging transitionalist approaches.

After Prison, Aftercare. Many states are adopting aftercare or transitional services models for selected inmate groups. Even though these programs often contain surveillance elements, their fundamental philosophical perspective is clearly one of therapeutic intervention and skills building. Drug-involved inmates are one population that has benefited. Spurred by funding from the U.S. Department of Justice's Residential Substance Abuse Treatment (RSAT)

Finally, judicial involvement appears to strongly support probation and parole functions, not supplant them. It is inconceivable that a court and a community corrections agency could operate very long or very well in strong disharmony under one of these processes.

program, states have been experimenting with treatment continuation programs after release. Some of these programs buttress treatment aftercare with random drug testing and job placement. Other post-release programs target job placement as their measure of success. Some of these programs start with job search and interview skills training in prison; others emanate from prison industry programs.

Evaluation findings are quite limited owing to the size of programs, the difficulty in creating good comparison groups, and the dispersion of departing inmates to many locations across a state.

Here Come Da Judge/Judicial involvement in offender supervision has gained strong and credible support through the drug court experiments. Not only have drug courts grown exponentially in popularity, but now we also observe emerging domestic violence courts and perhaps other specializations in bloom. What makes these programs so popular? My view is that they combine frequent surveillance, credible but parsimonious sanctions, and community corrections expertise. Both practitioner testimony and growing evaluative evidence are supporting the expansion. Quite logically, policy makers are asking whether the specialized court model can be extended to general jurisdiction circumstances.

Voila, the Reentry Court! Justice Department officials are working to build models to test broader applications of judicial oversight to

offender supervision. One concept under development is judicially supervised parole. The basic notion is to migrate the drug court model to circumstances of extended jurisdiction over returning parolees. Here, as in the drug court, judges would require continual review of post release performance. Performance would be defined and monitored by community corrections staff. While few states contain the requisite authority for this oversight in their existing statutes, it would not be difficult to enact.

An alternative reentry model under consideration is split sentences that combine jail and probation terms. States that permit such sentences can exercise the appropriate authority readily if probation services fall under courts jurisdiction. An even simpler variation on the theme is the "probation court." No particular jurisdictional problems need arise if counties just extend their drug court model to a non-drug offenders.

Lengthy testing is needed to gauge the practicality and effectiveness of reentry courts and judicial involvement in offender management. Even in the absence of persuasive experience, however, there appears to be some theoretical advantages within these approaches for community corrections professionals.

One advantage is that judges bring a credibility to the supervision function that few

probation or parole agencies have been able to achieve on their own, and with credibility comes resources. Drug courts have convincingly demonstrated that judges in these programs enforce accountability, not coddle criminals. A second advantage is that judges tend to target specific performance goals for each offender rather than simply mark the passage of time. Judges often have the authority to suspend active supervision upon the achievement of certain goals such as victim compensation or community services. Thus, they bring big carrots as well as a big sticks. Finally, judicial involvement appears to strongly support probation and parole functions, not supplant them. It is inconceivable that a court and a community corrections agency could operate very long or very well in strong disharmony under one of these processes.

Where and when is the empirical evidence going to emerge? Why, from you, of course! When you decide to get into the action. Federal funds are nice but innovation requires commitment and creativity more than money. Get involved with your local judiciary in experimenting with various approaches. Don't wait for the verdict. Be part of the trial.

Edwin Zedlewski is with the National Institute of Justice in Washington, DC.

CORPORATE PROFILE

T-NETIX, Inc.

Company Overview

T-NETIX (NASDAQ: TNTX) core business is to provide fraud prevention and custom call processing services to the wireless, traditional telecommunications, financial services, security and corrections industries. Major telephone companies such as such as AT&T, Bell Atlantic, BellSouth, GTE, MCI, SBC and U S WEST use its inmate call processing services. T-NETIX's systems process approximately 25 million call transactions per month through nearly 1,000 network and Customer Premise Equipment systems across the U.S. Its patented and patent pending SpeakEZ Voice Printsm speaker verification technology is being used to thwart roaming cellular fraud, to verify the identity of home banking customers, to authenticate calling card users and to provide biometric security to many additional telephone, network and Internetbased applications. Alvyn Schopp is the company's CEO.

SpeakEZ Voice Print speaker verification technology has won many awards:

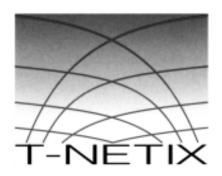
- "Best of AVIOS" (American Voice Input/ Output Society) 1998
- "PC Week Winner's Circle" 1998
- "Best of AVIOS" (American Voice Input/ Output Society) 1997
- "Best of Show" Computer Telephony 1997
- "Most Innovative Colorado Product" 1997

The company was founded in 1986. In 1991, T-NETIX focused on providing specialized telecommunications services for the inmate calling market. In 1995, T-NETIX acquired SpeakEZ Inc., an emerging development company, which designs speech processing technologies. In 1998, T-NETIX released the *Contain*SM system in a partnership with Cell-Tel Monitoring Inc., an expert software and Internet applications developer.

In 1998, T-NETIX aquired Cell-Tel Monitoring, Inc. a privately held provider of electronic monitoring and caseload management tools for the corrections industry. February 11, 1999, T-NETIX announced that it had signed a definitive Agreement and Plan of Merger with the Dallas-based Gateway Technologies, Inc., a privately held provider of inmate telecommunications calling services (ICS). Pro forma 1998 revenues for the combined company were approximately \$70 million. This alliance will make T-NETIX the largest inmate calling services provider in the United States, with coast-to-coast coverage.

Contain Overview

The award-winning *Contains*ystem is the only Internet-based voice verification monitoring and caseload management tool. It integrates three leading technologies to boost



the effectiveness of corrections agencies' monitoring efforts: SpeakEZ Voice Print speaker verification technology, interactive voice response technology (over the telephone) and the Internet. It verifies that participants are in the right place at the right time and notifies officers when participants fail. *Contain* is available to probation, parole, juvenile justice, pre-trial and community correction agencies throughout the United States. *Contain* was recently awarded the "Best of AVIOS 1998" award for "Best Business/Industrial Application."

The *Contain* product provides probation and parole officers with timely information about the behavior of the participants under their supervision. The flexibility, ease of use and minimal cost make *Contain* an ideal tool in the officer's work environment for overall caseload management. Parole and probation violations are detected faster and more

accurately than current methods and at a lower cost. *Contain* can also be used to improve the management of participants who have been released, awaiting trial.

Contain calls the participant's home or other locations, as defined by the supervising officer, and prompts the participant to say several passwords. Contain compares the speaker's voice with the participant's voice prints on file to verify their identity. If the speaker fails verification, or does not answer, *Contain* notifies the corrections officer immediately via beeper, telephone, fax or e-mail depending on the officer's preference. The correction officer defines the call frequency, call time and failure parameters through Contain's World Wide Web interface, and can change them at any time. Contain also provides voice print recordings through its web page for officers to listen to, and allows the officer to send voice messages to the participant.

Officers may attach date- and timestamped notes to a participant's general record or to any specific voice verification record. The officer can generate reports at any time using the Internet print functions. Officers can access participant information 24 hours a day, 365 days a year via the Internet, for up-to-theminute results. To ensure maximum security over the Internet, all information is encrypted using state-of-the-art Secured Sockets Layer RSA cryptography and password security schemes. An Internet firewall also protects data en route between the *Contain* server and the officer. Also, *Contain* is Year 2000 Compliant.

Due to *Contain's* simple elegance, its hardware requirements are minimal. The participant needs only a telephone. The officer needs only a telephone and a computer with Internet access so that s/he can manage and monitor the caseload and listen to participants' recordings.

For more information on *Contain*SM contact Karen E. Duke, Director of Marketing, T-NETIX, Inc., at 1-813-225-1750 or visit the website at www.contain-em.com or the T-NETIX home page at www.T-NETIX.com.

American Probation and Parole Association



Corporate Members

Corporations with an interest in the field of probation, parole and community corrections are invited to become APPA Corporate Members. Corporate Members receive benefits such as enhanced visibility among APPA's nationwide network of community corrections professionals, as well as shared information on the latest trends and issues that specifically affect community corrections.

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TRAINING ANNOUNCEMENT

As the recipient of a \$250,000 award from the U.S. Department of Justice, Bureau of Justice Assistance, the American Probation and Parole Association (APPA)is providing training to rural probation and parole officers on understanding and implementing effective offender supervision practices and programming strategies.

Since probation and parole officers in rural jurisdictions often have inadequate agency resources to attend traditional training events, this training is being presented through audio conferences that will allow the officers to "attend" the training without leaving their offices. The only equipment required is a telephone, and there is no fee. Toll free access to the audio conference will be provided.

Each audio conference will be 90 minutes long and will consist of a 60-minute presentation by an authority in the field with the remaining time devoted to responding to questions from the participants. The topics for the training were suggested by rural probation and parole officers who responded to a survey by APPA, and the upcoming audio conferences are as follows:

- June 23, 1999, Performance-Based Measures, presented by Dr. Mario Paparozzi
- July 21, 1999, Working with Substance Using Offenders, presented by Michael D. Clark

Additional audio conferences will be presented in Fall, 1999, and in Spring, 2000.

For registration, notification about future audio conferences, or further information about this project, please contact Linda Sydney, Research Associate,

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PUBLICATION ANNOUNCEMENT

Drug-Involved Adult Offenders: Community Supervision Strategies and Considerations

FAX at (606) 244-8001

While most agree that the violent, criminally oriented drug user should be incapacitated through incarceration, there is awareness that most users must eventually be supervised in the community. Just how the offender is to be supervised and treated continues to be vigorously debated.

In Drug-Involved Adult Offenders: Community Supervision Strategies and Considerations, the reader is given a concise understanding of a pragmatic and effective way to challenge and, if necessary, control substance abusers that are being supervised in the community corrections system. Consisting of ten chapters, this compilations of writings first appeared in *Federal Probation Quarterly*, a journal of correctional philosophy and practice.



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LEGALLY SPEAKING

Legal Issues in Probation and Parole

Probation and Parole Conditions

This is the second in a series of columns discussing common probation and parole conditions and legal issues associated with enforcement of these conditions. All jurisdictions impose some conditions on probationers and parolees. Imposition of these conditions is justified on several grounds, including rehabilitation, deterrence of criminal and/or inappropriate conduct, and protection of the public.¹

In the previous column I discussed the condition placing a limitation on an offender's association with other persons. In this column I examine the conditions affecting the movement of the offender-those prohibiting the offender from traveling, and those barring an offender from a particular place or requiring an offender to travel to a particular place.

Travel Conditions

Probation and parole conditions are often categorized into two groups: reform and control. Reform conditions are intended to facilitate the rehabilitation of the offender, while control conditions are intended to facilitate the supervision of the offender.² A common probation and parole condition is one which limits in some way the offender's right to travel. This sort of condition is imposed in at least seventy-five percent of jurisdictions in this country,³ and comes in a variety of forms. Such a limitation is an example of a control condition.

Restrictions on travel, or more generally the offender's freedom of movement, can be divided into three types: those which prohibit the offender from leaving the jurisdiction, those prohibiting an offender from being at a particular location, and those requiring the offender to be somewhere. Often two or more of these restrictions are combined in the conditions of probation or parole.

Conditions prohibiting the offender from traveling may require the offender stay within the city, county, state or country which has jurisdiction over the case. Conditions prohibiting the offender from being at a particular place may refer to places where criminal activity is known to occur, or where the offender's presence are likely to lead to trouble or criminal involvement, such as a bar, or the residence of the victim of the offender. Conditions requiring the offender to be somewhere include those which require the offender to live in a particular residence or halfway house, and those which require the offender to be present at treatment or counseling sessions.

Perhaps the most common probation and parole condition is one which requires the offender to remain within a certain geographical area, such as the state or county. Such conditions are generally upheld by the courts. The rationale for upholding such restrictions on the ability to travel include protection of the public and promotion of offender rehabilitation. The public is protected because it is easier to supervise the offender if he or she remains within a limited area. Rehabilitation is fostered because it keeps the offender from going to areas where he or she might be more likely to engage in criminal conduct and because it makes it easier for the probation/parole officer to supervise the offender and help reintegrate the offender into

A common condition affecting the freedom of movement is one which requires the offender to be at a particular place at a particular time, such as one in which the offender is required to remain at home during the evening hours. This is a form of curfew. While general curfews for adults are frequently declared unconstitutional by the courts, probation and parole conditions involving a curfew for the offender are often upheld. The justification for upholding a curfew condition is usually that it will protect the public and promote the rehabilitation of the offender by keeping him or her away from places where they are more likely to engage in inappropriate and/or illegal behavior.

Probation and parole conditions prohibiting an offender from being in a particular place are not uncommon. For example, an offender might be prohibited from being in a bar, the residence of the victim of his offense, or a school. Courts have struck down such limitations when the state was unable to demonstrate that there is a relationship between the offense and the place prohibited. When the state is able to establish such a relationship, however, courts are likely to uphold the prohibition as fostering rehabilitation and protecting the public.

A condition which bars the offender from a large area, such as a city, county, or state, is likely to be voided by the courts. Excluding the offender from such a large area is seen as akin to banishment. Banishing someone from the country as punishment has a long history in other countries, including England. Banishment has not enjoyed a favored position in this country, however, and it is prohibited by several state constitutions, and is seen as against public policy because it is not related to the offense, and permits a jurisdiction to rid itself of its "criminal element" by dumping the unwanted individuals on another jurisdiction. Additionally, banishment has been held to serve no valid rehabilitative purpose.5 However, a limitation on travel within a state or city may survive if the limitation is clearly linked to valid goal(s) of probation and parole. Furthermore, use of the Interstate Compact for the supervision of parolees and probationers does not constitute banishment.6

Challenges to Travel Conditions

The right to travel is an ancient one, recognized in English law as early as the Magna Carta (1215).7 While a right to travel is not specifically mentioned in the Constitution, it is recognized that there exists a constitutional right to interstate travel.8 The right is derived from Article IV, Section Two of the Constitution, which states that "the citizens of each state shall be entitled to all Privileges and Immunities of Citizens in the several States." The right to travel is a fundamental right, meaning that courts will examine any attempt to restrict it very closely, applying the "strict scrutiny" test, which requires a showing of a "compelling state interest" and that there is no less means of accomplishing the purpose.9

18

Probation and parole conditions which impose reasonable restrictions on the ability of the offender to travel or move about are usually upheld, on the ground that it is an appropriate means of both fostering rehabilitation and protecting the public.

There are no United States Supreme Court decisions regarding the constitutionality of probation and parole conditions limiting the right to travel. There have been a number of lower federal court decisions and state court decisions involving challenges to such conditions, however. While the right to travel is a fundamental right, and a probation or parole condition limiting an offender's freedom of movement infringes on the right to travel, this does not necessarily render such a condition invalid. Probationers and parolees both enjoy only conditional freedom from confinement, and this freedom comes at the expense of some rights. Courts have long upheld conditions which restrict even "fundamental" rights, such as the right of travel, so long as the condition is related to a compelling state interest, such as protecting the public or promoting rehabilitation. Probation and parole conditions which impose reasonable restrictions on the ability of the offender to travel or move about are usually upheld, on the ground that it is an appropriate means of both fostering rehabilitation and protecting the public.

For instance, travel at the instigation of a parolee may be controllable. In Berrigan v. Sigler, 10 war protestors challenged the federal parole board's denial of permission to make a trip to North Vietnam. This prohibition was upheld by the District of Columbia Circuit Court because it was consistent with the foreign policy interests of the United States and because it was necessary in order for the board to fulfill its duty to supervise those for whom it was responsible. In Alonzo v. Rozanski. 11 the Seventh Circuit Court of Appeals held that a parolee had no constitutional right to move from Illinois to Florida, when a condition of his parole required him to remain in Illinois. The court determined that since parole was an

extension of prison, where the inmate's control over choice of abode was abated, a parolee had only a "unilateral expectation" of being able to live where he pleased. In Bagley v. Harvey, 12 the Ninth Circuit Court of Appeals held that a parole condition which prohibited entry into the state of Washington except for litigation or child visitation did not violate the constitution.

Conclusion

Probationers and parolees typically agree to abide by a number of conditions. While courts and parole authorities have broad power to impose conditions, including conditions which limit fundamental rights such as the right to travel, there are limits. Probation and parole conditions must be reasonable and related to one or more of the purposes of probation and parole: protection of the public, deterrence of criminal activity, and rehabilitation of the offender.

Probation and parole conditions placing a limitation on an offender's freedom of movement and right to travel are common, and while often challenged, rarely voided by the courts. The limitation on freedom of movement is seen as serving the multiple goals of probation and parole.

While limitations on the freedom of movement are common, such conditions should not be imposed without reason, or without recognition that violation may be all too easy. Requiring an offender to stay away from places where he or she has friends, family, and other ties is an invitation to violation by the offender. Probation and parole officers should work with their clients to ensure the clients fully understand what the limitation on movement means in a practical sense, and to provide ways for clients to conduct activities which foster their rehabilitation and

reintegration into society without leading to an unwitting probation or parole violation.

Endnotes

- ¹ John W. Palmer, Constitutional Rights of Prisoners (5th edition, 1997).
- ² Neil P. Cohen and James J. Gobert, The Law of Probation and Parole (4th edition, 1995).
- ³ Rolando V. del Carmen, Potential Liabilities of Probation and Parole Officers (1985).
 - ⁴ Cohen and Gobert, supra note 2.
 - 5 Id
 - ⁶ del Carmen, supra note 3.
- ⁷ Sheldon Goldman, "Right to Travel," in Kermit L. Hall (editor) The Oxford Companion to the Supreme Court of the United States (1992).
- ⁸ See, e.g., Shapiro v. Thompson, 394 U.S. 618 (1969).
- ⁹ Laurence H. Tribe, American Constitutional Law (1988). For further discussion of the legal limitations on probation and parole conditions, see the column which appeared in the Winter, 1999 issue of Perspectives (23:1).
 - 10 499 F.2d 514 (D.C. Circuit, 1974).
 - 11 808 F.2d 637 (7th Circuit, 1986).
 - 12 718 F.2d 921 (9th Circuit, 1983).

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Creating A Restorative Justice Community:

The Fort Collins-Loveland Story

oger Warren, president of the National Center for State Courts, pointed out in 1996, the emerging trend towards a system of restorative rather than retributive justice (Moore, 1996). National Institute of Corrections Director Morris Thigpen noted a transitional change is occurring in the criminal justice system involving themes of restorative justice (National Institute of Corrections, 1996).

This article outlines the story of how one community embraced the trend toward transitional change and created a plan

ADOPTING A VISION

for restorative justice.

Restorative justice was an unfamiliar term in the Fort Collins-Loveland communities

until last

year.

Under the leadership of the probation department, particularly Tim Walsh and Laurie Klith, the people in these Northern Colorado cities came to know about restorative justice and adopt a vision for "A safe and peaceful community in which victims, offenders and community members together learn about, understand and heal the harms of crime."

The drive to establish a restorative justice community came from the Colorado Department of Probation Services. The department (1997) adopted a vision of restorative justice, which "strives to repair the damage caused by criminal behavior to the victims of crime, individually and as a community. This may includefinancial reimbursement to the victim or victims as well as public service to the community in an attempt to pay back the local community residents." The statement continued, "To be successful, offenders must also be restored. They must learn how to respond positively and cooperatively to societal norms, to become pro-social rather than anti-social." The statement noted, "Neither restorative justice nor modeling or pro-social behavior can be accomplished without fostering a partnership with the larger community: the bench, the district attorney's office, the defense bar, social services, agencies who serve youth treatment providers and agencies which provide educational, vocational and financial support to offenders and their families."

A Restorative Justice Conference (Bazemore & Pranis, 1998) was held in Denver in February 1998. The event was hosted by the Colorado Office of Probation Services. Attending from Larimer County, in which Loveland and Fort Collins are located, were Jane Bradley, Victim Witness Coordinator for the District Attorney's Office; Tom Cavanagh, District Court Reporter; Jane Ferrando, Volunteer Coordinator for the Probation Department; Ann Gil, Volunteer at the Probation Department; Laurie Klith, Community Liaison Officer for the Probation Department; and Matt Miller, Loveland Police Department. This group formed the initial restorative justice task group.

The local probation department began implementing the vision of restorative justice with the hiring of Klith as Community Liaison Officer.

Her position was funded with grant money obtained by the Colorado Office of Probation Services. Her duties included coordinating restorative justice activities already in place in the community, developing new programs and educating the public about restorative justice. Klith was given the following charge:

"Ultimate goal of project is to educate the community on restorative justice principles. To understand and learn the ways in which crime hurts

relationships among people who live in this community.

BY TOM CAVANAUGH

The community's response to crime needs to emphasize and reestablish community members' mutual responsibility to each other."

A restorative justice task force was formed under the leadership of Walsh and Klith. People representing organizations already involved in restorative justice activities were invited to join. Then community members were invited. By the time the group held a visioning session in August over 50 people were participating in the group, representing the district attorney's office, school district, hospital, Build A Generation, Family Center, district court, sheriff, college and local police departments, local and nearby probation departments, Health and Human Services, Youth Service Bureau, Community Corrections, power company, Stryker Short Foundation, Team Fort Collins, Alternatives to Violence, City of Fort Collins, United Way, Parents of Murdered Children, Interfaith, Interventions, Inc., Health Department, Evenstart, AARP, Larimer County Partners and community members. The vision statement for creating a restorative justice community was the result of the session.

Holding a Family Group ConferenceWhat is known locally as the "paintball case" is the best example to date of embracing this vision. The paintball incident occurred in April of 1998. A young man shot a paintball gun at a group of girls outside Swenson's Ice Cream Parlor, striking a young lady in the eyeand resulting in permanent blindness.

On June 8th the young man appeared in juvenile court and pled guilty before Magistrate Joseph Coyte. In the meantime, the offender and victim wanted to meet face to face. Probation Officer Mort Gallagher d this case was ideal to use a family group conference, a restorative

e conference was held at the United Way office the day before encing to accommodate the presence of everyone who wanted 1. Bernadette Felix, probation officer for the offender, obtained I from Magistrate Coyte to hold the conference and received his

lie Young, a trained mediator for family group conferences, and nd police officer coordinated the process. Fifteen people attended. r-hour conference resulted in an opportunity for the offender amily, the victim and her family and members of the community their stories about the incident and the resulting effects. A key uring the discussion was concern for the safety of others involved ntball guns and of the need to inform others about the dangers balling.

e young man and his family assumed financial responsibility for enses incurred by the victim and her family. He read a letter of to the victim, in which he offered to donate his eye to replace m's eye that was blinded in the incident. A final agreement was land signed. In speaking about the conference, Probation Officer d, "Initially it was very tense, but as it went on, people were able together as a team. It was a really powerful experience."

e day after the conference was the sentencing hearing in front of ite Coyte. He expressed support for the agreement and sentenced in man to two years of probation and 45 days in jail. The jail is suspended, except for six days in jail on weekends.

September 10th, a letter to the editor from the young man 1 in the *Coloradoan*, (Barton, 1998) with the headline "Teen the hard way about paintball gun dangers." In the letter he d to the community how sorry he was for hurting the girl and ha result should have crossed his mind before he shot the paintball hrough this incident those involved in the conference showed can bring together the victim, offender and community and harm of a crime.

Creating an Action PlanBased on the vision statement, the task force developed the following initiatives:

- Community Conferencing Getting buy-in from the judiciary, prosecutors and defense attorneys; providing education to law enforcement, developing a screening and referral process; and training facilitators.
 - One Stop Shop for Victims- Identifying existing programs for victims and any gaps in service; developing and maintaining collaborative and cooperative relationships between government and private agencies serving victims; and developing public education outreach tools, focused on victim rights and services.
 - Community Neighborhood Boards- Defining community; evaluating
 existing models and building on what already exists; assessing
 community concerns; and developing the structure and framework
 for a board and screening and referral process.
 - Community Webs Consulting with existing community organizations with Web pages; establishing two pilot neighborhoods, one in each community; recruiting a Web page facilitator; and holding a visioning session within the pilot neighborhoods.

CONCLUSIONS

The people involved in probation and parole are in an excellent position to lead the judicial system in adopting restorative justice processes. Trial courts are committed by precedent, tradition and practice to impartially applying the law and punishing guilty defendants. Probation and parole are closely connected to the communities they serve and can balance the focus on offenders, victims and the community.

Professionals in probation and parole services can champion the vision of creating peace in their communities through restorative justice in the following ways:

- Offering opportunities for offenders to realize the harm their criminal behavior caused, apologize for the wrong and help repair the harm and earn their way back into good standing in the community.
- Serving the needs of victims by providing a holistic approach to healing the harm suffered by the victim from immediately after the crime until the victim is healed.
- Creating peace in communities by focusing on healing broken relationships and creating new relationships.

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TRAINING ANNOUNCEMENT

A Training And Technical Assistance Delivery Program

Introduction

The American Probation and Parole Association (APPA) is pleased to announce that it has received funds from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice; the National Highway Traffic Safety Administration, U.S. Department of Transportation; the Office of Elementary and Secondary Education, U.S. Department of Education, and the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services to assist jurisdictions in implementing and operating effective youth court programs. This Federal-Four initiative is designed to help strengthen the ability of the juvenile justice system to hold youth accountable for their behavior, while enhancing public safety through youth participation in the juvenile justice system. To facilitate this process, APPA will (1) develop and publish national guidelines for youth court programs (also called teen court, peer court and student court), and (2) provide training and technical assistance to selected jurisdictions to assist them in implementing promising practices or programs that reflect the intent of and/or adhere to the identified guidelines.

Background

The implementation of youth court programs in America is a growing phenomenon. To date, there are more than 560 active youth court programs in the United States, with hundreds of jurisdictions poised to develop programs in the near future. Although, youth court programs base their operations on a similar overall philosophy holding juvenile offenders accountable and educating youth on the legal system - the ways in which programs structure themselves and operate on a day-to-day basis vary significantly. It is important to provide program organizers with thorough, well-researched information to help them develop youth court programs tailored to the unique needs of local jurisdictions, while maintaining program accountability and integrity of the juvenile justice system.

This project will provide a means for analyzing current youth court operational procedures to formulate national guidelines to

assist jurisdictions in developing effective youth court programs. The challenge to this endeavor lies in the vast differences in operational and administrative environments in which youth courts function. In all jurisdictions, youth courts are programs in which youthful offenders are sentenced by their peers. In addition, they rely heavily on volunteers - both youth and adult - to perform various functions for their programs. Due to their ability to interact with and engage a wide range of youth in the community (i.e., volunteers and defendants), youth courts offer communities a powerful prevention and early intervention tool. That, however, is where the ability to easily generalize and make sweeping comparisons across programs ends. Therefore, it is imperative that the national guidelines be crafted in a manner that will help create accountability and credibility for youth courts, while simultaneously making the implementation of the guidelines reasonable and feasible, considering youth courts operate in diverse jurisdictions with disparate needs and

Project Deliverables

Major deliverables during the course of this project include the:

- development of "Youth Court Resource Guidelines;"
- compilation and production of program support materials;
- delivery of five regional training seminars;
- delivery of limited, on-site, and cross-site technical assistance:
- creation of a comprehensive Youth Court Web Site on APPA's homepage; and
- development of volunteer training manuals and instructors' guide (through subcontract with the American Bar Association).

For more information contact: Tracy Godwin **Project Director** American Probation and Parole Association P.O. Box 11910 Lexington, KY 40578-1910 Phone: (606) 244-8215 Fax: (606) 244-8001

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t the turn of the century, Sir William Osler established a new goal for the next generation of physicians: "No longer is our highest aim to cure, but to prevent disease." Prevention is now recognized not only as a powerful public health tool in fighting disease, but also as an effective strategy in reducing delinquency and crime. The most successful programs:

- Begin early in the life of the child and continue to make a positive impact on growth and development throughout later childhood and adolescence
- Address multiple risk factors through the dedicated involvement of one person with the courage to take responsibility for the outcome of the child.
- Continue to evaluate and substantiate their effectiveness through scientific research
- Involve the entire community in order to have as much long-range impact as possible on fundamental problems affecting the population as a whole and give the most return for the money spent.
- Increase the nurturing capacity of future parents in order to sustain and enhance the positive effect of prevention over many generations.

These five key principles represent the essential core elements of the art and science—the craft—of prevention. Programs of proven worth, such as prenatal care, intensive home visiting, early childhood intervention, preschool education, school-based parent training and support and mentoring for at-risk youth, each possess one or more of these critical attributes. One program that successfully incorporates all five prevention principles is the award-winning Parents as Teachers Program. Parents as Teachers is an early childhood family education and support program designed to empower all parents to give their children the best possible start in life. Based on an outstanding curriculum covering child development information from the third trimester of pregnancy to age five, the program provides parents with training that enables them to enhance their children's emotional, social, intellectual, language and physical development. Support services include personal visits by a trained parent educator, group meetings, a child development resource center, developmental screening and referrals for other services when appropriate.

The Parents as Teachers program, which originated in Missouri in 1981, has been implemented in more than 2,000 sites in 48 states and seven countries. Over 7,000 families were served in 114 programs in Texas in schools, churches, childcare centers and non-profit organizations in 1997.5

Henry David Thoreau observed that for every thousand attempts to strike at the leaves of a problem, there is one blow delivered to the root. The Parents as Teachers program delivers a powerful blow to the preventable origins of many costly social problems. These social problems are linked in a vicious cycle of intergenerational cause and effect, with significant repercussions in terms of years of potential life list and direct and indirect economic costs for Texas. These problems include:

 Low birth weight and developmental delay related to parental substance abuse before birth; ^{6,40,44-46}

- SIDS and childhood respiratory disease related to environmental tobacco smoke from parental substance abuse after birth; 6.21.40.43.45.48.50
- Childhood accidents and injury related to parental substance abuse and incompetence after birth; 37, 47
- School failure, lack of job skills and unemployment related to prior parental incompetence during critical developmental windows of opportunity for intellectual growth in early childhood: 18,49
- Psychological and behavioral problems in childhood related to antecedent emotional abuse: 9, 30-32, 52, 55, 62
- · Alcohol, tobacco and illegal drug dependency related to antecedent physical abuse: 6, 18, 20, 23-30, 41-43, 51, 52-56
- Delinquency, gang activity and crime related to antecedent exposure to violence in the home; 6, 13-18, 22, 37, 40, 57
- Difficulty with interpersonal relationships, irresponsible sexual behavior, HIV infection and other sexually transmitted diseases related to antecedent sexual abuse: 6, 19, 23, 24, 30, 53 and
- Intergenerational transmission of domestic violence including child abuse and neglect. 33-40, 57-60

Many independent evaluations have demonstrated the effectiveness of the Parents as Teachers program in helping families interrupt this intergeneration cycle. The findings include:

- · At age three, program children were significantly more advanced in language, problem solving and social development than comparison children, despite the fact that the sample was over represented on all traditional characteristics of risk. More than half of the children with observed developmental delays overcame them by age three. ⁶⁵,
- Program children scored higher on standardized measures of reading and math at the end of first grade than did comparison children.⁶⁴
- Parents as Teachers children still scored significantly higher on the Stanford Achievement Test than the control group in the fourth grade.70
- Program parents were more familiar with age-appropriate child development and child-rearing practices and more confident in their parenting skills.63,68
- · Parents who graduated from the program continued to read more to their children and be more involved in their children's school expereinces long after finishing their Parents as Teachers training. 64,
- Child aggression was reduced in the most vulnerable group: boys from single parent homes. (Texas follow-up study of Parents as Teachers children in grades K-3).71
- · Parents as Teachers families have shown a lower incidence of child abuse and welfare dependency.⁶⁷

These research findings translate into enormous benefits to Texas, both in terms of years of potential life and in direct and indirect economic savings. Full implementation of the Parents as Teachers program in Texas would save Texas citizens more than 14,856 years of potential life and over 4.3 billion dollars each year.2, 4, 7

Surveys of representative Parents as Teachers programs nationwide indicate that the average annual cost of Parents as Teachers services per family is \$646. Start-up costs include \$475 per parent educator for initial week-long training and curriculum, plus travel and lodging at the training site. The cost of teaching materials is very reasonable, because parent educators are encouraged to use "everyday items" that can be found in homes. Master copies of parent handouts are included in the curriculum, eliminating the need for ongoing direct purchase of consumables. Facilities costs are minimal, because as a home-based program, Parents as Teachers requires only limited center space. Office space and room for parentchild activities and meetings in a multi-purpose facility are generally adequate.5

The program pays for itself after 20 years in direct special education and grade retention savings to Texas school districts alone; after over the lifetime of the program participants, generates more than a \$25 return for every dollar invested (total direct and indirect savings adjusted for inflation to 1998 dollars).

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PREFACE

Over a three day period, a cross-section of corrections professionals gathered at the call of the National Institute for Corrections to talk and learn about "marketing corrections." During the course of those three days, this very diverse and dynamic group debated, argued and taught each other strategies used in marketing the agencies and the programs they promote and lead. This article is based on the lessons taught and learned during those three days.

INTRODUCTION

In this age of instant and multimedia communication, sound bites, fiber optics and political posturing, corrections officials often find themselves caught between the proverbial rock and hard place when confronted with the realities of their jobs and the aftermath of harsh political rhetoric. Often complicated by the age old problem of trying to balance notions of being tough on crime while reducing the taxpayer's burden, corrections administrators are challenged like never before.

Running a prison, directing a probation agency or over-seeing a statewide corrections system are very complex, multi-dimensional enterprises requiring an understanding of human nature, penology, law, government and, of course, politics. A successful practitioner juggles all the balls in the air, gets the job done and is perceived as serving the public well. To do the job requires more than just good management skills, it requires a sense of salesmanship to market (Haller and Mullaney, 1988) what is arguably one of the most difficult businesses in government, today. Chief executive officers, as well as their subordinates, must be able to sell themselves, their budgets, their programs and initiatives like never before. Inextricably related to all of this is a broad array of extremely complicated penalogical and sociological concepts not readily susceptible to shallow answers and sound bites. Just when you think it just can't get any more complicated or important, it does!

It is hoped that this article will help the reader to think about marketing strategies in a comprehensive and useful way. Innovative approaches start with having access to fundamental information from which new ideas can spring. This writing will explore a number of fundamental strategies that any serious corrections official, no matter at what level in an organization, should be well versed in before they set off to develop a marketing plan.

In preparing to market your idea or program, you must be ready to address not only the good things that come your way, but also the bad. In other words, you must be flexible enough to handle shifting sentiment and emerging positions. While you may be use to controversy, the key to long-term success, however, is being able to ride out the storm while calming the fears of policy makers and public alike. This is not a passive endeavor. Strategies have to be developed to ensure success, and if not success then damage control. In other words, you must be prepared to market your position in the face of hostility and chaos.

Developing strategies that enhance stability and which make your agency or program attractive to policy makers is critical for survival. Remember, the ugly duckling was not particularly well liked until it had grown into a beautiful swan. Important in your marketing strategy is the goal to make your agency, program or initiative look beautiful in the eyes of those who can most affect it, especially if it is in the ugly duckling stage. Similarly, you and your staff must market yourselves so that you and they appear, and indeed are, credible. You must also establish yourselves as experts and as professionals that can be relied upon to get

the job done and done right. If you or your staff are seen as anything less, it will undermine your efforts and set the stage for meaningless struggles and unnecessary challenges. "Credibility is the starting point for effective persuasion. It is a critical factor, since persuasion most often takes place in situations where there are no clear answers, where interpretation of the issues diverge, and where evidence is conflicting" (Conger, 1998). To market your agency or program you must "effectively persuade your audience in such a way that you present a message in a way that leads others to support it." You must "build credibility," "search for shared ground," "provide compelling positions and evidence," and "connect with your audience emotionally" (Conger, 1998). Keep in mind that, above all, you work

Keep in mind that, above all, you work for the public and the public affects your agency in very important ways. First, it is the public that will either accept or reject your program. While they may not have the knowledge and experience that you and your staff have, given the complexity of the subject matter, the public will exercise their discretion in very powerful ways. Secondly, the public is not just a passive entity. They are voters who will go to the polls to elect public officials charged with interpreting and enacting public policy affecting the very programs and agencies you wish to advance. These elected officials will approve your budget, set policy and touch your agency

in very powerful and all-encompassing ways. Whatever you do, you must relate your marketing plan back to the public in ways that embrace the fundamental values that they embrace as well as the political power brokers that they support. The \$64,000 dollar question is: How do you advance the goals of your agency in an effective and meaningful way? The answer, simply put, is through marketing (Larivee and O'Leary, 1990, see also Haller and Mullaney, 1990).



STRATEGIC PLANNING: THE ESSENTIAL FIRST STEP

Before marketing can be a serious consideration, you have to know what it is you want to market and why, not superficially, but deeply, ethically and value laden. The questions you will have to ask yourself, as well as your staff, are: What values does the agency embrace? How do those values match the values embraced by the public you serve? What message do you want to send to the public? What are the public's expectations of you and are you prepared to meet them (Larivee and O'Leary, 1990)? Who are your customers and how do you define your

business (Haller and Mullaney, 1990)? To answer these questions, most agencies go through a strategic planning process in an attempt to clarify values, develop goals and establish mission and vision statements. These strategic planning sessions can lead to the most comprehensive approach an agency can take to clearly understand fundamental motives driving the organization. It also aids you in mapping out where you are now, where you want to be and how you can get there. This type of planning requires that all your key staff be part of this endeavor; the more the merrier. Organizationally, strategic planning should be from the bottom

up and involve line staff and mid-management in the planning process. By doing this you accomplish a couple of important things. First, staff feel like, and are, part of crafting the mission and the vision of the organization. As a consequence, they will help shape and become invested in what the agency is fundamentally all about. Secondly, this process is a way to market internally. After all, a marketing strategy is not very convincing if those ultimately charged with promoting the plan do not agree with it or are not interested in seeing it a success. Further, it also means you have failed to understand their needs and concerns thus failing to persuade them to support the plan (Conger, 1998).

Many business school curricula focus on customer satisfaction as a measure of corporate success. "Virtually all the people in an organization directly and indirectly affect how customers perceive the organization" (Bygrave, 1994). To be truly successful, the culture of the organization must support total customer satisfaction and a willingness to adhere to agency policies or organizational structure that supports this notion (Bygrave, 1994). Sometimes this is achieved by what is described as "employee empowerment, the value driven workplace, the healthy corporate culture, the general point is the same: Market success requires assiduous attention to the personal need of workers and integrity and openness of the work community" (Bollier, 1996).

To achieve customer or public satisfaction as well as to develop an open corporation culture, your marketing plan has to start with strategic planning. Strategic planning, in turn, requires you to ferret out both personal and organizational values. This process is often viewed as rather painful and difficult, but don't let that discourage you. Getting to and establishing the value structure of an organization is an important first step in developing your marketing plan. It provides both management and line-staff clarity of purpose, a sense of comradery and a clearer understanding of the common values that bind the organization together and drive it forward. As a consequence, your agency becomes more focused and better able to map out a particular course of action.

PERFORMANCE MEASURES

While engaged in the planning process, it is an opportune time to begin thinking about performance-based measures. Performance measures can be used to determine whether or not your marketing strategy and program goals are effective. To do this, the agency must have a clearly defined mission statement along with goals and objectives. These measures are indicators of success, or failure, and should be quantifiable, objective and directly related to the agency's over-all mission. If you can't objectively measure it or if it doesn't square with the mission statement, you are doing something wrong and should rethink your measures.

Performance measures should be based not just on the experience and knowledge of those working internally, but should also be logically related to credible research clearly defining what works and what does not. In developing your measures, those drafting them must be very focused and narrowed in your view with the ultimate goal being to make the effectiveness of the organization greater than the sum of its parts. It is those parts, however, that need to be looked at very carefully. Each part, for example the intensive supervision program of a probation/parole agency, should contribute to the agency's mission in some objectively measurable way that relates to clearly identified goals with each of those goals further broken down into sub-goals and sub-measures (Performance Measures for the Criminal Justice System, Discussion Papers from the BJS-Princeton Project, (1993).

The draw back to the development of performance measures is the need for the collection, maintenance, analysis and management of objective data. This can be very labor intensive and quite demanding on smaller agencies. There are, however, big payoffs to doing this type of work so long as you make the up-front investments in planning, finance and human resource. The benefits can far outweigh these costs and are vital to the long-term success of your agency or program. The trend these days in the corrections industry, and indeed many other industries, is toward zero-based budgeting and performance-based management so you might as well get on board or risk being left at the station. It is no accident that this trend is occurring at the same time the computer, with its superior capacity to manage data, has become more and more indispensable in the work place. With the proper hardware and software in place, your marketing strategy will prove more credible when based upon good, solid, measurable and objective data than when based on mere intuition and gut feeling. Although, I wouldn't absolutely rule out the use of intuition in putting together your marketing strategy as long as you are totally

COMMON ELEMENTS OF MARKETING STRATEGIES

cognizant of the risks you run in doing so.

There are a few common elements every marketing plan must have and which should be kept in mind as you begin to develop it. First, be clear about what it is you want to market and why. Secondly, keep your message simple. You want to make it as easy as possible for the intended audience to understand what it is you are trying to communicate. Don't be afraid to repeat yourself to underscore a point or your message. Have you ever noticed that the most effective television ads have a children's song-like quality to them? The refrain is simple, easy to remember and repeated over and over. Never try to market more than two messages or issues at a time. And remember, if the message you're trying to communicate is too complex it becomes confusing no matter how

TARGETING YOUR AUDIENCE

sophisticated the audience.

Next, target your audience. Your audience could be as small as one, such as the Governor or a key legislator; or as large as a community or the entire state. The goal is to be as precise and as focused as possible. If you make the targeted audience too small, however, you miss valued support and if too large, you waste valuable and precious resources (Bygrave, 1994, See also Larivee and O'Leary, 1990).

When trying to identify your target audience, you should think about to whom you have to market your ideas or program. Think broadly enough to be as inclusive as possible. List all individuals, agencies, policy makers, law enforcement officials, the legislature, the courts and other stakeholders such as business interests, media, offenders, their families

and others that may effect your agency or who maybe effected by your agency. Don't do this in a vacuum. Solicit key staff and supporters into the process.

One approach to identifying your target audience is through what is frequently described as stakeholder mapping; a strategy used by many Fortune 500 companies. The process requires you to scan the environment, list the stakeholders and to prioritize who you are going to try to effect. Stakeholder mapping first requires you to brain-storm with your staff to develop a list of all stakeholders. That is, develop a list of anyone who has an interest or concern with what you do, or would do, if you implement your marketing plan. Identify whether they support or oppose whatever it is you plan to do. If you don't know, you may have to do a little research before coming up with the answers. Of those

identified, determine the intensity of their support or he underlying motivations for akeholders? Who do the

nfluence? Who influences the ers? From the last two es, you can begin to develop gies and establish timelines t, in turn, can help you make ne necessary prioritizing decisions to go forward with

your marketing plan.



EXPECTATIONS

Having identified the targeted audience, you need to ask and answer the following questions: What does the targeted audience expect from you or your agency? Are you meeting those expectations? If not, should you be meeting these expectations? What are the onsequences of either meeting not meeting the identified ctations? Does the targeted ce have a different perception verse than you or your agency? ovious way to answer these ask the targeted audience to do if you are marketing to a I persons. But if you are trying

to market to a large group, a community or an entire state, you will find the task of trying to understand what their expectations are somewhat daunting. It's not impossible, however, but it will take expertise you or your agency may lack. For example, you can conduct a public opinion survey (for example, see Dobles Research Association, "Crime and Corrections: The Views of the People of New Hampshire, 1998). Another way of gathering information from a targeted audience is to conduct focus groups. Again, this may require greater expertise than you may have access to so don't be afraid to go outside the agency for knowledgeable and objective assistance.

Whether you survey or use focus groups or both, the key is to get input from those you are planning to market to as a way to determine what their expectations and perceptions are. Don't look at these issues shallowly. It is the underlying core values of the targeted audience that shapes their expectations. These fundamental concerns need to be contemplated when developing your marketing plan. Likewise, you must be willing to evolve and make changes in your strategy if the expectations of the targeted audience are reasonable. In other words, be willing to play to your audience to the extent you can. If you are too inflexible and rigid, your success will be limited. On the other hand, you have to live with your plan and basing it on values you disagree with sets you and your agency up for abject failure. At the very least, you should develop a fallback position which best matches your marketing goals to that of the targeted audience staying within the parameters set by your values and those of your staff.

COMMUNICATE TO EDUCATE

As an executive of a correctional agency, you communicate thoughts and ideas every day to lots of people in many different forums whether it is to your staff, your boss or the public-at-large. When you do, you have an obligation, if not a duty, to inform and educate these constituencies. You should take these opportunities to promote your marketing plan in ways that heighten awareness of specific facts and issues supporting your marketing plan. This provides the audience with a fund of information from which your plan can logically spring. Once the targeted audience has been identified, you should match the message and the information you want to communicate to the audience being mindful of their experiences and values they embrace. Every audience has its own view of the world, its own understanding of the issues you are to present and its own set of expectations. Tailor your message accordingly. Also keep in mind that effective communication is a twoway street. In this context your message is only part of the dynamics. It has to be received, understood and appreciated for it to be effective. For that reason, you also have an obligation to hear what they have to say. "Understanding the receiver or your audience is critical to communication and marketing. If the receiver has not experienced the particular idea they may have problems understanding the message as there is no awareness of the sensation being described. The most effective communication occurs when both the sender and receiver of the message have experienced the particular event being communicated." (Hisrich, 1990). This can't happen unless you know what the audience has experienced and what they value most.

Special attention ought to be paid to key individuals or groups. For example, special attention should be paid to law enforcement. They see their primary mission to protect the community, which often means arresting and prosecuting alleged offenders. Their goal is to get them off the streets and out of the neighborhoods. Frequently, the police see your job as putting offenders back on the street giving little thought to the range of obligations you have when a particular offender is incarcerated or to be supervised in the community. How many times have you heard that corrections officials are too lenient, or have heard the question "how did he get out so soon?" Since most corrections agencies see themselves as enhancing public safety, the perceptions of law enforcement are particularly important in shaping the public image of your agency. Accordingly, special attention ought to be paid to informing and educating the police departments that can most effect your agency and who may be vital to continued funding or program support.

MARKET FROM THE INSIDE OUT

When you mention the word "marketing" it seems to imply developing a game plan focused toward an audience outside the agency. The first audience you must consider, however, is the people within your

agency (Larivee and O'Leary, 1990). If you can not execute a meaningful marketing strategy within the agency you are not likely to be successful outside (Conger, 1998). Besides, using an internal audience allows you to test your plan and the message you want to communicate before going external. One caveat, however, just because you are successful from within doesn't mean you will be successful outside.

PRIORITIZE AND STAY WITHIN BUDGET

Prioritize who you are going to market to based upon their impact on your agency and the resources you can dedicate to implementing the plan (Larivee and O'Leary, 1990). Resource dedication is a critical component to your thought process. No one has unlimited money and personnel to dedicate to a marketing plan, so it's important to tailor your plan to stay within budget. You will most likely be unable to market to an expanded universe of potential targets requiring you to balance your resource requirement with a prioritized marketing strategy.

MAKE YOUR MESSAGE ATTRACTIVE

Make the message attractive to the eye, the ear or whatever sense you happen to be trying to appeal to. Don't be afraid to highlight the

salient issues you're trying to convey. If you are marketing by making a speech or writing a presentation, the same concepts apply. Underscore important issues emphasizing the simple elements of your message and present it in a colorful way. If you are uncertain, take the time to look at almost any nationally distributed glossy magazine or watch ads on television advertising some well known product. Ask yourself, what is it that attracts you to these ads? Notice that there are common elements in each of these mediums such as the use of color, contrasts, simple messages and easily identifiable images. Try this with colleagues or friends to see what their response to the ads are. What is it that attracts them? By focusing on making your message attractive, your chances of selling whatever it is you're trying to market will be greatly enhanced.

There are a few common elements every marketing plan must have and which should be kept in mind as you begin to develop it. First, be clear about what it is you want to market and why. Secondly, keep your message simple.

IDENTIFY PARTNERS AND COALITIONS

Before you get too far down the road in developing a marketing strategy, it would be wise to look around to see if there are other agencies, organizations or individuals that may be helpful in meeting your marketing goals. Take the time to brainstorm with both your staff and outsiders about the possibility. See if there are people or organizations that may have common interests, values and agendas. Sometimes this makes for strange, but helpful, bedfellows. By developing partnerships and coalitions you may be able to conserve valuable resources while at the same time broadening your influence over the targeted audience. Partnerships and coalitions are not without their down side but, if used wisely and thoughtfully, can be a big boost to moving your project forward. In fact, such relationships tend to cultivate shared expectations and can serve as a vital sounding board and problem-solving forum. In this way you may be able to over come obstacles constraining your

marketing progress that would otherwise be left resolved or prevent a disproportionate amount of scarce resources to be consumed. They can also help you co-opt the targeted audience and aid you in meeting your marketing goals in a variety of ways. As a corrections professional, you may find yourself taking the lead in shaping the issues being debated by the body politic. Your success or failure may well depend on your ability to identify and work with other interested stakeholders.

PRESS RELATIONS

As a high profile public agency, the press has more than just passing interest in you, your staff and the programs you advance. Their job is to tell a story, either in print or in video form, which will present information in a way that is interesting to the reading or viewing public. While their primary goal may be to sell papers or expand market share they are, none-the-less, a force to be reckoned with. It is often said that you shouldn't get into a shoving match with someone who buys ink by the barrel or whose broadcast territory your office sits in. The press has remarkable power and can shape the way the public perceives you and your agency. Likewise, they can influence the way the elected officials having the most control over your destiny view you and your agency. It

is essential that you develop a marketing plan that includes a long-term and short-term strategy for working with the media, both electronic and print.

Perhaps your best defense against negative press is a long-term offense. Identify all media outlets and the personalities that shape their product. Take the time to maintain a rapport with them either personally or along with your public information officer. They need not be your enemy and much of that relationship will be dependent upon your willingness to help them do their job. If you treat them as if they are some sort of pariah, the relationship will be strained and negative press more likely. Long-term media plans are for damage control. Since the business you are in is all about risk management, and not risk elimination, it is inevitable that

something untoward and press worthy will happen. Your ability to do damage control and weather the storm has a lot to do with the work you or your agency has done to grease to wheels of fortune. Years of sharing factual information and educating the media on the business you do gives you a great foundation upon which to build. This foundation of information can help you in two very important ways: First, it gives the media important facts, program descriptions and limitations as well as insights into some of the issues your agency faces on a regular basis. Secondly, when the fan is hit, your ability to shape their product will be greatly enhanced by this fund of pre-existing knowledge. A bell can not be un-rung nor can a non-truth be untold. Getting a fund of accurate information into the hands of the press before a breaking story will go a long way to shaping it. While there is never a guarantee of eliminating negative press, you and your agency's ability a ride out the storm will be made easier if you do the up front work.

The second approach to media has to be thought of in the short

term. In keeping with your overall marketing strategy, think out what it is you want to market in terms of it being a media product. For example, what would the headline read? What would the first paragraph say? Try to write it out in a way that you imagine the press will write it. Ask yourself, what information does the media need to understand what it is you are trying to say? If you are going to issue a press release, it doesn't have to be long but should contain the salient facts and the message you want to put out, while at the same time, addressing the information you believe the viewing or reading public want to know. Predicting what the public wants is a tricky matter but having a professional public information officer can mitigate any problems you might get yourself into. Stick to one or two issues you want the media and the public to pick up on. Make these issues easy to understand and don't use buzzwords or insider jargon. One way to test your message is to ask yourself: Can you explain it so your neighbor will understand what it is you are trying to say? If not, you have failed to put it into marketable terms.

CHANGE DOES NOT COME EASY

You can't discuss marketing without contemplating the possibility of change. After all, if all goes well, your marketing strategy will cause the intended change to occur. Whether it's a change in the hearts and minds of budget-writers, decision-makers or the public-at-large, the result is likely to affect the way your agency does business. Change, however, doesn't come easy. It is also important to keep in mind that change is a dynamic phenomenon that should be considered, in and of itself, when developing a marketing plan. Most people, including decision-makers, employees and public, resist change (Juran, 1995). Always be mindful that people got where they are and believe what they believe because of the status quo. Knowledge is indeed power and they have used that power to their advantage. Thus, they have a natural resistance to altering where they are, what they know and the way they think. To complicate the situation, change is frequently perceived as a way to erode power and the control over the situation they're in. This serious and deep-seated view can be successfully altered if you map out a process that keeps the intended audience in context. As such, you must understand who they are, help them maintain their sense of identity, understand their boundaries and their belief system. It is, in effect, how they define and put meaning in to their lives. Status quo allows them to establish predictable patterns and maintain some control over their life and work. When trying to over come resistance to change, you should incorporate it gradually. Sudden and radical change is often too de-stabilizing. Too much effort can be focused toward the effects of the radical nature of change rather than change itself. Marketing strategies work best when there is a gradual and systematic co-opting of the intended audience through consistent and constant enlisting and involvement into the process.

SOME FINAL THOUGHTS

Before you embark on developing a marketing plan, make sure you have gathered all relevant and significant facts surrounding the issue or issues you are proposing to move forward. There is nothing like the firm footing of knowing what the facts are before you strike off in one direction or another (Haller and Mullaney, 1990). If your marketing plan is to promote a program to drive the crime rate below a certain level, for example, the crime rate better be high when you start. Otherwise you risk credibility and being perceived, at best, as wasteful and at worse, as incompetent. Budget permitting, consideration should be given to engage a public opinion firm to survey the public and research their responses as many organizations have. Numerous firms have significant experience

in tackling a wide array of complex policy issues (for example, see Dobles Research Association, "Crime and Corrections: The Views of the People of New Hampshire, 1998).

The best predictor of the future is the past. Creating a track record of being someone who develops and implements sensible policies will add to your long-term credibility. Your constituencies will be more inclined to defer to your judgment, be more receptive to your strategy and a little more forgiving if it doesn't turn out quite as expected.

Be sure to watch for hidden agendas. Ask yourself, what is really going on? Sometimes constituencies hold hidden agendas not readily apparent even to the most discerning eye. With a little digging and listening, those agendas can be discovered and appropriately planned for. Likewise, watch for issues which, when put in a legal context, could be challenged in the courts or before administrative tribunals resulting in needless controversy and wheel spinning. There is nothing more damaging to a marketing strategy than seeing it slowed, or even stopped, by some judicial or quasi-judicial authority. Also, be prepared to make changes in your approach all along the way. Don't be rigid and inflexible. Remember, developing a marketing plan is a dynamic process.

Right from the very start, be prepared to evaluate your plan and its implementation. A marketing plan that is not meeting expectations is a waste of time and precious resources. It's better to know early, rather than when it is too late. By building your evaluation procedure into the plan upfront, like most things, you will be in a better position to objectively measure success or failure and respond accordingly.

Marketing is both a minutia and big-picture concept. While you write marketing plans with the big picture in mind, it is something that has to be implemented on a day by day basis. Take advantage of opportunities as they present themselves. The marketing process is all about taking as much control of your own destiny as possible. So, to quote a couple of well worn cliches, "don't take your hands off the wheel" and always "strike while the iron is hot."

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Assessing Probation Officer Assaults and Responding to Officer Concerns

Probation and parole officers are concerned about their safety. A greater number of serious offenders are being sentenced to probation. Officers who conduct on-site home and workplace visits, execute searches, test for drugs and enforce court orders involving resistant probationers are at risk of threats and assaults. Safety concerns are not limited to the highly populated states with higher violent crime rates. More offenders with extensive criminal histories are getting probation. Probation caseload sizes have increased throughout the United States. Probation officer safety concerns have been identified in several states (Parsonage, 1990) and among federal probation agencies (Bigger, 1993). We believe that it is important to assess the extent and nature of probation officer threats to safety in order to determine needed policy changes and safety training. We report here on a survey of Minnesota probation officers that was designed to assess the extent and seriousness of assaults and threats against them and to get some helpful input on the officers' recommendations for needed safety measures.

PROBATION OFFICER SAFETY SURVEY

Self-administered surveys were sent to all of the 1,120 state and county probation and parole agents in Minnesota who have supervisory responsibilities over adult and juvenile offenders on probation and parole. Completed surveys were received from 384 subjects (a 34 percent response rate). Follow-up contacts and calls were made in an attempt to increase the response rate, and reminders were sent to agencies whose officers had not responded to the initial mailing. Several completed surveys were received in response to the follow-up mailings and contacts. The relatively low response rate does raise some questions about the generalizeability of the results to all probation and parole agents in the state. The sample does appear to be fairly representative of the state, however. Nearly half (44 percent) of the responding agents were from the metropolitan and suburban Minneapolis-St. Paul area; 17 percent were from the smaller urban areas; and 39 percent were from predominantly rural counties. Because the rural areas are slightly over-represented and metropolitan area officers are under-represented, the results may under-estimate the levels of victimization that actually exist among officers in the state, if we accept the assumption that metropolitan area officers are more at risk.

Survey Instrument

The survey instrument was adapted from a similar survey form developed by Parsonage (see Parsonage and Bushey, 1989). The 95-item survey form assessed probation and parole officers' reports of victimization experiences; characteristics of the incident, its location and the perpetrator; the effects that the incident has had on them; their safety concerns and any precautions they have taken; and their perceptions of useful safety measures to enhance probation officer safety. "Victimization" was defined as both physical and verbal assaults and threats, consistent with previous research (Parsonage and Bushey, 1989).

VICTIMIZATION RATES

A total of 74 (19 percent) of the respondents reported one or more physical assaults during their career and 283 (74 percent) reported being verbally or physically threatened one or more times during their career. A total of 15 (4 percent) officers reported being physically assaulted one or more times during the past year; 142 (37 percent) reported being physically or verbally threatened one or more times during the past year; and 283 (74 percent) have been intimidated or threatened during their

career. The number and percentage of officers who were victimized are reported in Table 1.

Characteristics of Assaults and Threats Against Officers

Officers were asked to describe in more detail the victimization incidents that they had experienced in the past year. Unfortunately, only 121 (32 percent) of the sample of 384 officers took the additional time to respond to these more detailed items, but they appear to be similar to and representative of the larger sample of responding officers.

Circumstances and Location of Victimization Incidents

Among the incidents that occurred during field visits, most of the incidents (43%) occurred during an expected or announced visit or a surprise visit (25%) to the probationers' residence. A smaller number of incidents (12%) occurred during the arrest of the probationer, and less than 1% occurred during transport of the probationer. The locations of most of the victimization incidents took place in the probation office (27%); 15 percent were over the telephone; 12 percent were in a jail, prison, or detention center; and 11 percent occurred in a courtroom.

CHARACTERISTICS OF THE PERPETRATOR

Gaining a better understanding about the characteristics of perpetrators who have threatened or assaulted probation officers is an important step in helping officers avoid or prepare for potential victimization risks. Most (87 percent) of the probationers involved in a threat or assault were male, and 13 percent were female. The majority (54 percent) were adults over 25 years; 21 percent were young adults, 18-25 years, and 21 percent were juveniles under 18 years. Most of the perpetrators were on adult probation (40 percent), 15 percent were on juvenile probation, 6 percent were on adult supervised release (parole), and 7 percent were on adult intensive probation supervision. The known past behavior of the probationers involved in threats or assaults against the officers in this study reveals that 29 percent of them had been involved in a violent offense, 37 percent had a history of alcohol or drug abuse and 34 percent had a record of a prior assault against a person.

THE IMPACT OF VICTIMIZATION ON PROBATION OFFICERS

A victimization experience affects a person long after the incident has occurred. This is no less true for probation officers, and most incidents may affect officers' professional and personal lives. A number of survey questions were designed to assess the effects that the victimization incident had on them. Outpatient medical treatment was required in 7 percent of the assault cases, and 3 percent of the officers reported a temporary disability from the assault. The effects reported by the respondents were primarily psychological, rather than physical in nature. Psychological effects of the threats and assaults on the officers included:

- Disruption or strain to personal or family life (61 percent)
- Reduced sense of trust in offenders (51 percent)
- Fear on the job (41 percent)
- Reduced self confidence (27 percent)
- Less sensitive to probation clients (17 percent)

Table 1 Victimization Reported by Probation Agents (Reported in Percentages. N = 384)				
Type of Victimization Experience	Never	1-2 Times	3-5 Times	
Physically Assaulted During Career	81	15	4	
Physically Assaulted in Past Year	96	4	_	
Threatened During Career	26	27	47	
Threatened in Past Year 63 27 10				

A few officers reported more serious consequences of the assault or threat. One had lost his employment with probation, two were still facing litigation and four cases were still pending. On a more positive note, 20 percent of the officers who had a victimization experience reported that they had more self-confidence now to handle such threats and assaults.

AGENCY PREPARATION OR RESPONSE

Respondents were asked whether, in their opinion, their agency had adequately prepared and trained them to deal with assaultive and threatening situations. Forty-four percent responded that their agency had adequately trained them, 40 percent believed their agency had not and 16 percent were not sure.

Additional open-ended comments from many respondents illustrate many officers' concerns about a perceived lack of adequate agency response to employee victimization experiences:

- There was no follow-up.
- · The agency did nothing.
- It fell upon deaf ears.
- They minimized it.
- My agency ignored it (a physical assault).
- They brushed it off as no big deal.
- They document incidents but do not take action.
- They downplayed the whole thing.
- They've done absolutely nothing.
- There's no concern for my safety.
- Nothing was done to deal with it.
- I was not supported.
- The office found nothing aberrant about this person's behavior.
- Administrators refuse to deal with it, and don't follow their own safety training policies.
- Supervisors are unreceptive to taking steps to protect officers.

One respondent who was involved in litigation following an assault incident noted, "I was represented by the county attorney's office in a law suit that was subsequently dismissed. My agency brushed it off as no big deal." Another officer wrote, "My agency has been supportive;

however, if it goes to court it was mentioned that it may be less expensive to settle out of court."

No effort was made to contact agency administrators to assess the accuracy of these charges. It is possible that administrators might offer a slightly different perspective as to the agency response. Nevertheless, these comments certainly indicate that some officers felt that their agency did little in the way of any positive response following their victimization experience.

OFFICERS SAFETY CONCERNS AND PRECAUTIONS TAKEN

Respondents were asked about their perceptions of probation officer safety, any personal concerns, and any precautions they have taken in response to safety concerns. Results are reported in Table 2. Most of the officers (60 percent) expressed concern about their personal safety during field contacts, and most (59 percent) believe that probation field work is more dangerous than five years ago. Safety concerns were not limited to work outside of the office. Nearly one-fourth (22 percent) of the respondents reported that they felt unsafe in the office during non-office hours, and 30 officers (8 percent) reported that they felt unsafe in the office even during office hours.

The type of weapon or protective devices that they carry and the types of safety training that they have taken indicate a behavioral measure of probation officers' safety concerns. Probation officers in Minnesota are not authorized to carry firearms (except federal probation officers, who were not included in this study). Only in limited situations are any types of weapons authorized, and if so, they are generally limited to intensive supervision officers working with adult felony offenders. Most (80 percent) of the responding officers do not carry a weapon of any kind. Of those who reported carrying some type of protective device, chemicals such as pepper spray were the types most likely to be carried (15 percent). Three percent of the officers reported carrying an impact instrument; two percent carried a knife; and one officer reported carrying a handgun.

Table 2 Probation Officers safety Concerns and Precautions Taken $(N = 384)$				
Perception of Safety*	N	%		
Safety concerns during field contacts	230	60		
Probation work more dangerous now	227	59		
Feel unsafe in office after regular hours	83	22		
Feel unsafe in office during regular hours	30	8		
Type of Weapons Carried None Chemical Agent Impact Instrument Knife (or other sharp instrument) Handgun	307 57 11 8	80 15 3 2		
Types of Training Completed*				
Conflict Management	302	79		
Stress Management	275	72		
Crisis Intervention	255	66		
Verbal Judo	106	28		
Continuum of Force	96	25		
Unarmed self defense	209	54		
Other safety training	215	56		
*Respondents could respond to more than one item, so total percentage does not equal 100.				

Respondents were asked about the types of training they had taken, most of which related directly or indirectly to safety training. Most (79 percent) of the officers had completed some conflict management training; and 72 percent had taken stress management training. Two-thirds (66 percent) have had training in crisis intervention; 28 percent have had training in "verbal judo" (a method of verbally defusing or calming angry persons in threatening situations); 25 percent had taken "continuum of force" training; and 54 percent have taken some training in unarmed self-defense. Participation in safety-related training is not required by agencies, so it is likely that most officers who chose to participate were concerned about their safety on the job or have experienced a threatening work situation.

OFFICERS ASSESSMENT OF SAFETY MEASURES

Having measured the extent of victimization, officers' safety concerns and precautions they have personally taken to avoid victimization, a final objective of our study was to learn what probation officers believe are some useful strategies for a safe and non-threatening work environment. Safety measures that the officers believe to be most useful, and whether their agency uses them, are listed in Table 3 (note that some of the officers may have been from the same agency, so the results are not the number of agencies using each strategy). Those safety measures believed to be useful by most (75 to 98 percent) of the officers for reducing the risk during field visits included: cell phones, a partner system, distress signal devices and use of a chemical agent; training in self-defense or "verbal judo;" and identifying high risk areas and informing officers. Measures to increase the safety of personnel while working in the probation office included "panic buttons" on telephones or desks that would alert police or security officers in the event of an emergency, and having entrances monitored by electronically-controlled security doors.

When probation clients have to be taken into custody for violating probation conditions, the officers are clearly at risk. Most of the respondents (82 percent) recommended having probation-police officer teams to carry out this responsibility together, and 27 of them reported that their agency currently does this. Nearly half also called for having police or security officer present at revocation hearings, and 28 of them reported that this was a practice of their agency. Just slightly more than one-third (39 and 35 percent, respectively) of the officers believe that it is useful to have specially-trained probation officers with the authority to carry weapons and make arrests, or to allow probation officers to receive firearms training and carry handguns. The majority of the probation officers in Minnesota seem to agree that the authority for carrying firearms and making arrests is best left with police officers.

There are at present no statewide safety training standards for probation officers in Minnesota, nor is there a specifically defined curriculum that is directed at safety training. Some county probation agencies and the state Department of Corrections have begun to implement safety policies and procedures, but some administrators have expressed a concern that the statewide professional corrections organizations have not offered enough safety training. Officers in this study expressed dissatisfaction over the perceived lack of support by their department for safety training. The portion of a probation department budget allocated for staff training has generally been a low priority item. Allocating sufficient funds to bring in training specialists to the department or to provide travel funds for officers to attend statewide training sessions does require a significant budget commitment. Most probation agencies do offer some training or provide some funds to cover the costs for officers to attend training sessions. The results of this study make it clear that probation administrators should direct more

attention to providing additional funding for training opportunities for probation staff who want to attend them

Summary, Conclusions and Recommendations

The results of this study support the findings of previous research on assaults and threats against probation officers. Physical assaults are fortunately less common, but most officers have been verbally threatened or intimidated by probation clients. Twenty percent of the officers have been physically assaulted one or more times during their career, but fewer than 5 percent have been physically assaulted in the past year. Seventy-five percent have been threatened or verbally intimidated one or more times in their career, and 40 percent have been victims of verbal threats in the past year. This survey of probation officers has been able to present a more complete picture of officers' victimization experiences by gathering information about the characteristics and locations of the incident and characteristics of the perpetrators. The results of the survey show that probation officers' safety concerns are not unfounded or greatly exaggerated. They are working with a greater number of high-risk offenders than in the past, many of whom are resistant and hostile. Citizens do not think of probation officers as being at risk on the job the same as police officers—but they often are. In fact, unlike police work, probation officers

work entirely with convicted offenders, many with a history of drug abuse and violence. The difference is that probation officers usually know more about the history and background of their clients. Using that knowledge is one of the most important factors in helping probation officers prepare for, and avoid, being victimized by a probation client.

In conclusion, this study was able to expand our knowledge of probation officer victimization and to report on what probation officers themselves believe are some helpful strategies to make their job safer. We can and must do more. The absence of any centralized, uniform state or national reporting procedure for documenting assaults against probation officers is a glaring omission. Critical incident reports are essential for monitoring the frequency and seriousness of probation officer assaults. Until such reports are required as a part of probation or human resources regulations, the true extent of the problem will not be known and it will not be given the attention that it deserves. Relatively few of the officers in this study reported meeting with their supervisor or administrator to review the assault incident, receive any assistance, or to consider possible alternatives to deal with future safety concerns. Assaulted or threatened

Table 3 Officers Assessment of Safety Measures and Measures Already in Use [N=384]

	11-301	
Safety Measures Believed to be "Useful"	Percentage of Officers	Agency Does Use Now (No. Officers)
Provide cellular telephones for field visits	98%	76
Partner System used on home visits (as needed)	93%	53
Provide training in "verbal judo"	93%	21
Provide "panic buttons" on office telephones		
or desk	84%	26
Identify high risk areas and inform officers	87%	12
Provide distress signal devices for field visits	82%	10
Provide for probation-police officer teams for making arrests of offenders in violation	090/	97
of probation conditions	82%	27
Provide training in self-defense methods	81%	16
Establish secure clerical areas in probation offices (entry and exit through electronically controlled security doors)	77%	48
Provide officers with mugshots of clients	75%	30
Install two-way radio in officer's automobile	74%	11
Provide non-lethal chemical to carry on field visits	73%	22
Increase the number of specialized caseloads	57%	28
Require officers to inform supervisor when making home visits and field contacts	55%	20
Require officers to check in and out of office	53%	26
Provide secure areas for jail or prison visits	50%	19
Police or security officers present at revocation hearings	48%	28
Special trained officers with authority to carry weapons and make arrests	39%	6
Allow officers to receive training and carry firearms	35%	1

probation officers deserve at least that much. It is not possible to remove all danger and risk involved in probation work— but we must do a better job of documenting and reporting those risks.

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I. Introduction

The exclusionary rule prohibits the introduction at a criminal trial of evidence illegally seized by the police. The rule was applied to the state criminal trials thirty-five years ago, in *Mapp v. Ohio.*¹ The Supreme Court has refused to extend the reach of the exclusionary rule to proceedings other than a criminal trail, reiterating that the rule should be limited "to those instances where its remedial objectives are thought to be most efficaciously served." While the Court has refused to apply the exclusionary rule to a number of non-trial situations, until recently the Court had not spoken on the applicability of the exclusionary rule to probation and parole revocation hearings. In *Pennsylvania Board of* Probation and Paroel v. Scott,3 the Court finally addressed this issue, and ruled that the exclusionary rule does not apply in parole revocation hearings. The decision is significant because it potentially provides parole and police agencies⁴ with a powerful weapon in investigating parole condition violations and criminal activity. It also further limits a parolee's constitutional rights. This article reviews that decision and discusses its implications for community supervision officers.

II. THE EXCLUSIONARY RULE

The primary purpose of the exclusionary rule is to deter police misconduct.⁵ It is a judge-made remedy,⁶ created by the courts to protect Fourth Amendment rights. The exclusionary rule is one of several possible sanctions against police misconduct. Other remedies include civil suits for damages and internal disciplinary proceedings against officers who act unlawfully.⁷

The United States Supreme Court applied the exclusionary rule to the states in Mapp v. Ohio.8 The Court stated that the failure of the state courts to provide an effective remedy for violations of the Fourth Amendment forced the high court to step in and apply the exclusionary rule as the only effective remedy available. Since *Mapp*, the Court has limited the scope of the exclusionary rule. In 1984 the Court held that evidence obtained by the police, acting in good faith on a search warrant issued by a neutral and detached magistrate that is ultimately found to be invalid, may be admitted. 9 The Court has refused to extend the reach of the exclusionary rule to proceedings other than a criminal trial, reiterating that the rule should be limited to "those instances where its remedial objectives are thought to be most efficaciously served." The Court has consistently refused to apply the exclusionary rule to evidence seized by private parties, if they are not acting in concert with, or at the behest of, the police. 11 The rule does not apply to evidence presented to the grand jury.¹² An unlawful arrest does not bar prosecution of the arrestee, as the exclusionary rule is an evidentiary rule rather than a rule of jurisdictional limitation.¹³ The rule is also inapplicable in civil tax assessment¹⁴ and civil deportation proceedings.¹⁵ In sum, the Court has consistently held that the exclusionary rule is of limited application.

Until recently, the Supreme Court had not addressed the applicability of the exclusionary rule to probation and parole revocation hearings. The issue is significant because the number of individuals on probation and parole is rapidly rising. ¹⁶ As the number of offenders under supervision increases, the likelihood of violations and revocations also increases. ¹⁷ If parole officers find evidence of unlawful activity when they search a parolee, they can either help prosecute the offender for a new offense or reincarcerate the offender after a parole revocation hearing. The latter has fewer procedural safeguards, and the burden of proof for revocation is much lower than "guilt beyond a reasonable doubt." In most jurisdictions, "probable cause" or a lower legal standard suffices for revocation. ¹⁸

Parole is "a conditional release of a prisoner, generally under supervision of a parole officer, who has served part of the term for which he was sentenced to prison." Parolees, like prisoners, have diminished constitutional rights, thus the courts have upheld parole conditions which impinge on Fourth Amendment rights. An unreasonable search of an ordinary citizen may be reasonable when the subject is a parolee. Searches of parolees are usually justified based on public protection, reduction of recidivism through deterrence of criminal conduct by the client, and the promotion of alternatives to incarceration and possible rehabilitation through closer supervision. ²⁰

In Griffin v. Wisconsin²¹ the Supreme Court applied the "special needs of law enforcement" exception to the warrant requirement to a state regulation allowing warrantless "reasonable" searches based on "reasonable grounds," and determined the statute was constitutionally valid because the warrant and probable cause requirement would unduly limit the effectiveness of the state's probation and parole system.²² Lower courts are split in their interpretation of Griffin. Most jurisdictions hold that under Griffin a search of a person on probation or parole is limited only by the scope of the search allowed in the conditions of probation or parole.²³ The protection may be eroding further. For example, in a recent case, the California Supreme Court held that "law enforcement officials may conduct warrantless searches of parolee's person or property even when they have no reasonable suspicion that he parolee committed a new crime or violated the conditions of his parole."²4

III. LOWER COURT DECISIONS ON THE APPLICABILITY OF THE EXCLUSIONARY RULE TO REVOCATION HEARINGS

Many state and federal courts had addressed the issue of whether the exclusionary rule applies to either probation or parole revocation hearings prior to the Court's recent decision in *Scott*. Most states have held that the exclusionary rule does not apply to probation or parole revocation hearings.²⁵ These states reason that since the purpose of the exclusionary rule is deterrence of unlawful police conduct, extension of the exclusionary rule to revocation hearings would not serve that purpose and would unduly impair the rehabilitative goals of probation and parole. Other states have no cases directly addressing the application of the exclusionary rule to probation and parole revocation hearings.²⁶ Related cases in these states suggest, however, that the exclusionary rule does not apply to revocation proceedings, holding either that the rules of evidence do not apply to revocation hearings,²⁷ or that any "reliable" evidence is admissible in a revocation hearing.²⁸

While most jurisdictions have held that the exclusionary rule does not apply to probation and parole revocation hearings, some courts have held that the rule applies, but only in limited circumstances. These circumstances involve egregious conduct, such as when the evidence is obtained by police acting in bad faith, ²⁹ or when they harass the individual, ³⁰ or in cases where police officers have focused their activities on the probationer or parolee because that individual is on probation or parole, ³¹ or when police officers conduct a search for the specific purpose of finding evidence to justify revocation. ³² A few states ³³ and the Federal Court of Appeals for the Fourth Circuit ³⁴ have held the exclusionary rule to be generally applicable to probation and parole revocation hearings because it promotes judicial integrity. This reiterates the second purpose of the exclusionary rule according to the Court in *Mapp v. Ohio*.

To settle this issue, the United States Supreme Court in 1997 granted certiorari in a case involving the applicability of the exclusionary rule to parole revocation hearings. In *Pennsylvania Board of Probation and Parole v. Scott*,³⁶ the Court, in a 5-4 decision, held that the Fourth Amendment

does not require the application of the exclusionary rule to parole revocation hearings.

IV. PENNSYLVANIA BOARD OF PROBATION AND PAROLE V. SCOTT SETTLES THE ISSUE

THE FACTS

Keith Scott, a Pennsylvania inmate, was granted parole on September 1, 1993. He was required to sign a "Conditions Governing Parole/Reparole" form, acknowledging that he would follow the conditions set for his release. The conditions included: (1) a requirement that he neither own nor possess any weapons and (2) an agreement, stating in part that "I expressly consent to the search of my person, property and residence, without a warrant by agents of the Pennsylvania Board of Probation and Parole. Any items, in [sic] the possession of which constitutes a violation of parole/reparole shall be subject to seizure, and may be used as evidence in the parole revocation process."

Just five months after being paroled, on February 4, 1994, Scott was arrested in a diner by his parole officer and two other parole officers on charges that he had violated several conditions of his parole, including the prohibition against using firearms. After arresting Scott, the parole agents conducted a warrantless search for firearms at Scott's residence, a home owned by Scott's mother and where Scott lived with his mother and stepfather. In a sitting room adjacent to Scott's bedroom, the parole agents found four shotguns and a semi-automatic rifle under a sofa and a camouflage-colored bow and three arrows in a closet. Scott's mother told the agents that the weapons belonged to her husband, and her husband testified to this at the revocation hearing.

Scott testified at the revocation hearing that he did not know that the firearms were in the house and that before his release from prison, he had told his mother and stepfather to get rid of them, and that his mother had told him they had been removed. 41 Scott also objected to the introduction into evidence of the firearms seized during the search of his residence, claiming that: (1) the search violated the Fourth Amendment because it was conducted without at least "reasonable suspicion" and (2) that his prior consent to a warrantless search was invalid because it was obtained involuntarily, as a requirement for parole. 42

The hearing examiner rejected Scott's claims and admitted the seized evidence. Scott's parole was revoked, and he appealed. On appeal, the Commonwealth Court of Pennsylvania reversed the parole revocation decision and remanded the case for a new hearing. The Commonwealth Court ruled: (1) that a parole agent may not

conduct a warrantless search of a parolee's residence without the owner's consent or "a statutory or regulatory framework that satisfies the reasonableness requirement of the Fourth Amendment," and (2) the illegally seized evidence should not be admitted at the revocation hearing because the exclusionary rule applied to such proceedings, even though such hearings are administrative in nature and are not criminal prosecutions. At the time of the search, there was no regulation or statute in Pennsylvania governing the authority or circumstances for parole agents to search homes of parolees.

The Pennsylvania Board of Probation and Parole appealed the decision to the Pennsylvania Supreme Court, which affirmed the lower court, holding that Scott's consent to warrantless searches did not extend to searches conducted without at least "reasonable suspicion," 46 and that the exclusionary rule should apply to parole revocation hearings when parole officers are aware that the subject of their search is a parolee. According to the State Supreme Court, the search of Scott's residence was unreasonable because it was supported only by "mere speculation" rather than by "reasonable suspicion" of a parole violation. Moreover, the court reasoned that applying the exclusionary rule when officers know that the subjects of the search are parolees was necessary to deter illegal searches of parolees by parole officers.

The United States Supreme Court granted certiorari to determine two issues: whether the Fourth Amendment exclusionary rule applies to parole revocation proceedings, and whether a search of a parolee's residence must be based on reasonable suspicion even when the parolee has consented to warrantless searches as a condition of parole.⁵⁰

THE SUPREME COURT DECISION

On June 22, 1998, the Supreme Court, by a narrow 5-4 vote, reversed the decision of the Pennsylvania Supreme Court and held that the exclusionary rule does not apply to parole revocation hearings, ⁵¹ saying that "parole boards are not required by federal law to exclude evidence obtained in violation of the Fourth Amendment." ⁵²

The majority opinion was written by Justice Thomas, and was joined by Chief Justice Rehnquist and Justices O'Connor, Scalia, and Kennedy. The Court noted that it has not extended the rule beyond criminal trials. Its main thrust was that the exclusionary rule does not extend to non-criminal proceedings, not in the past and not now. The majority followed the balancing test enunciated in *Calandra*⁵³ and weighed the costs of applying the exclusionary rule against the benefits. The opinion focused on the costs associated with applying the exclusionary rule and downplayed the benefits, particularly in parole revocation hearings.

Parole, the majority said, is a "variation on imprisonment of convicted criminals" ⁵⁴ and parole revocation deprives a parolee "only of the conditional liberty properly dependent on observance of special parole restrictions." ⁵⁵ Justice Thomas concluded that applying

the exclusionary rule to revocation hearings would significantly alter the revocation process, transforming hearings "from a predictive and discretionary effort to promote the best interests of both parolees and society into trial-like proceedings less attuned to the interests of the parolee." ⁵⁶

Moreover, the majority held that the exclusionary rule should not be applied to revocation hearings because the purpose of the rule is deterrence of unlawful police conduct in the investigation and prosecution of crime, while the purpose of parole is to rehabilitate the offender while at the same time protecting the community. ⁵⁷ Since



extension of the exclusionary rule to revocation hearings would not serve these dual purposes, and would in fact hamper the effective administration of a parole system, it has no place in revocation proceedings. The Court also declared that "the exclusion of evidence establishing a parole revocation . . . hampers the State's ability to ensure compliance with these conditions by permitting the parolee to avoid the consequences of his non-compliance." 59

The Court added two other reasons for its decision. First, revocation proceedings generally are not conducted by judges, but by parole board members who are not judicial officers or lawyers; hence flexibility is needed. Generally second, the "exclusionary rule frequently requires extensive litigation to determine whether particular evidence must be excluded." This would transform revocation proceedings "from a 'predictive and discretionary" effort to promote the best interests of both parolees and society into trial-like proceedings 'less attuned' to the interests of the parolee."

Echoing the petitioner's amici regarding the difference between parole officers and police officers, the majority opinion repeated the quote from *Morrisæy*^{§3} describing parole revocations as failures for officers. Justice Thomas suggested that parole officers are deterred from violating Fourth Amendment rights of parolees because of their departmental training and discipline and the possibility of civil liability lawsuits. ⁶⁴ Although parole officers may act like police officers "in some instances" and "seek to uncover evidence of illegal activity, they . . . are undoubtedly aware that unconstitutionally seized evidence . . . could be suppressed in a criminal trial." The majority concluded that the Court has "long been averse to imposing federal requirements upon the parole systems of the States."

Curiously, the Court chose not to address what some consider to be the more significant issue of whether a parolee could consent to any search, including suspicionless searches. The Court had specifically asked the parties to brief and argue that point in addition to the exclusionary rule issue. The parties responded by making consent the major focus of their briefs. The Center for the Community Interest and crime victim groups amicus brief noted the considerable confusion that would remain if this question is not settled. Various groups noted the discrepancy among lower courts in their interpretation of *Griffin* and whether *Griffin* requires that a search of a parolee should be based on reasonable suspicion, even if the parolee consents to the search.

Instead of addressing the issue of a valid consent, the Court noted in a footnote the argument of lack of jurisdiction. The Court stated that the jurisdiction question did not need to be resolved because the Court clearly had jurisdiction on the exclusionary rule question and a ruling on that question sufficed to decide the case. Thus, *Scott* leaves unsettled the question of whether consent makes the search valid, an issue that may well work its way back to the Court in the near future. To

THE DISSENT

Justice Souter wrote a dissenting opinion, joined by Justices Ginsburg and Breyer. Souter did not take issue with the majority's endorsement of the *Calandra* balancing test, but rather took exception to the majority's assessment of the facts of the case. The dissent criticized the majority for characterizing the parole officer-parolee relationship as non-adversarial, particularly in instances, such as this case, where the parole officers went to Scott's house to search only after they had arrested him. Justice Souter also noted that deterrence is important when parole officers realize that a criminal trial is unlikely and that all that is needed to have a client returned to prison is to find evidence of a parole violation. In these cases, the revocation hearing is likely to be the only forum in which

Probation and parole partnerships with the police have become popular in many jurisdictions-giving rise to legal problems and further blurring role distinctions. Further indication of the blurring of lines between parole and policing is the increasing practice in many jurisdictions of allowing probation and parole officers to carry firearms. To offenders this represents an important shift from the traditional role of parole officers from that of rehabilitation to surveillance.

the illegally obtained evidence will ever be offered. Souter characterized as "hollow" the Court's argument regarding the departmental training and discipline of parole officers. ⁷⁵ Justice Souter's position mirrors the reasoning in some lower courts which have held the exclusionary rule applies to parole revocation hearings in large part because parole officers today are more like law enforcement officers than social workers. They are involved in the investigation of criminal activity because they want to incarcerate parolees rather than rehabilitate them. ⁷⁶ The dissent added that the majority failed to recognize the "significant likelihood that the revocation proceeding will be the principal, not the secondary, forum in which evidence of a parolee's conduct will be offered."

V. PAROLE AND POLICE OFFICERS ROLES: SIMILAR OR DISSIMILAR?

Even on paper, the role of parole officers and the police are not that clear-cut or well-defined. Gobert and Cohen characterize the role of parole officers as "supervising the conduct of the parolee or probationer, or somewhat more specifically in terms of assisting in the adjustment to community life, or staying informed as to the individual's conduct and condition." They add that observers have identified three role models for probation and parole officers. There are: the law enforcement model (where the officer sees the job as protecting the community through close control of the probationer or parolee); the therapeutic model (where the officer focuses on improving the welfare of the probationer or parolee); and the synthetic model (where the officer attempts to blend the control and the treatment functions).

A number of other writers have varying concepts of the role and function of both parole officers and the police. ⁸⁰ What is clear, however, is that their functions are not clear-cut and, in many cases, interface and

overlap. It is often difficult to determine where one ends and the other begins. While the relationship between a parole officer and a parolee may start out as "supervisory," it can easily turn into "surveillance," particularly when conditions violations are suspected to have take place. The supervisory relationship is premised on the assumption that reintegration and rehabilitation are the main and accepted goals of parole. In some states, however, parole has strayed from that goal and is used in reality as a tool for controlling prison populations in the face of pressure from the courts to lessen prison crowding.⁸¹ Given this reality, the role of parole officers in some jurisdictions shifts from supervision aimed at rehabilitation to law enforcement. Probation and parole partnerships with the police have become popular in many jurisdictions—giving rise to legal problems and further blurring role distinctions. Further indication of the blurring of lines between parole and policing is the increasing practice in many jurisdictions of allowing probation and parole officers to carry firearms. To offenders this represents an important shift from the traditional role of parole officers from that of rehabilitation to surveillance.

Furthermore, regardless of professed agency orientation or preference, both parole officers and police officers inevitably inject personal styles into work performance. Officers with law enforcement backgrounds are likely to emphasize surveillance regardless of parole agency orientation; conversely, officers with a social work background will prefer a service and rehabilitation approach to their work. Moreover, the designation of parole officers in many states as peace officers further encourages parole officers, who are so inclined, to occasionally assume police functions.

The majority and dissenting opinions in *Scott* analyzed and compared the roles of parole and police officers in an effort to determine whether the evidence obtained should be admissible in a revocation proceeding. The Supreme Court of Pennsylvania recognized that "the application of the exclusionary rule to parole revocation proceedings would have little deterrent effect upon a police officer who is unaware that the subject of his search is a parolee." Given this, the "likelihood that illegally obtained evidence will be excluded from trial provided deterrence against Fourth Amendment violations and the remote possibility that the subject is a parolee and that the evidence may be admitted at a parole revocation proceeding surely has little, if any, deterrent effect on the

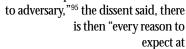
officer's incentives."83 The

majority rejected this approach, saying that "we have never suggested that the exclusionary rule must apply in every circumstance in which it might provide marginal deterrence," adding that "such a piecemeal approach to the exclusionary rule would add an additional layer of collateral litigation regarding the officer's knowledge of the parolee's status." The majority then added that "parole agents, in contrast to police officers, are not engaged in the often competitive enterprise of ferreting out crime; instead their primary concern is whether their parolees should remain free on parole." Thus, the majority characterized the relationship between parolees and parole officers as "supervisory," while that of police officers and parolees is "adversarial."

In contrast, the dissenters took exception to the majority's characterization of the roles of the police and the parole officer as different. They maintained that the majority's assumption that the police "always act with the prospect of a criminal prosecution before them" and therefore will be deterred by the exclusionary rule, is only sometimes true and "will quite likely be false." While deterrence may be a factor in cases where the police are unaware of the status of the person to be searched or arrested, the police are often aware of the status of local felons and their criminal history information is readily available. Moreover, said the dissent, the police and parole officers routinely cooperate anyway, thus the police may be able to circumvent Fourth Amendment requirements of probable cause and warrant by asking the help of an offender's parole officer. 89

The majority characterized the police as "engaged in the often competitive enterprise of ferreting out crime,"90 a task which justifies the exclusionary rule as a "countervailing influence."91 Conversely, the majority described the parole officer as "a figure more likely immune to such competitive zeal,"92 describing the officer as "interested less in catching a parole violator than in making sure the parolee continues to go straight, since realistically the failure of the parolee is in a sense a failure for his supervising officer."93

The dissent considered this view of the parole officer as suffering from selectiveness, maintaining that "parole officers wear several hats [in that] while they are indeed the parolees' counselors and social workers, they also often serve as both prosecutors and law enforcement officials in their relationship with probationers and parolees." Once the officer-parolee relationship turns form "counselor"





least as much competitive zeal from him as from a regular police officer," 96 saying that if "he fails to respond to his parolee's further criminality he will be neglecting the public safety, and if he brings a revocation petition without enough criminal evidence to sustain it he can hardly look forward to professional advancement." 97

VI. WHERE DO WE GO FROM HERE?

APPLICATION OF SCOTT TO PROBATION REVOCATION

It should be noted that while *Scott* deals with a parole revocation hearing, there is nothing in the majority or dissenting opinions that bars the extension of the decision to probation revocation hearings. As in the past, there are currently many more offenders on probation than parole, ⁹⁸ hence the extension of the decision to probation revocation hearings would be significant and affect more offenders.

Probation and parole are different in form, but not in substance. While probation means that the offender is halfway in, parole denotes that the offender is halfway out. Probation and parole conditions, as well as supervision, are often similar. In some states the same officers supervise both probationers and parolees, and are in the same department. In both cases, offenders under supervision have been convicted (with some exceptions, as in deferred adjudications) and therefore have diminished constitutional rights. In both cases, revocation can lead to incarceration, hence the consequences for the offender are similar.

More importantly, for purposes of defining constitutional rights, the Court has treated parole and probation revocation hearings alike. In *Morrissey v. Brewer*, 99 decided in 1972, the Court granted parolees due process rights in revocation hearings; a year later in *Gagnon v. Scarpelli* 100 the Court extended similar due process protections to probationers prior to revocation. The Court justified the extension of due process protections to probationers in part because parolees were accorded such protections. 101 The Court considered probation and parole revocation hearings similar both in form and result (the loss of liberty for the individual). 102 Due process rights were warranted, said the Court, because both involved probable "grievous loss" of liberty. 103

In no case has the Court ever made a distinction as to rights involved in probation and parole cases. On the other hand, constitutional issues in the setting of conditions and supervision have been decided by the courts with hinting at differences between these two groups. Given this jurisprudential history and pattern, there is no reason to believe the *Scott* rule does not apply to probation revocation.

UNRESOLVED ISSUES

The decision in *Scott* is not surprising, given the high court's traditional reluctance to extend the exclusionary rule beyond criminal trials. In *Morrissey v. Brewer*¹⁰⁴ the Court said that revocation hearings ". . . should be flexible enough to consider evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial." ¹⁰⁵ This language did not directly refer to the exclusionary rule, but suggests that the revocation hearing need not be treated as equivalent to a criminal trial. Before *Scott*, a majority of states had already held that the exclusionary rule generally does not apply to probation or parole revocation hearings. ¹⁰⁶ The decision in *Scott* has already drawn praise from law enforcement personnel ¹⁰⁷ and criticism from the defense bar. ¹⁰⁸

Emphasizing traditional judicial restraint, the Court in Scott unfortunately refused to decide what may be the more important and far-reaching issue of what constitutes a valid consent in probation and parole cases. The consent issue is more troublesome than the admissibility of evidence because it highlights the inherently unequal and often implicitly coercive relationship between supervision officers and offenders in probation and parole. The nagging question is whether consent can ever be valid in parole and probation revocation cases where refusal can mean denial of release or revocation that results in incarceration.

The ruling in *Scott* is doubtless a victory for probation and parole agencies. Whether probation and parole officers will now be less constrained by the Fourth Amendment prohibition on unreasonable searches and seizures remains to be seen. The answer will likely depend on a variety of factors, including the likelihood of being sued for violation of civil rights, and on other types of limitations, such as departmental rules and regulations. While the exclusionary rule is now constitutionally inapplicable in revocation proceedings, state case law and agency policy may nonetheless prohibit the admission of such evidence based on provisions of the state constitution, state law, or agency policy. What the United States Supreme Court refuses to do, state legislatures and law enforcement agencies may do if they so choose—thus, in effect nullifying the impact in that state of the *Scott* decision.

ENDNOTES

- ¹ 467 U.S. 643 (1961).
- ² United States v. Calandra, 414 U.S. 338, 348 (1974).
- ³ 66 L.W. 4524, 118 S.Ct. 2014 (June 22, 1998).
- ⁴ United States v. Calandra, 414 U.S. 338 (1974).
- ⁵ United States v. Janis, 428 U.S. 433 (1976).
- $^{\rm 6}$ Wayne R. La Fave and Jerold H. Israel, $\it Criminal\ Procedure\ (2nd\ edition,\ 1991)$
- 7 Id. For a discussion of the civil liability of police officers who conduct illegal searches and/or seizures, see H.E. Barrineau, Civil Liability in Criminal Justice (2 $^{\rm nd}$ edition, 1994).
 - 8 467 U.S. 643 (1961).
 - 9 468 U.S. 981 (1984).
 - ¹⁰ United States v. Calandra, 414 U.S. 338, 348 (1974).
 - 11 Burdeau v. McDowell, 256 U.S. 465 (1921).
 - ¹² United States v. Calandra, 414 U.S. 338 (1974).
- $^{\rm 13}$ Frisbee v. Collins, 342 U.S. 519 (1952). See also, United States v. Alvarez-Machain, 504 U.S. 655 (1992).
 - 14 United States v. Janis, 428 U.S. 433 (1974).
 - 15 INS v. Lopez-Mendoza, 468 U.S. 1032 (1984).
- 16 As of January 1, 1998 there were over 685,000 individuals on parole. Charles C. Coight, "Probation and Parole Population Approaches Four Million." $\it Overcrowded\ Times\ 9(4);\ 2\ (1994).$
- ¹⁷ Susan Turner and Joan Petersilia, "Focusing on High-Risk Parolees: An Experiment to Reduce Commitments to the Texas Department of Corrections." *Journal of Research in Crime and Delinquency* 29(1):34 (1992).
 - ¹⁸ John W. Palmer, Constitutional Rights of Prisoners (5th edition, 1998).
 - 19 Black, Black's Law Dictionary (5th ed. 1983).
 - ²⁰ Palmer, supra note 18.
 - ²¹ 483 U.S. 868 (1987).
 - ²² Id.
- 23 Craig Hemmens and Rolando V. del Carmen, "The Exclusionary Rule in Probation and Parole Revocation Proceedings: Does It Apply?" Federal Probation 61:32 (1997).
 - ²⁴ People v. Reyes, (California Supreme Court, Sept. 21, 1998).
- 25 Twenty-two states and federal circuits hold the exclusionary rule inapplicable at all times; nineteen other states and federal circuits hold the exclusionary rule does not apply in at least some instances. Hemmens and del Carmen, $\it supra$ note 33
- 26 Ten states and two federal circuits have case law which is unsettled in this area. Hemmens and del Carmen, $\it supra$ note 33.
 - ²⁷ See, e.g., State v. Begins, 514 A.2d 719 (Vermont, 1986).
 - ²⁸ See, e.g., State v. Reyes, 504 A.2d 43 (New Jersey, 1986).
 - ²⁹ See, e.g., State v. Davis, 375 So 69 (Louisiana, 1979).

- 30 See, e.g., United States v. Farmer, 512 F.2d 160 (6th Circuit, 1975).
- ³¹ See, e.g., United States v. Rea, 678 F.2d 382 (1982).
- 32 See, e.g., Kain v. State, 378 N.W.2d 900 (Iowa, 1985).
- 33 See, e.g., Mason v. State, 838 S.W.2d 657 (1992).
- 34 United States v. Workman. 585 F.2d 1205, 1211 (4th Cir. 1978).
- 35 367 U.S. 643 (1961).
- ³⁶ Pennsylvania Board of Probation and Parole v. Scott, 66 L.W. 4524 (June 22, 1998).
 - 37 Id. at 4525.
- ³⁸ 66 L.W. 4524. In addition, there was evidence Scott had consumed alcohol and assaulted someone, both also violations of his parole conditions.
- 39 Id. The officers did not obtain consent to search the home; pursuant to the parole agreement they were not obligated to do so.
- ⁴⁰ Scott v. Pennsylvania Board of Probation and Parole, 698 A.2d 32, 33 (Pa. 1997).
 - 411998 WL 10335 (U.S. Amicus Brief) at 16.
 - 42 Brief for Petitioner, 1998 WL 6558 at 17-18.
 - 43 Id. at 9-10.
 - 44 Id.
 - 451998 WL 63147 at 20-21.
- ⁴⁶ Scott v. Pennsylvania Board of Probation and Parole, 698 A.2d 32, 33 (Pa. 1997).
- ⁴⁷ Pennsylvania Board of Probation and Parole v. Scott, 66 L.W. 4524 (June 22, 1998).
 - 48 698 A.2d 32, 35 (Pa. 1997).
 - 49 Id.
 - ⁵⁰ *Id.*
- ⁵¹ Pennsylvania Board of Probation and Parole v. Scott, 66 L.W. 4524 (June 22, 1998).
 - ⁵² *Id.*
 - 53 414 U.S. 338, 348.
 - ⁵⁴ 66 L.W. 4524, citing *Morrissey v. Brewer*, 408 U.S. 471, 477 (1972).
 - 55 66 L.W. 4524, citing *Morrissey v. Brewer*, 408 U.S. 471, at 480.
- 56 66 L.W. 4524, citing $\it Gagnon~v.~Scarpelli,~411$ U.S. 778, 788 (internal quotation marks omitted).
 - ⁵⁷ *Id.*
 - ⁵⁸ *Id.*
 - 59 Id. at 4526.
 - ⁶⁰ *Id.*
- ⁶¹ *Id.*, citing *United States v. Calandra*, 414 U.S. at 349 (noting that application of the exclusionary rule to grand jury proceedings would cause delay and disruption because "suppression hearings would halt the orderly process of an investigation and might necessitate extended litigation of issues only tangentially related to the grand jury's primary objective"); and *INS v. Lopez-Mendoza*, 468 U.S. at 1048 (noting that "invocation of the exclusionary rule might significantly change and complicate the character of" deportation proceedings.
- $^{\rm 62}$ Id. at 4527, citing Gagnon v. Scarpelli, 411 U.S. at 787-788 (quoting Morrissey v. Brewer, 408 U.S. at 480).
 - 63 408 U.S. 471.
 - 64 66 L.W. 4524.
 - 65 *Id*
- 66 Id. at 4527. The opinion further cited United States v. Janis, 428 U.S. at 454, note 29, for the proposition that the exclusionary rule is itself a "grudgingly taken medicant."
- 67 See, e.g., Petitioner's Brief, 1998 WL 6558, at 15-16; Respondent's Brief, 1998 WL 63147, at 7-28.
 - 681998 WL 6549 at 20-21.
 - 69 Id. at 4525, note 3.
- ⁷⁰ State courts continue to struggle with this issue. *See, e.g., People v. Reyes,* (California Supreme Court, Sept. 21, 1998), in which the California Supreme Court, by a 4-3 vote, held that police officers may search parolees without reasonable suspicion.
 - ⁷¹ 66 L.W. 4524, at 4528.

- ⁷² Eight justices (the five in the majority and the three joining Justice Souter's dissent) either explicitly or implicitly endorsed the *Calandra* balancing test. Only Justice Stevens endorsed the view frequently put forth by Justice Brennan (See, e.g., *United States v. Calandra*, 414 U.S. 338, 357 (1974)(Brennan, J., dissenting) that the exclusionary rule is justified not only as a deterrent, but to promote judicial integrity. *See also* Stewart, "The Road to *Mapp v. Ohio* and Beyond: The Origins, Development and Future of the Exclusionary Rule in Search-and-Seizure Cases." 83 *Columbia Law Review* 1365 (1983).
 - ⁷³ 66 L.W. at 4528.
 - ⁷⁴ *Id.*
 - ⁷⁵ *Id.*
 - ⁷⁶ *Id.*
 - ⁷⁷ *Id.*
- 78 James J. Gobert and Neil P. Cohen, *The Law of Probation and Parole*, at 373 (1983).
 - 79 Id., at 374.
- ⁸⁰ See, e.g., James Q. Wilson, Varieties of Police Behavior (1968); Richard Bennett and Theodore Greenstein, "The Police Personality: A Test of the Predispositional Model." 3 Journal of Police Science and Administration 439 (1945).
- ⁸¹ Paul F. Cromwell and Rolando V. del Carmen, *Community-Based Corrections*, at 200 (1999).
- 82 Scott v. Pennsylvania Board of Probation and Parole, 698 A.2d 32, 37-38 (Pa., 1997).
 - ⁸³ Id.
 - 84 66 L.W. 4525 at 4527.
 - 85 *Id.*
 - 86 Id., citing U.S. v. Leon, 468 U.S. at 914.
 - 87 Id.
 - 88 66 L.W. at 4528 (Souter, J., dissenting).
 - 89 Id. at 4528-29.
 - 90 Id. at 4527.
 - ⁹¹ *Id.*
 - ⁹² *Id.*
 - ⁹³ *Id.*
 - 94 Id., at 4529.
 - ⁹⁵ *Id.*
 - ⁹⁶ *Id.*
 - ⁹⁷ *Id.*
- ⁹⁸ As of January 1, 1998, there were 685,033 individuals on parole, and 3,261,888 individuals on probation. Coight, *supra* note 16. Currently there are over 3.9 million people under probation or parole, the most in United States history. Nearly two percent of adults are on probation or parole. *Id.*
 - 99 408 U.S. 471 (1972).
 - 100 411 U.S. 788 (1973)
 - 101 Id.
 - 102 Id.
 - 103 Id.
 - ¹⁰⁴ 408 U.S. 471 (1972).
 - 105 Id. at 480.
 - ¹⁰⁶ Hemmens and del Carmen, *supra* note 23.
- 107 "[The decision will give] parole boards the ability to ensure that paroled criminals are following the terms of their release." Pennsylvania Attorney General Mike Fisher, quoted in "Opinions Divided Over Impact of Scott Decision on Parole Officials." $\it Corrections Alert~5$ (9):8 (1998).
- 108 "It's a dangerous decision because of the effect it has on people in their homes. Now it's open season on parolees and their families." Leonard Sosnov, quoted in "Opinions Divided Over Impact of Scott Decision on Parole Officials." *Corrections Alert* 5 (9):8. "This is a very important decision to the probation and parole officers. It will insulate them from any review of their activities." Tracy Maclin, *Id.*. \Box

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Name _____

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Topics covered in the Videoconference include:

- key informational needs of crime victims;
- methods for providing notification and informational services to victims;
- strategies for informing and educating victims and the public about probation and parole;
- · programming priorities of restorative justice; and
- promising programs and practices based on restorative justice principles that have been implemented in community corrections agencies.

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American Probation and Parole Association c/o The Council of State Governments
Attn: Tracy Godwin

PO Box 11910 Lexington, KY 40578-1910 Phone: (606) 244-8215

Fax: (606) 244-8001

CALENDAR OF EVENTS

1999-2000

June 11-14	8th Symposium on Violence and Aggression hosted by the Correction Service of Canada Regional Psychiatric Centre (Prairies) and the University of Saskatchewan. Saskatoon, Saskatchewan, Canada. Contact (306) 966-5642.	Sept. 15-17	Volunteers in Prevention, Probation and Prisons, Inc. Compact Two-Day Training with Focused Educational Opportunities, The Radisson Hotel City Centre, Indianapolis, IN. Contact (313) 964-1110.
June 23	American Probation and Parole Association Audio Teleconference "Performance-Based Management." Contact Linda Syndney at (606) 244-8192.	Sept. 24-25	The Institute on Criminal Justice's Semiannual Workshop, "Delinquents Under Age 10." Contact (612) 624-1885.
July 7-10	University of Minnesota National Restorative Justice Training Institute "Victims of Severe Violence Meet the Offender: A Journey Toward Healing and Strength," St. Paul, MN. Contact	Oct. 5-9	West Virginia Association of Probation Officers 1999 Education Conference, Canaan Valley Resort, Davis, WV. Contact Charles McCann at (304) 526-8515.
	(612) 624-4923.	Oct. 13-15	Volunteers in Prevention, Probation and Prisons, Inc. Compact Two-Day Training with Focused
July 18-21	Annual Conference on Criminal Justice Research		Educational Opportunities, The Midland Hotel,
	Evaluation: Enhancing Policy and Practice sponsored by National Institute of Justice, Bureau		Chicago, IL. Contact (313) 964-1110.
	of Justice Assistance, Office of Juvenile Justice and	Oct. 20-22	Illinois Probation and Court Services Association
	Delinquency Prevention and other Office of Justice Programs offices and bureaus. JW Marriott Hotel, Washington, D.C. Contact (703) 684-5300 or visit		Annual Fall Conference, Holiday Inn Select, Decatur, IL. Contact Linda Weakley at (217) 523-9840.
	www.nijpcs.org/upcoming.htm.	Dec. 11-14	Third Annual Crime Mapping Research Conference
July 18-22	National Association of Blacks in Criminal Justice		sponsored by Crime Mapping Research Center, National Institute of Justice, U.S. Department of
July 10 22	1999 National Conference and Training Institute,		Justice. Renaissance Orlando Resort, Orlando,
	Adams Mark Hotel, Dallas, TX. For more		Florida. Contact (703) 684-5300 or visit
	information visit the web site at http://www.nabcj.org/99conf.htm		www.nijpcs.org/upcoming.htm.
	www.nabej.org/obeom.nam	2000	
July 21	American Probation and Parole Association Audio Teleconference "Working with Substance Using Offenders." Contact Linda Syndney at (606) 244-8192.	Feb. 13-16	American Probation and Parole Association Winter Training Institute, Opryland Hotel, Nashville, TN. Contact Krista Chappell at (606) 244-8204.
Aug. 8-12	American Correctional Association 129th Congress		

of Correction, Denver, CO. Contact (800) 222-

Center for Sex Offender Management Special

Training Session, Marriott Marquis Hotel, New

York, NY. Contact Margaret Griffin at (606) 244-

American Probation and Parole Association 24th

Annual Training Institute, New York, N.Y. Contact Krista Chappell at (606) 244-8204.

5646.

8212.

Aug. 22

Aug. 22-25

To place your activities in Calendar of Events,

please submit information to:
Susan Meeks

American Probation and Parole Association P.O. Box 11910, Lexington, KY 40578 or fax to (606) 244-8001

Information needs to be received no later than four months prior to event to be included in the calendar.

American Probation and Parole **Association**

New York, NY August 22-25 1999

24th Annual **Training** Institute

Respect For The Past With Eyes To The Future: A **Beacon For The New Millennium**

COMMUNITY CORRECTIONS

The American Probation and Parole Association's 24th Annual Training Institute offers community corrections professionals over 80 educational sessions for all levels of experience. The Institute is designed to stimulate the discussion of new ideas, reveal discoveries yielded by recent research and experience and encourage communication between participants from diverse jurisdictions and backgrounds.

This institute is "not to be missed" if you are a corrections professional involved in:

- probation
- parole
- juvenile justice
- treatment

WHERE

- social work
- education or training
- victim services
- residential programs
- the judicial system
- pre- and post-release centers
- restitution
- law enforcement
- public policy development

Saturday, August 21

9:00 a.m. - 5:00 p.m. 12:00 p.m. - 5:00 p.m.

Sunday, August 22

7:00 a.m. - 8:00 a.m. 8:00 a.m. - 9:00 p.m. 8:00 a.m. - 5:00 p.m. 8:30 a.m. – 5:30 p.m.

1:00 p.m. - 5:00 p.m. 4:00 p.m. - 7:00 p.m.

7:00 p.m. - 8:30 p.m. 8:30 p.m. - 10:00 p.m.

Monday, August 23

7:30 a.m. - 5:00 p.m. 8:30 a.m. - 10:00 a.m. 10:00 a.m. - 1:45 p.m. 10:30 a.m. - 12:00 p.m. 12:00 p.m. - 1:45 p.m. 1:45 p.m. - 3:15 p.m. 3:30 p.m. - 5:00 p.m. 4:00 p.m. - 6:00 p.m. 5:00 p.m. - 6:00 p.m.

6:30 p.m. - 11:30 p.m.

APPA Executive Committee Meeting **Institute Registration**

5K Fun Run & Walk **Institute Registration Intensive Sessions**

Special Training – Center for Sex Öffender Management

APPA Board of Directors Meeting Exhibit Viewing **Opening Session**

The BIĞ APPLE Reception

sponsored by APPA Corporate Members

Institute Registration

Plenary Session Exhibit Viewing Workshops Lunch with Exhibitors Workshops

Workshops Exhibit Viewing Reception in Exhibit Hall

APPA Gala Event, "A Taste of Ellis

Island"

Tuesday, August 24

8:30 a.m. - 10:00 a.m. 10:00 a.m. - 12:00 p.m. 10:30 a.m. - 12:00 p.m. 12:00 p.m. - 1:30 p.m. 1:45 p.m. - 3:15 p.m. 3:30 p.m. - 5:00 p.m. 4:00 p.m. - 6:30 p.m. 5:00 p.m. - 6:30 p.m.

Plenary Session Exhibit Viewing **Workshops**

APPA Awards Luncheon Workshops

Workshops Exhibit Viewing Reception in Exhibit Hall

Wednesday, August 25

8:30 a.m. - 9:30 a.m. 9:45 a.m. - 11:15 a.m. APPA Membership Meeting

Closing Session

Agenda is subject to change.

Perspectives

Summer 1999

All APPA workshops, intensive sessions, general sessions,

exhibits and receptions will take place at the Marriott Marquis

Hotel located at 1535 Broadway in New York City.



Opening Session

Sunday, August 22 - 7:00 p.m. - 8:30 p.m

Combating Correctional Quackery: What We **Know and What Needs to be Done**

During the last decade there have been enormous gains in knowledge regarding whether prisons are cruel and unusual punishment; how well criminal behavior can be predicted; and the effectiveness of punishments and treatments on offenders' recidivism. Dr. Gendreau will provoke you to consider your ability to respect what the data says. He will reveal how enacting rational policies in community corrections rests, in part, on exposing the roots of correctional quackery i.e., inadequate training, the lack of technology transfer, the common-sense revolution, and the rise of the "fart-catcher" management class. **Speaker**

Paul Gendreau, Ph. D., Professor of Psychology, and Director of the Criminal Justice Studies Center at the Saint John Campus of the University of New Brunswick, Canada **Special Guest**

Steven McDonald, former New York Police Officer

Plenary Session

Monday, August 23 — 8:30 a.m. - 10:00 a.m.

Reinventing Probation - A Global Strategy

Probation faces a critical crisis of legitimacy and public support that must be faced successfully if the profession is to enter the next century confidently. Probation must put forward a new vision of its essential purposes and goals in a way that convinces our public that a new investment policy is warranted. In this session, professor John DiIulio of Princeton University, who has been among the most vocal critics of probation, will discuss the context of concern. APPA President Mario Paparozzi will unveil a model for a reinvented probation, rooted in clearly enunciated public values and committed to a credible range of strategies.

Speakers

John Dilulio, Professor of Public Policy, Princeton University,

Mario A. Paparozzi, Assistant Professor, Dept. of Law and Justice, College of New Jersey

Moderator

Ron Corbett, Deputy Commissioner of Probation, Massachusetts

Institute Co-Sponsors
New York State Probation Officers Association, Inc.
United Probation Officers Association
New York State Council of Probation Administrators New York State Public Employees Federation Parole Division 236

Host Agencies

New York City Department of Probation
Suffolk County Probation Department
Westchester County Probation Department
Nassau County Probation Department
New York State Division of Probation and Correctional Alternatives
New York Division of Parole
New York State Division of Criminal Justice Services

Plenary Session

Tuesday, August 24 — 8:30 a.m. - 10:00 a.m.

Recidivism: Addiction and the Criminal Offender

If the objective of our criminal justice systems is to protect the public safety by incarcerating incorrigible offenders, and rehabilitating as many others as possible, then the prevailing policy of prison with little or no treatment or preparation for return to the community is, as Brooklyn District Attorney Charles J. Hynes puts it, "lunacy." Criminal recidivism is a function of active drug and alcohol abuse and much of the treatment that inmates are receiving is inadequate. Many of the 1.4 million substance-involved inmates would be law abiding, working, tax paying citizens and responsible parents, if they lived sober lives. We need to re-evaluate and revolutionize our thoughts about crime, punishment, prisoners and think of a better way to bring about a productive end.

Session sponsored by GWC, Inc.

Speaker

Delbert Boone, President, NND Inc., New York

Closing Session

Wednesday, August 25 - 9:45 a.m. - 11:15 a.m.

You Can Change the Shape of Your Mountain

Don't miss this moving session of success and hope! **Speaker**

Mary Previte, Administrator, Camden County Youth Center, Lakeland Complex, New Jersey

HARTER MEMBERS

The American Probation and Parole Association would like to invite its charter members to participate in the APPA Charter Members Club. The APPA Charter Members Club will have its next meeting at the APPA 24th Annual Training Institute in New York, New York, August 22-25, 1999. If you are a charter member and are interested in becoming a part of the club, please contact Rudy Szollar or stop by the APPA registration desk in New York for more information.

> Rudolph F. Szoller P.O. Box 649 Bushkill, PA 18324 (808) 382-7393

Rudy F. Szoller is a charter member of APPA and a retired officer from the Union County Probation Department in Elizabeth, New Jersey.



Registration Form

Center for Sex Offender Management Special Training Session Sunday, August 22, 1999

The Center for Sex Offender Management is sponsoring a one-day, special training session at the APPA Institute. This will be a day-long training and will focus specifically on adult sex offenders. This training is designed for probation and parole line staff, supervisors, and agency officials with policy responsibility for the management of sex offenders, treatment providers and victim advocates. This training will take place on Sunday, August 22, during APPA's 1999 Annual Institute in New York City. There will be no fee for this special training session, All participants must, however, be paid registrants of the APPA Institute. Space is limited and advance registration must be received by July 2, 1999.

Mail this form to:

Margaret Griffin

Sex Öffender Management Specialist Center for Sex Offender Management c/o American Probation and Parole Association 2760 Research Park Drive, P.O. Box 11910 Lexington, Kentucky 40578-1910 Telephone: 606/244-8212

Fax: 606/244-8001 Email: mgriffin@csg.org

Name:
Title:
Agency:
County:
Address:
City : State: Zip:
Telephone:
Fax:
E-Mail:

The completed registration form **must be** received by July 2, 1999!

Center for Sex Offender Management

Sunday, August 22 – 8:30 a.m. - 5:15 p.m.

A Project Sponsored by Office of Justice Programs, National Institute of Corrections, State Justice Institute

Established in June 1997, the goal of the Center for Sex Offender Management (CSOM) is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community. A collaborative effort of the Office of Justice Programs, the National Institute of Corrections, and the State Justice Institute, CSOM is administered by the Center for Effective Public Policy and the American Probation and Parole Association.

CSOM is sponsoring a special training session at the APPA Institute. The training will focus specifically on adult sex offenders. This special training is designed for probation and parole line staff, supervisors, and agency officials with policy responsibility for the management of sex offenders, treatment providers and victim advocates. It will provide a concentrated introduction to the basic principles of the effective management of adult sex offenders in the community. Drawing upon the current best thinking in the field, this training will address special conditions of supervision, the use of specialized caseloads, the benefits of a collaborative management approach, effective treatment models, the primary role of victims in managing sex offenders, the use of the polygraph, sex offender assessment, community notification and registration.

There will be no fee for this special training session. *All participants MUST, however, be paid registrants of the APPA Institute. Space is limited and advance registration is required.*

For further information please contact:

Margaret Griffin Sex Offender Management Specialist Center for Sex Offender Management c/o American Probation and Parole Association 2760 Research Park Drive, P.O. Box 11910 Lexington, KY 40578-1910 Telephone: 606-244-8212

Fax: 606-244-8001 Email: mgriffin@csg.org

TENE

Intensive Sessions

(All intensive sessions are held on Sunday, August 22)

8:00 a.m. – 12:00 p.m.

Thinking for a Change
Resolving Conflict: Mediation Skills and Techniques for Probation/Parole Officers #2

Coaching for Success

9:00 a.m. – 5:00 p.m. #4 A Prevention Primer: How Probation and Parole Agencies Can Lead the Way in Creating Safe and Vital Communities What Works? Components of Effective Correctional Interven-

tion Programs

#6

A Guide to Grant Writing
"Show Me" – The Nuts and Bolts of Operating a Justice System Mentoring Program

Sexual Harassment, Employment Law, Conflict Resolution – Inseparable Elements of Workplace

1:00 p.m. – 5:00 p.m. #9 Professionalism and Ethics in Today's Work Environment

#10 Homeboys Home Again

#11 Community Networking and Offender Reintegration

Workshops

Monday, August 23 — 10:30 a.m. - 12:00 p.m.

Reinventing Community Supervision: A Roundtable Discussion Pay Now or Pay Later: Responding to the Juvenile Sex Offender Get a GRIP: A Probation-Based Approach to Gang Prevention and

Bad or Sick: Working with the Chemically Addicted Offender Responding to Probation and Parole Violations - What Have We Learned?

Effective Courtroom Testimony

The Evolution of a Model Program: Community Oriented Crime Prevention In Knoxville, Tennessee Throw the Book at Them: Changing Lives Through Literature Tactical Firearms and Officer Survival: Training for the Full Spec-

trum from Recruits to High Risk Units
Case Classification and Assessment in Probation and Parole: Results from a National Survey of the State of the Art

Beyond the Basics: New Initiatives to Help Victims of Crime through Community Corrections

Crisis Management

Monday, August 23 — 1:45 p.m. - 3:15 p.m. Issues in Applying the What Works Literature to Women Offenders Surviving A Forcible Confinement - Part I

Intensive Supervision - Texas Style!

Emerging Legal Issues Having Impact on Probation and Parole Administrators

New York State Probation Outcomes Project

Results-Driven Management: Designing an Integrated Model for Community Corrections

Office of Justice Programs Update on Grant, Technical Assistance, and Training Opportunities Innovations and Promising Directions for Juvenile Aftercare and Pa-

Community Court as Early Intervention: Youth Programs in a Community Justice Context Fun and Games: The Road to Change

The Office of Victims of Crime (OVC) Training and Technical Assistance Center: Your Resource for Victim Services Training and Technical Assistance

Communicable Diseases: Increasing Awareness and Decreasing Fear

Monday, August 23 — 3:30 p.m. - 5:00 p.m. Restorative Justice Programs in a Rural Community

Comprehensive Criminal Justice Strategies for Substance-Abusing Offenders

Defiant Hope

Using the Internet to Enhance Your Agency's Mission and Public Im-

Surviving A Forcible Confinement - Part II

Information Technology for Probation Services: The New York State Automation Project

Successful Merger of Five Statewide Judicial Branch Community Cor-

rections Operations Into One! Use of the Polygraph with Sex Offenders

Preliminary Results of the Georgia Cognitive Skills Experiment

Innovations with Government Partners

Integrating Technology, Treatment and Supervision to Reduce Recidivism

Developing a Firearms Certification Training Program: What Worked and What Didn't Work in Texas

Tuesday, August 24 — 10:30 a.m. - 12:00 p.m. The Common Denominator of Life

What We Know About the Effectiveness of Community Justice

Life Line: A Unique Way of Doing Life

Electronic Monitoring: Looking Beyond the Equipment Been There, Done That, Now What

The New Jersey Community Service Learning for Adjudicated Youth

Coming in from the Outside

Providing Victim Services in a Community Justice Context Selling Alternative Sanctions in a "Tough on Crime World"

Information Sharing: Law Enforcement, Schools, and Probation Partnerships

Implementation and Compliance with State Constitutional Amendments for Victims of Crime

Crime-Specific Supervision: Community Management of Sex Offend-

*Tuesday, August 24 — 1:45 p.m. - 3:15 p.m.*What Our Fallen Officers Have Taught Us - Part 1

What's Working: Innovative Approaches to Juvenile Justice/Juvenile

Holdover Programs Corrections: A Global Perspective

Supervising the Toughest Offenders: Parole and Probation Work with Local Law Enforcement to Provide More Intensive Supervision Community Corrections Response to Victims of Domestic Violence Reintegrating Offenders - Making it a Priority: Correctional Service of Canada

Surveying Probationer and Employee Opinion Living in the Now, Thinking to the Future

Reshaping Justice CityKids Foundation Public Policy by Hysteria Abolish Parole, Again

*Tuesday, August 24 — 3:30 p.m. - 5:00 p.m.*Building Effective Local Criminal Justice Systems: The Experience of Two New York Counties Trends in U.S. Correctional Populations: New Findings From the

Bureau of Justice Statistics What Our Fallen Officers Have Taught Us: Training Exercises and

Modalities - Part II

Using Relapse Prevention Theory to Supervise Parolees

Treating Addiction in a Correctional Setting

Impact Weekend — A Proven Innovative Alternative for Drunk Driv-

ing Offenders No New Victims: The Challenge of Managing Sex Offenders in the Community

Client Centered Case Management of Offender Populations: A Systems Approach

How to be a Victim Friendly Juvenile Court

The Role of Probation and Parole in Domestic Violence Cases The Mental Health Juvenile Justice Diversion Project: A Unique Collaboration on Behalf of Delinquent Youth with Mental Health and

Substance Abuse Needs

What Do We have Here? Alternatives for Psychological Testing and Assessment

REGISTRATA

Register for the APPA Institute On-Line at www.appa-net.org/NY.htm

Additional information and registration for these eventsmay be viewed on APPA's Internet site at www.appa-net.org/NY.htm, or call (606) 244-8204 for a complete registration brochure. View other activities such as:

- 5K Fun Run & Walk
- Spend the Day at Shea!
- APPA's Gala Event, "A Taste of Ellis Island"

New! Single Day Registration

Single day registration includes all sessions, workshops, luncheon and exhibit hall entrance for one day only. Desired days (Monday, August 23 or Tuesday, August 24) must be selected by July 23. Deadline to register for single day registration is July 23.

Payment

Payment in full for all Institute activities must accompany your registration form. Check, money order, VISA, Master Card or American Express are accepted as payment for the Institute's registration fees. Sorry, credit cards or purchase orders will not be accepted as payment for the Gala Event, New York Mets tickets or 5K Run—checks only please. Checks must be made out to the American Probation and Parole Association and payable in U.S. dollars. Payments received in Canadian dollars will be invoiced for the conversion difference plus a \$10 service fee. Registrations postmarked on July 24, 1999 or later are not eligible for the early registration fee and must include the regular registration fee.

Three Ways to Register

By Mail — Registration for the APPA Institute can easily be done by mail. Just send your check, government purchase order or credit card information with your completed APPA registration form to the address shown on the form.

By Fax — For your convenience, when payment is by credit card, you may fill out the APPA registration form and fax it to: (606) 244-8001, Attention — APPA Institute. All registrations faxed by July 23, 1999 will be confirmed by mail.

By Internet—Register for the APPA Institute on-line at www.appa-net.org/NY.htm.

Cancellation/Refund Policy

A full refund, less a \$50 processing fee, is available until July 30, 1999. No refunds are available after July 30, 1999. In order to receive a refund, written requests must be sent the APPA Institute, c/o The Council of State Governments, P.O. Box 11910, Lexington, KY 40578-1910 or faxed to (606) 244-8001. All requests for refunds must be postmarked or faxed by July 30, 1999. Registrations are not transferable.



The New York Marriott Marquis Hotel and the Renaissance New York Hotel will provide accommodations to APPA registrants. Reservations may be made by calling the Marriott Marquis at (800) 843-4898 and the Renaissance at (212) 765-7676. Special lodging rates of \$132 single occupany and \$142 double occupancy is available at the Marriott Hotel; \$189 single or double occupancy is available at the Renaissance Hotel.

TRANSPORTATION

Your Ticket of Savings!

Delta Air Lines and US Airways have been selected as the official carriers for the APPA 24th Annual Training Institute in New York. Both airlines offer *bonus* meeting discounts. To receive the discount, be sure to note the file number for Delta or USAirways when making the reservation.

To ensure the additional bonus discount on your airfare, contact the official travel agency of the American Probation and Parole Association:

Carlson Wagonlit Travel Call 1-800-445-0419 5:30 a.m. - 8:30 p.m. Monday-Friday

Identify that you are attending the APPA Institute to obtain special airfares.

Note: If confirming reservations directly with your travel agent, please instruct them to give Delta or US Airways the appropriate file number so you will receive your discounted airfare.

Delta Bonus Discounts!

Service available to all area airports.

Tickets purchased more than 60 days before the Institute 15% off regular coach tickets 10% off non-refundable tickets

Tickets purchased less than 60 days before the Institute 10% off regular coach tickets 5% off non-refundable tickets

For Delta Air Lines call: 1-800-241-6760 Refer to file number: DMN118072A

US Airways Bonus Discounts!

Service available to LaGuardia and Newark airports. 7% discount off first or envoy class and any published US Airways promotional round trip fare. 12% discount off unrestricted coach fares with 7 days advance reservations and ticketing.

Plan ahead and receive an additional discount by ticketing 60 days or more prior to departure.

For US Airways call: 1-800-334-8644 Refer to gold file number: 16191086

REGISTRATION

APPA 24th Annual Training Institute August 22-25, 1999

Please use a photocopy of this form for each registrant. Please print clearly.
Last Name: First Name: First Name:
Title:
Agency/Organization:
Business Telephone: Business Fax: Business Fax:
Address: [
City: State: Zip:
Email Addresss:
Registration Fees
Includes general sessions, exhibit receptions Early Rate On or After and workshops. (All fees are per person.) Before July 23 July 24 Amount
Member of APPA or co-sponsoring \$240 \$275 \$ To qualify for this rate you must be a member of one of the following (please mark those that you hold current membership in) □ APPA Member - Please indicate your membership category and your membership number. □ Individual member □ Agency member Membership # □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □
Non-member \$285 \$320 \$
Single Day Registration \$175 n/a \$
Family Registration \$50 \$50 \$ This rate is available to immediate family members not employed in the corrections field. Allows entry into general sessions, exhibit receptions and workshops. Luncheon is not included. Specify Family member's name
Awards Luncheon Ticket (August 24) \$45 \$45 \$
APPA Membership \$35 \$35 \$ One year of individual membership.
Grand Total Enclosed \$
Is this your first attendance at the APPA Institute? ☐ Yes ☐ No
Payment ☐ Check Enclosed ☐ Government Purchase Order Enclosed; PO # Charge to: ☐ VISA ☐ MasterCard ☐ American Express Card Number: Expiration Date: Signature: Date: Special Assistance ☐ Please check if you require special provisions to fully participate in this Institute. Attach a written description of needs.
Confirmation/Refund Policy A full refund, less a \$50 processing fee, is available until July 30, 1999. No refunds are available after July 30. In order to receive a refund, written requests must be sent to the APPA Institute, c/o The Council of State Governments, P.O. Box 11910, Lexington, KY 40578-1910 or faxed to (606) 244-8001. All requests for refunds must be postmarked or faxed by July 30.

Mail this form to:

APPA Institute

c/o The Council of State Governments $P.O.\ Box\ 11910$

Lexington, KY 40578

or Fax to:

(606) 244-8001

(000) 11	
To better plan Insti activities, please s following information	supply us with
Job Jurisdiction Federal State County City Private firm/busine Academic Institution Province Nonprofit organiza Other	on
Primary Work Area Adult Probation & Adult Probation or Adult Parole only Juvenile Probation Juvenile Parole/Aft Residential Other	nly
Length of Experience ☐ Less than 2 years ☐ 2-5 years ☐ 6-10 years ☐ 11-15 years	in Corrections 16-20 years 21-25 years More than 26 years
Highest Level of Educ Graduate Equivalet High School Diplo Associate's Degree Bachelor's Degree Master's Degree Doctorate	ncy Diploma(GED)
Geographical Area ☐ Urban	□ Rural
Gender ☐ Male	☐ Female
Professional Category Line Personnel Commissioner/ Director/Chief Administrator Consultant Trainer Parole Board Member	☐ Judge ☐ Attorney ☐ Educator/ Researcher ☐ Private Sector/ Corporate ☐ Other
Race/Ethnicity	
☐ African American☐ Caucasian☐ Hispanic	☐ Native America☐ Asian☐ Other
Mark all Expenses tha ☐ Registration ☐ Travel-Air	t are Reimbursed ☐ Travel-Ground ☐ Meals
Mark Past Attendance Institute	at APPA Annual
☐ First Time ☐ 2-4 ☐ 5-6	☐ 7-9 ☐ 10 or more
	D # 56 ₋ 1150454

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

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