

PERSPECTIVES

the journal of the American Probation and Parole Association



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Spring 2001

A Question of Outlook

BROKEN WINDOWS PROBATION



AMERICAN PROBATION AND PAROLE ASSOCIATION

26th Annual Training Institute

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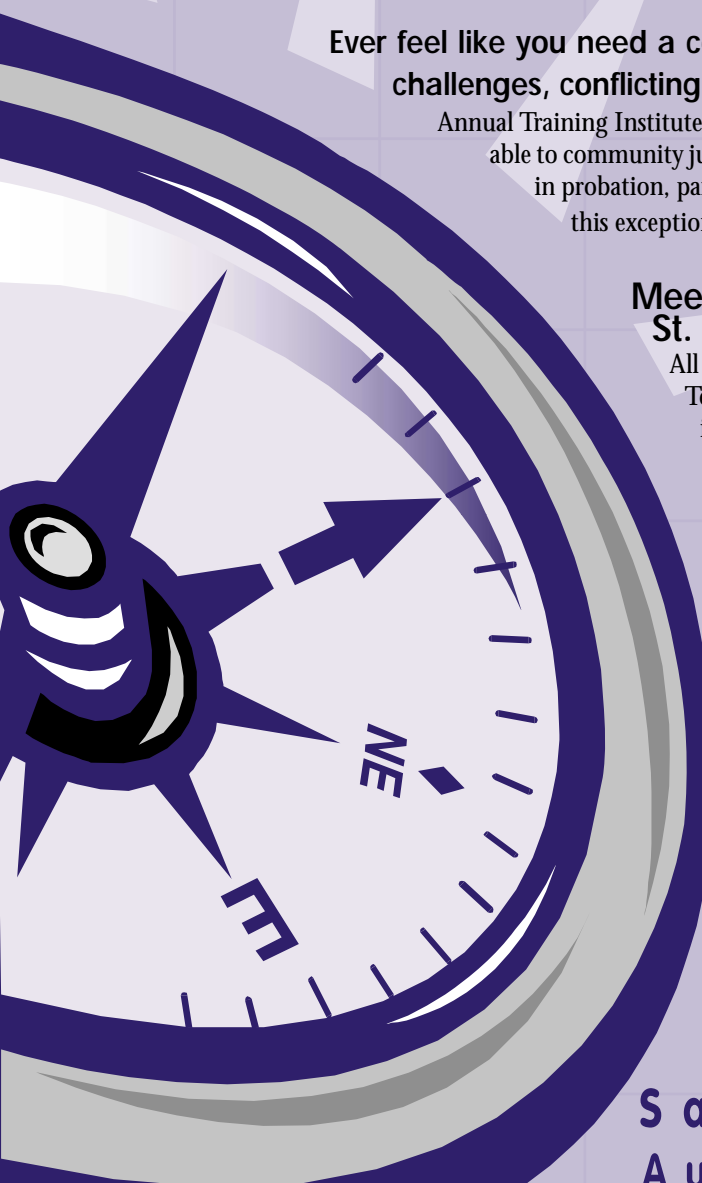
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www.appa-net.org.**

**Saint Paul, Minnesota
August 26-29, 2001**



PRESIDENT'S MESSAGE

Reflecting on the Winter Training Institute in Portland, Oregon, January 7-10, 2001, I wanted to take this opportunity to thank our local hosts in Oregon, and specifically Scott Taylor, for all the hard work in making the event a success. Similarly, I want to thank Rhonda Grant and her Program Committee for organizing an excellent program. I have said this before: These institutes don't just happen—they take a lot of planning and work. Let me also acknowledge the work of Susan Meeks from our APPA office, who once again did a marvelous job coordinating all the activities. I believe that we have two of the premier conference planners in Susan and Yolanda Swinford. The staff that come on-site work very hard and they deserve recognition for what they do.

As some of you may know, I was not feeling well in Portland. Not only was I not able to make the Board of Directors meeting, but also I was not able to do my opening session remarks. I felt really bad about that because I had an important message to relate to the Institute participants. Our job in probation and parole is not to weed out the bad apples but to grow better apples. With all the expectations the community has regarding our profession, this is, perhaps, the one that is the most difficult. It requires us to be positive, to not lose hope and to encourage people under our supervision to do the best they can. To be successful, we must be part of a community strategy that embraces the notion of partnerships. Someone once defined partnership to me like this: partnerships are an unnatural act between two non-consenting adults. I am just not that cynical. I believe that our communities want us to participate in solutions to community problems, and more often than not, welcome our profession to participate in the solutions.

I was thinking the other day about the Executive Committee and how much I appreciate the important role they have played with APPA over the last 18 months. Other than Rick Zinsmeyer, Don Evans and myself, everyone on the Executive Committee has changed jobs in the last 18 months. Yet, they have really hung in there with their commitment to this organization. I just want to take this opportunity to thank them for this commitment and wish them all the best in their new assignments. If you had not noticed, these people are in popular demand in our profession.

A great example of how this Executive Committee has pulled together was demonstrated in Portland. As I was incapacitated, Don Evans was busy giving the opening session remarks. And by all accounts, he gave a marvelous talk. Kathy Waters jumped right in and ran the Board of Directors meeting, attended to the media issues, and had a crash course from staff in presidential duties. Now I know other Executive Committee members and staff pitched in to make things happen at the last minute. I want to recognize not only their flexibility but also their commitment to APPA. You guys are the best.

In looking to the future, I am very excited that we are going to St. Paul for the Annual Institute, August 26-29, 2001. Carl Wicklund and I were invited to participate in the Minnesota Correctional Association meeting in Duluth in November (OK – maybe we invited ourselves). I had an opportunity to meet with some of the conference planners and I can tell you they are excited to host APPA. Let me also mention to you that these people know how to plan large events and have some great ideas. A little closer to home, I have had a chance to discuss the program in St. Paul with Gini Highfield. Her Program Committee and the local hosts have some very exciting and unique program plans that I am sure you will enjoy.

Here it is: 2001. While it is not a space odyssey, it is an interesting time in our great country. The country survived one of the closest presidential races in its history, yet there is the eternal hope of unity. Our country is a reflection of our profession—questioning its value and relevance to its people, but with an enormous amount of optimism for the future. I look forward to this year with renewed enthusiasm and a sense that our profession and APPA are making a big difference in people's lives.



Ray A. Wahl

A stylized, handwritten signature in dark ink, appearing to read 'Ray Wahl'.



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EDITOR'S NOTES

It is an extraordinary time to be working in probation and parole. We are enjoying unprecedented national attention. For a field that has for years felt ignored, misunderstood and under-valued, this is indeed quite a change.

Over the past several years, a number of major documents and national level meetings have been devoted to probation supervision. A new term, "Broken Windows" Probation, has entered our professional vocabulary. Parole is also being examined, initially, perhaps, only because of its similarity to probation, but of late also as a primary focus on what is being called the re-entry process.

Some may feel that the attention we are getting is not positive, because it challenges some of our fundamental assumptions and encourages people both within and outside the field to ask tough questions. I think this is a sign of our own development and maturity as a field that we are willing to pursue this critical self-examination and address our own concerns about the value and viability of our work.

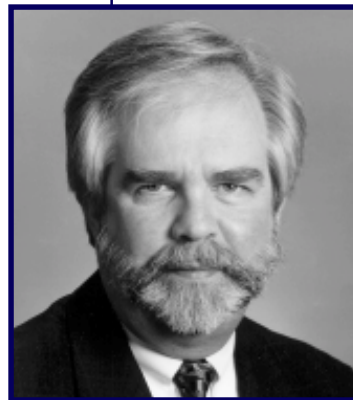
We are proud to devote a good portion of this issue of *Perspectives* to continuing this dialogue about our future. Ann Crowe's article, "Rethinking Probation: Thoughts From a Broader Constituency", provides a summary of a meeting in Washington, DC that characterizes the nature of this national discourse on probation. She also catalogs some of the seminal events in this still evolving drama.

In their article, "Fixing Broken Windows Probation," Faye Taxman and James Byrne offer an extensive critique of the model, drawing heavily on the "what works" literature. In their article, Edward Rhine and his colleagues from the Reinventing Probation Council offer further elaboration and a restatement of the model in response to Taxman and Byrne. They capture the essence of this discussion when they say that the Broken Windows documents "were intended to spark a fundamental re-examination of the purpose and practice of probation."

Whatever your position on the Broken Windows model, we still face the fundamental challenges of getting our work done day to day. In this issue, we include the first of a number of features from APPA's committees. The Technology Committee is a new group that seeks to keep our membership up-to-date on technological developments in community corrections. We all need to find ways to work smarter, and we look forward to hearing from the Technology Committee to help us do that.

We are pleased to present the second in a series of articles on legal liability by Rolando del Carmen and Gene Bonham. I'm sure this article and the others in the series will be shared widely throughout the field. As we noted last issue, this series was recruited for *Perspectives* in part by Dan Beto. Dan has stepped down from the Editorial Committee after a decade of dedicated service and many significant contributions. I would like to thank Dan for his commitment to *Perspectives* and for the part he played in making it the quality journal it has become.

In this issue, we pay tribute to Dave Dillingham, our colleague and friend at NIC who passed away suddenly last November. Dave's areas of expertise at NIC paralleled the ongoing evolution of our field. First, with classification, and then with the "what works" literature, Dave was a valuable resource to us all as we sought to improve our work. It is up to us to keep the evolutionary process going. We look forward to including more articles in *Perspectives* that will keep the flame of professional dialogue burning bright.



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APPA *We see a fair, just and safe society*



*where community partnerships are
restoring hope by embracing a
balance of prevention, intervention
and advocacy.*

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 MS Word or WordPerfect 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 2001 Issue – June 20, 2001**
- **Spring 2002 Issue – December 11, 2001**
- **Winter 2002 Issue – September 21, 2001**
- **Summer 2002 Issue – March 19, 2002**

Unless previously discussed with the editors, submissions should not exceed 10 typed pages, numbered consecutively and double-spaced. All charts, graphs, tables and photographs must be of reproduction quality. Optional titles may be submitted and selected after review with the editors.

All submissions must be in English. 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.

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In Memoriam: David D. Dillingham 1941-2000



and promoting research to better define the work of the profession. David was an institution at NIC and was constantly called upon to assist with programs dealing with planning, research, classification and all of the new interventions in correctional practices. His knowledge and diligent work ethic will be missed. He was a

man of great faith, a loving father and a true public servant to the nation.

David's work will long be remembered and the work that he personally conducted for agencies will be a lasting testimonial to his devotion to the work of assisting those offenders in need of guidance. □

ON NOVEMBER 4, 2000, DAVID D. DILLINGHAM, Correctional Program Specialist at the National Institute of Corrections (NIC), Community Corrections Division, died of a heart attack. For the past 18 years David was the lead person for community correction agencies dealing with all matters of classification for offenders. This has been a major topical area for NIC and because of David's many years in research—beginning in the 70s with the California Youth Authority and later with the Washington Center for Community Justice—he was the ideal person to manage this work. He was dedicated to promoting effective interventions in changing offender behavior through the thoughtful use of classification dealing with risk behavior as well as the treatment interventions. "What Works" in community corrections was another area that David was the champion for at NIC. Most of the notable articles and research dealing with "What Works" were as a direct result of his leadership and passion to find a better way. This work was nationwide and also involved many of the research leaders from the U.S. and Canada.

In 1997 David was the recipient of the "Meritorious Award" from the International Community Corrections Association (ICCA) for his work in promoting the advancement of community justice. For years he had worked closely with ICCA providing technical assistance



Dear Friends and Colleagues of Dave Dillingham:

We have been overwhelmed by the great outpouring of support for our family during the past month. We truly appreciate your expressions of care and encouragement, as well as the heartfelt flowers, donations to the American Heart Association, and the many cards and letters which we have received.

We are grateful for the stories of Dave that you shared with us and we will treasure these memories. We feel honored that Dave had the opportunity to touch and be touched by so many, and with your help, to make important contributions to the field of community corrections.

Thank you very much for your prayers and heartfelt expressions of sympathy. We as a family have found much strength in your kind and generous support.

May God bless you.

Sincerely,

Jan, Tim, Darcy, Anna, Jeremy, Nathan and Bonnie Dillingham



BY RICK FAULKNER

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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APPA Unveils New Technology Committee

There is no doubt that the job of delivering probation and parole services is becoming more difficult and complex. One factor is that the overall population is growing. According to the Bureau of Justice Statistics, there were nearly 4.5 million adult men and women on probation or parole at the end of 1999. This represents an increase of 119,000 offenders over the previous year. A second highly critical factor is that the offenders on community supervision are more difficult to manage. Caseloads today generally consist of more "heavy" cases than in years past. These high-risk cases require more intensive supervision and services and can drain an agency's limited resources.

To help meet the challenges, agencies are looking at how technology can help manage difficult cases as well as maximize existing resources. Technology has become such an important issue, the American Probation and Parole Association has formed a committee to address technology issues. In 1999, the existing Research and Technology Committee was re-formed into two distinct committees, the Research Committee and the Technology Committee.

Technology Committee in Brief

Mission: To inform, facilitate and educate community corrections professionals regarding the use of technology to enhance mission performance.

Function: The committee identifies and disseminates information to community corrections agencies on the development of emerging technologies, improvements in existing technologies, successful application of technologies in the field, the evaluation of technology and sources of funding for the acquisition of technology.

Goals: The committee has established a number of goals during its infancy. The first and most important goal is to increase awareness about this new committee. Once a presence is established within APPA, the goal is to develop a stable membership of community corrections practitioners, agency

technical staff, researchers and technology vendors to maintain a balanced perspective. A third goal is to develop a technology track consisting of a minimum of three workshops for each of the two annual institutes. The committee has identified a number of topic areas for possible workshops: non-invasive drug testing, computer-based training, crime mapping and Geographic Information Systems (GIS) and hand-held computers for field use. The fourth goal is to submit a regular article in *Perspectives* that focuses on the activities of the Technology Committee and spotlights agencies using technology in an effective manner as well as offering insight on what new technologies are on the horizon.

For further information about the

Technology Committee, or if you would like to become a member or propose a workshop, please contact either Martin Novak, Program Manager, National Institute of Justice, 810 7th Street, NW, Washington, DC 20531, phone (202) 616-0630, email: novakm@ojp.usdoj.gov or Tom Plumlee, Director-Potter, Randall & Armstrong CSCB, 600-B.S. Fillmore, Amarillo, TX 79101-2421, phone: (806) 342- 2421, email: plumlee@co.potter.tx.us. □

Joe Russo is Corrections Program Manager for the National Law Enforcement and Corrections Technology Center in Denver Colorado and is a member of the APPA Technology Committee.

BY JOE RUSSO

American Probation and Parole Association



Associate Members

Corporations with an interest in the field of probation, parole and community corrections are invited to become APPA associate members. Like corporate membership, the goal of associate membership is to engage our corporate friends in association activities and to share information with each other.

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Request for Site Proposals

APPA Institute – Bringing People Together

Our society has a strong tradition of coming together to decide what to do, both individually and collectively, to achieve common goals for ourselves, our workplace, our children and our communities. The APPA Institute unites people together for a common purpose– to boost performance and effectiveness of correctional programs, define national priorities for community corrections, create alternative ways to resolve the 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. Further information and applications may be obtained from:

Yolanda Swinford, APPA

c/o The Council of State Governments
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SPOTLIGHT ON SAFETY

The APPA Health and Safety Committee suggests that a part of guarding your safety in the office and the field is to be cognizant of the information that is available about you through electronic databases. Your address, phone number, assets and information about your family can be obtained through the Internet. While it is difficult in our electronic age to completely protect personal information, you can take certain steps to make it harder for others to obtain information about you:

- Explore having real estate records and tax records placed under seal.
- Do not complete street directory information forms.
- Avoid ordering products or services by phone. If you do, inform the merchant that you do not want your personal information given to others.
- Avoid completing product warranty or registration cards, surveys, and preferred buyer promotions. These cards permit retailers to compile information for mailing lists.
- Avoid signing up for free promotions and ordering products or services through online services. Again, the information can be compiled for marketing purposes and can be publicly available.
- Be extremely reluctant to disclose your social security number, especially online.
- You may avoid creating public records by having real property in the name of your spouse, a trust, or a corporation, but consult your attorney for legal ramifications.

Spend some time “surfing” to see how much information can be obtained online about you and your family. You can then decide how much effort you want to expend to limit the amount of your personal information that is available.

July 15-21 Proclaimed Probation, Parole and Community Supervision Officers' Week

July 15-21, 2001 will be observed nation wide as Probation, Parole, and Community Supervision Officers' Week. Tens of thousands of officers work to ensure public safety while supervising more than 4.5 million adult men and women offenders in our communities. APPA applauds their efforts and encourages each state to set aside time to honor and recognize these heroes during their week. A media kit will be available on the members' only section of APPA's website in late May.

County of Santa Cruz

NOW HIRING



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701 Ocean Street, Room 310
Santa Cruz, CA 95060

www.co.santa-cruz.ca.us

Restoration of the Civil Rights of Offenders

Introduction

Probation and parole conditions obviously affect, both positively and negatively, the ability of offenders to succeed in their efforts at reintegration into the community. Reintegration is difficult for offenders in part because a criminal conviction carries with it a stigma. No matter what the offender does, from here on out he or she will be thought of primarily as an "ex-con." Many employers will be reluctant to hire them, while others in the community will shun them. These sorts of barriers to successful reintegration are informal in nature.

More formal barriers to successful reintegration come in the form of civil disabilities. Civil disabilities are limitations imposed by statute upon the citizenship rights of offenders. In a previous column I discussed how offenders lose their rights upon conviction and some of the civil rights and collateral consequences of conviction. In this column I address the process involved in restoration of the civil rights of offenders.

Civil Disabilities and Collateral Consequences

Civil rights which are commonly lost by offenders include the right to vote, the right to hold office, and the right to serve on a jury.¹ Rights such as these, related as they are to participation in democratic government, are sometimes referred to as political rights. These rights are generally lost automatically upon conviction of a felony.

Disabilities which accompany conviction but which do not affect civil rights are sometimes referred to as collateral consequences. Some of these consequences are really more criminal than civil in nature. Examples include restrictions on the possession of firearms, restrictions on or revocation of driving privileges, and the requirement that the offender register with local authorities. Other consequences include the denial of pension and workers' compensation benefits, control of one's children, and marriage.² Unlike the loss

of civil rights, the loss of these sorts of collateral rights may be imposed either automatically upon conviction, or may be imposed according to the discretion of the sentencing judge, the parole board, or an administrative agency.

Several recent studies have examined the forms of civil disabilities that exist today.³ Unlike in years past, when persons convicted of a crime became literal "slaves of the state"⁴ and suffered a total and permanent loss of rights, or "civil death," states today generally restrict only some rights, and often allow those who have lost their rights to petition for their return.

Justifications for and Criticisms of Civil Disabilities

Civil disabilities related to participation in political life have traditionally been justified on the grounds that: (1) a loss of such rights is an appropriate form of punishment for a criminal offense, and (2) it is inappropriate to allow someone who has violated the laws of society to participate in the public affairs of society.⁵ Other disabilities, particularly those adversely affecting the ability of the offender in the community to achieve rehabilitation and reintegration (such as limits on employment), are harder to justify as serving a rational purpose.

Civil disabilities have been challenged on a number of grounds, including the denial of due process and equal protection of the laws, and being overbroad. Opponents have also argued that such disabilities interfere with the rehabilitation of the offender. Despite these criticisms, civil disabilities remain a common and prominent component of the criminal sentence. There are few empirical studies of the impact of these collateral consequences on offenders, but the anecdotal evidence strongly suggests that such disabilities impair the reintegration process.

Restoration of Rights

While the direct consequences of a conviction end with the completion of the

sentence, the collateral effects of a conviction often continue until there is some affirmative action taken to eliminate them. Civil disabilities may be removed and civil rights restored in a variety of ways, including pardon, sentence expungement, and sealing of a criminal record. Not all actions restoring civil rights completely eliminate the disabilities associated with a conviction, however.

Pardon

The power to pardon has existed since the early common law, and originally belonged to the sovereign, or king. In twenty-two states the power now resides with the governor; in eleven states the power rests with the Parole Board, and in another sixteen states the power is shared by the governor and the Parole Board.⁶ A pardon is meant to be a forgiveness of crime, and has been used both when it is determined that an innocent person was wrongly convicted, and to reduce an unduly harsh sentence on a guilty person. This is also known as sentence commutation.

A full pardon completely eliminates the legal consequences of a conviction. The authorities are mixed on whether it wipes out the crime as though it never happened or whether it simply eliminates the consequences of the conviction. This latter view is the majority view, and has been endorsed by the United States Supreme Court.⁷

A pardon generally restores those civil rights lost upon conviction. It does not, however, remove licensing disqualifications such as the requirement of "good moral character."⁸ Consequently, ex-offenders may still be barred from employment in occupations which have such licensing requirements. While these licensing restrictions vary widely by state, examples of occupations with such requirements include barbers, contractors, plumbers, and, of course, lawyers.

Expungement

Offenders may also seek to have their criminal record expunged. Expungement

BY CRAIG HEMMENS

allows the offender to say he or she has never been convicted. Expungement does not automatically restore the offender's rights, however.

Only twenty-seven states restore rights through expungement, and not all offenders are eligible for expungement.⁹ This is often restricted to those convicted of less serious offenses or juvenile offenders. A number of states require the passage of a period of time before the ex-offender is eligible to apply for expungement. Similarly, many states allow probationers to apply for expungement of their record if they successfully complete their probation and after a period of years. This approach has been endorsed by the American Bar Association as conducive to the goal of rehabilitation of the offender.¹⁰

Sealing of Records

Sealing is similar to expungement, but goes one step further by actually concealing the record. Where an expunged record may still be examined by certain individuals, a sealed record may not be legally examined by anyone. Typically sealing is reserved for juvenile offenders.

Automatic Restoration of Rights

Restoration of rights may also occur automatically upon completion of the sentence. This is generally provided for by statute. Courts generally treat automatic restoration similar to a pardon, holding that civil rights are fully restored, but that there is no effect on collateral consequences such as the occupational licensing disqualification.

A number of states provide for the automatic restoration of rights. Forty-two states currently have some provision for the automatic restoration of rights: twenty states provide for the automatic restoration of all civil rights upon completion of a sentence, while twenty-two restore some of the rights lost.¹¹

Conclusion

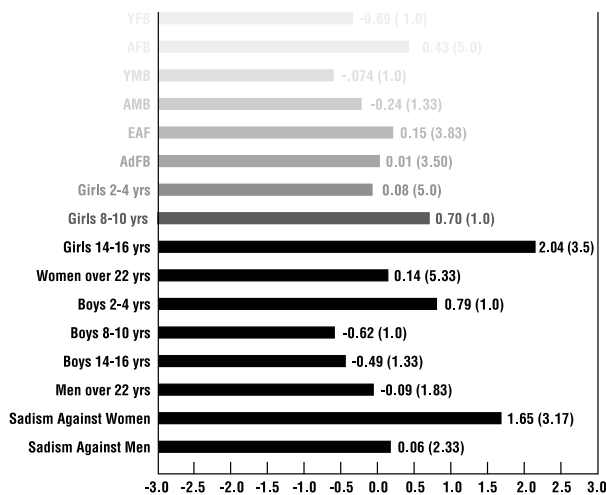
How offenders are managed and supervised is obviously a matter of great concern to the general public, politicians, and criminal justice professionals. As the primary goal of probation and parole is the successful reintegration of the offender into society, any barriers to such reintegration must obviously be carefully examined. The impact of civil disabilities and their related collateral consequences on the ability of offenders to reintegrate into the community is obviously a matter of concern.

continued on page 16

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While it is possible for offenders to have their rights restored, the research reveals that the restoration of rights does not necessarily remove all of the barriers to successful reintegration. Probation and parole officers should be aware of the possible ramifications of such civil disabilities and take what steps they can to minimize the costs associated with these disabilities.

Endnotes

¹ John W. Palmer and Stephen E. Palmer, *Constitutional Rights of Prisoners* (6th edition, 1999).

² Id.

³ See generally, Velmer S. Burton, Jr., Francis T. Cullen, and Lawrence F. Travis III, "The Collateral Consequences of A Felony Conviction:

A National Study of State Statutes." 51 *Federal Probation* 52 (1988); Kathleen M. Olivares, Velmer S. Burton, Jr., and Francis T. Cullen, "The Collateral Consequences of A Felony Conviction: A National Study of State Legal Codes Ten Years Later." 60 *Federal Probation* 10 (1997).

⁴ Ruffin v. Commonwealth, 62 Va. 790 (Virginia, 1871).

⁵ Rolando V. del Carmen and Paul F. Cromwell, *Community-Based Corrections* (1999).

⁶ Kathleen M. Olivares, Velmer S. Burton, Jr., and Gerald P. Krause, "Reducing the Legal Consequences of A Felony Conviction: A National Survey of State Statutes Ten years later." 21 *International Journal of Comparative and Applied Criminal Justice* 141 (1997).

⁷ *Burdick v. United States*, 236 U.S. 79 (1915).

⁸ See generally, United States Pardon Attorney, Civil Disabilities of Convicted Felons. Washington, D.C.: United States Department of Justice (1996). See also, Velmer S. Burton, Jr., Lawrence F. Travis III, and Francis T. Cullen, "Reducing the Legal Consequences of A Felony Conviction: A National Survey of State Statutes." 12 *International Journal of Comparative and Applied Criminal Justice* 101 (1988); Olivares et al., *supra* note 6.

⁹ Olivares et al., *supra* note 6.

¹⁰ del Carmen and Cromwell, *supra* note 5.

¹¹ Olivares et al., *supra* note 6. □

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Call for Presenters

American Probation and Parole Association
2002 Winter Training Institute
Myrtle Beach, South Carolina – February 10-13, 2002

The American Probation and Parole Association (APPA) is pleased to issue a call for presenters for the 2002 Winter Training Institute. The Institute is scheduled to be held in Myrtle Beach, South Carolina, February 10-13, 2002. Institute participants include community supervision and corrections personnel, the judiciary, treatment providers, criminal justice researchers and others who are interested in the field of community justice.

If you are interested in presenting at the Institute, information relating to one of the following topics is preferred. The topics suggested below are not all-inclusive. Other topics related to the field of community supervision are acceptable.

- Community justice initiatives and innovations
- Program specialization in community supervision and corrections
- Research in the area of sex offender risk assessment for juveniles
- Research in the effectiveness of the "broken windows" principles
- Technological innovations
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- Juvenile justice programming strategies
- How to supervise first time drug offenders
- Pre-trial services
- Sentencing strategies and the judiciary
- Multi-agency collaboration/ interdisciplinary participation
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- Substance abuse

Submission Guidelines – Presentation summaries should be received no later than **May 15, 2001**. Ideally, a presentation panel should consist of two or three persons. Winter Institute program track committee members will contact the person who nominated the workshop(s) to indicate their selection for the Institute. Please note that it is APPA policy that expenses and fees associated with participation cannot be reimbursed.

Persons interested in submitting a proposal for consideration should forward the following to the address below:

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- Name, title, agency and complete mailing addresses and phone numbers of all proposed faculty members
- Brief resume or vitae of each faculty member
- Primary contact person for the workshop (include complete address and phone number)

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Book ANNOUNCEMENT



RESTORATIVE JUVENILE JUSTICE: Repairing the Harm of Youth Crime

Researchers from Australia, Europe, and North America explore the applications of “restorative justice” programming with juvenile offenders. This work is broken down into the areas which must be addressed to develop an effective system of restorative juvenile justice. Topics include: key principles; program ideas and practices; the effects on victims, offenders and the community; and future prospects.

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NEWS FROM THE FIELD

Seventh National Victim Assistance Academy Slated for June, 2001

Washington, D.C. – The seventh National Victim Assistance Academy (NVAA) is scheduled for June 24 - 29, 2001 at three concurrent sites: California State University, Fresno in Fresno, CA; Medical University of South Carolina in Charleston, SC; and Washburn University in Topeka, Kansas. Sponsored by the Victims' Assistance Legal Organization (VALOR), with support from the Office for Victims of Crime, U.S. Department of Justice, the NVAA is the nation's premiere training and education program for professionals who assist victims of crime, and who have between one to five years experience.

The rigorous, 40-hour academic-based course curriculum addresses 37 topical areas, and emphasizes foundations in victimology; victims' rights and services throughout the criminal and juvenile justice processes; and cutting-edge developments in the field of victim assistance. An interactive, skills-building course of study includes lectures, experiential exercises, working and discussion groups, faculty mentoring groups, and self-examinations, with compressed video technology utilized to link the three NVAA sites into one student body.

The NVAA faculty includes the nation's leaders in direct victim services, allied professions, and academia. Each university site will have a team of faculty-in-residence to guide the learning experience and mentor students.

The \$495 all-inclusive tuition fee includes all course materials, housing, and meals for the entire week. Academic credit at both the undergraduate and graduate levels is also available from several co-sponsoring universities.

Since 1995, over 1,300 students representing all fifty states, four American territories and six foreign countries have completed the NVAA. Graduates include system- and community-based victim service providers, criminal and juvenile justice professionals, mental health professionals, agency administrators, and allied professionals seeking to improve victims' rights and services.

Approximately 250 students will be selected to participate in the 2001 Academy.

Applications for the 2001 NVAA are available from VALOR by calling toll-free (877) 748-NVAA, or (703) 748-0811 in the Washington, D.C. metropolitan area. For additional

information, please contact VALOR at either of these numbers, or visit the NVAA webpage at www.nvaa.org or the VALOR webpage at www.valor-national.org.

APPA News

Attention APPA Members!

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If you are a member of the American Probation and Parole Association, then don't miss out on this opportunity to take advantage of our newest benefit of membership. Go to http://secure.csg.org/appa/members_only/login.cfm to sign up. Or, fax the form below to Wayne Bui at (859) 244-8001 and your password will be emailed to you.

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APPA Represented at 54th Presidential Inauguration

The American Probation and Parole Association was represented at the 54th Presidential Inauguration festivities on Saturday, January 20, 2001. John R. Higgins, graphic designer for the Association and his band, Saxton's Cornet Band, took part in the presidential inauguration festivities in Washington, D.C.

"This was an amazing opportunity and a great honor," Higgins said.

Higgins has been working at APPA for three years and is responsible for the layout and graphical content of *Perspectives* and the other APPA publications.

Saxton's Cornet Band is America's premier recreation of the brass bands that were popular during the mid 19th century. The band prides itself on giving their audience a true feel of what it must have been like to experience a band of the 1850s and 60s. "All our instruments and music all are authentic to this period in our history," Higgins said. "Even our eyewear and costuming have been researched and faithfully copied. We have tried to do this right."

It must have paid off.

With help from Inaugural Committee chair Kentucky Senator Mitch McConnell and Kentucky Representative Ernie Fletcher, the band was chosen to perform on Pennsylvania Avenue before and after the swearing-in ceremony.

Dressed in the bright red wool uniforms like those worn by town bands in the 1850s, the performers stayed fairly dry and warm despite the chill and drizzle of the day. "The weather was awful, but we were prepared for it," Higgins said.

The band played tunes associated with the city of Washington during the Civil War and with President Abraham Lincoln and his Inaugural Parade. Crowd favorites seemed to be "My Old Kentucky Home" and "The Yellow Rose of Texas," which the band played as a salute to President Bush. Marching up and down and across a Pennsylvania Avenue empty of traffic except for security vehicles, Saxton's Cornet Band entertained streetside crowds for several hours. "The crowd really seemed to enjoy it," Higgins said when asked about the performance, "Although I am not sure whether they were cheering because they felt sorry for us being out in that weather or because they genuinely liked us!"

On the evening of January 20, the band played welcoming tunes for people attending an inaugural ball at the Ronald Reagan Building. The band's sound and appearance added a note of mood-setting presidential pomp to the occasion which was attended by

celebrants from Kentucky, California, Utah and several other states. The ball allowed the band to introduce the warm sounds of 19th century Saxhorn bands to a new national audience. "It was a unique experience and I think we accomplished our goals."



John R. Higgins, APPA Graphic Designer, and members of Saxton's Cornet Band begin their march down Pennsylvania Avenue. The Capitol building can be seen in the background.

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BOOK ANNOUNCEMENT



TRANSFORMING PROBATION THROUGH LEADERSHIP: THE "BROKEN WINDOWS" MODEL

Along with the Reinventing Probation Council of the Center for Civic Innovation at the Manhattan Institute, the National Association of Probation Executives (NAPE), the American Probation and Parole Association (APPA), and the Robert A. Fox Leadership Program at the University of Pennsylvania are pleased to announce the release of *Transforming Probation Through Leadership: The "Broken Windows" Model*, a second and more comprehensive publication on reforming and reinvigorating probation practices. This new publication provides information and examples of a reinvented probation in action. The initial executive summary publication, *"Broken Windows" Probation: The Next Step in Fighting Crime*, was intended to jump-start a serious reexamination of probation across the profession.

Transforming Probation Through Leadership: The "Broken Windows" Model presents a new framework for reengineering current probation practices, comprehensive strategies, and examples of programs that illustrate the various elements of the "Broken Windows" model of probation in practice. There is also discussion of what steps need to be considered by those in the field who may have an interest in reinventing their own agency in the direction suggested by the model. Though much is centered on adult felony probation, the comments are applicable to the supervision of

juvenile offenders who are given probation. Indeed, a significant number of the programs highlighted in this publication refer to innovative and community-focused juvenile supervision practices.

To order *Transforming Probation Through Leadership: The "Broken Windows" Model*, please complete the form below or call Anita Threet at (859) 244-8207.

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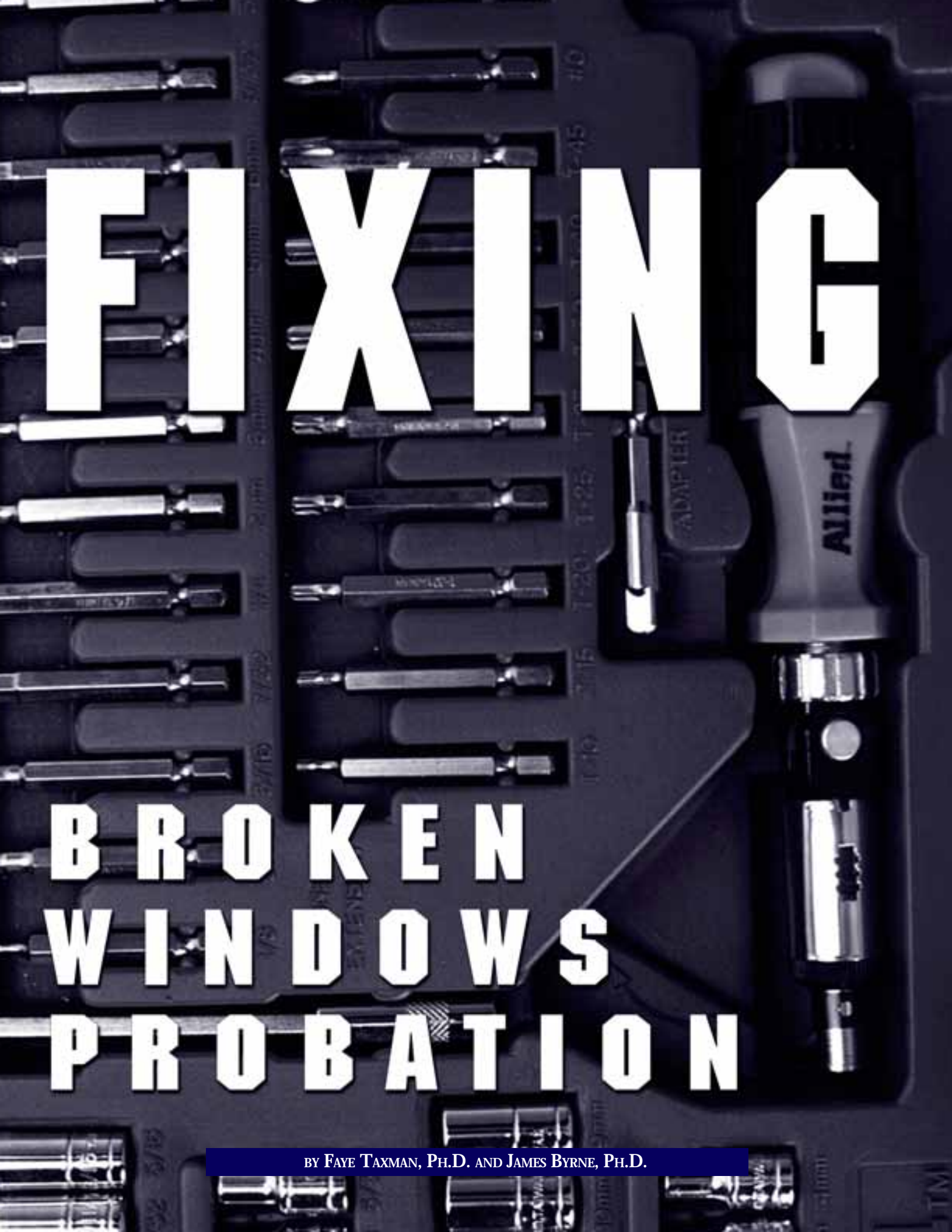
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FIXING

BROKEN WINDOWS PROBATION

BY FAYE TAXMAN, PH.D. AND JAMES BYRNE, PH.D.



INTRODUCTION AND OVERVIEW

In the summer of 1999 the Reinventing Probation Council, in conjunction with the Manhattan Institute, released a monograph describing “Broken Windows” probation, which we characterize as an attempt to apply the “lessons learned” from community policing initiatives to the field of probation. They have elaborated on their model in a new release, “Transforming Probation Through Leadership: The Broken Windows Model” and in the process, they have challenged probation executives around the country to get down to the real business of probation: public safety. The Council—consisting of an interesting “mix” of one conservative academic (i.e., John DiIulio), and mostly male, Caucasian executives from federal, state and local probation agencies—met several times over a two year period and developed the following 7-step strategy for “reinventing probation:”

- Step 1: Place public safety first;
- Step 2: Supervise probationers in the neighborhood, not the office;
- Step 3: Rationally allocate resources;
- Step 4: Provide for strong enforcement of probation conditions and a quick response to violations;
- Step 5: Develop partners in the community;
- Step 6: Establish performance-based initiatives; and,
- Step 7: Cultivate strong leadership.

In the following article we examine each of the key elements of the Council’s proposals and offer our assessment of the model’s strengths and limitations. It is our view that the Council has ignored the single most important finding from the research conducted over the past two decades on various community-based initiatives: offender treatment is the main public safety measure that works as a recidivism reduction strategy. For this reason, it is our view that unless the Council’s broken windows model is revised to integrate and emphasize the role of the dreaded r-word (rehabilitation) at each step in the 7-step change strategy they propose, it will *not* result in improved public safety where implemented. In fact, we suspect that it will only exacerbate the problem by moving probation in the wrong direction (toward increased use of surveillance and control strategies) for the wrong reason (to increase funding).

Members of the Council would be wise to consider the legacy of other highly touted reforms that were “sold” to the public as “get-tough” community sanctions: intensive probation supervision, electronic monitoring and day reporting centers. In each instance, what was gained in terms of short-term funding for these initiatives was lost further down the road when subsequent evaluation research documented an irrefutable “fact of life” about the supervision of offenders in community settings: surveillance and control-oriented sanctions don’t work (see e.g., Byrne, Lurigio, and Petersilia, 1992; Taxman, 1998; Petersilia, 1999). What *does* work as a recidivism reduction strategy is the treatment component of these programs (e.g., for drug, alcohol, personal, family and/or employment problems). Recognizing the value of interventions as part of a comprehensive strategy will only repeat the problems of the past.

In the section below, we offer our assessment of each of the seven

proposals included in the Council’s “Broken Windows” probation model, focusing on the need to recognize the value of treatment to the success of any probation-based strategy. We conclude by offering our vision of the future of probation, including our assessment of how to fix the broken windows probation model.

STRATEGY 1: PLACE PUBLIC SAFETY FIRST

The Council begins by examining the often conflicting, multiple purposes of probation (e.g., accountability, recidivism reduction, individual offender rehabilitation) and concluding that “until probation practitioners reach widespread agreement that public safety is their primary mission and act accordingly, the practices of the field will not resonate with core public values” (2000: p.19). The Council goes on to argue that most probation agencies have taken a myopic view of their responsibility for public safety by focusing exclusively on offenders and ignoring the underlying community context of crime and victimization. The Council argues “probation agencies must start thinking outside the box for public safety, and design supervision strategies and programs that provide for crime prevention and community betterment” (2000:p.19). While a case can certainly be made for expanding the role of probation agencies to encompass certain programs for crime prevention (e.g., mentoring) and advocacy (e.g., community service), it appears to us that the underlying purpose of this role expansion is not public safety—it is to acquire more funding. The Council correctly observes that community-policing initiatives resulted in significant funding increases for many local police departments and that “probation must do likewise” (2000: p.19). In our quest for new avenues of funding and support however, we need to ask ourselves how probation can contribute to public safety, not how probation can convince the public to increase its level of funding.

Before jumping on the community policing bandwagon as a short-term resource fix, probation administrators would be wise to consider whether this model is consistent with their view of the purpose of probation. For many, probation is primarily an offender-based supervision activity that takes place in a community setting. Probation departments contribute to overall community safety by controlling (and hopefully changing) the behavior of the offenders under their control; this is their contribution to the safety in the community. They cannot, and should not, be held accountable for overall community safety. This is a multiple agency and system responsibility and requires specialized skills, including community organization skills.

The Reinventing Probation Council does not share this view of probation’s role in the community. The Council’s view of probation is that it should be doing more to change both offenders and the communities in which they reside, and this requires a much broader array of duties and responsibilities for line probation officers. We disagree with this view of probation’s role. Rather than expand the duties and responsibilities of probation officers, we believe that probation officers should be asked to do less (e.g., smaller caseloads, less administrative support work, less fine collection) in order to achieve improved public safety by focusing on the core activity of probation-offender supervision.



Obviously, the probation agency must collaborate with other community groups and agencies, but agents should devote themselves primarily to the supervision of offenders, while designated resource people should devote themselves to working with community organizations on such issues as employment, education and treatment availability/quality. In both instances, however, we believe that the focus should be on the individual offender rather than community change.

From a public safety perspective, we would be wise to use prison and jail less often and to place an even greater proportion of prison-bound offenders (such as drug offenders) on probation with specific treatment conditions (that span the time frame of supervision). Concomitantly, we need to develop sanctioning strategies that do not result in a significant number of offenders being sent to prison/jail for technical violations, because this would only increase the threat to public safety posed by these offenders. Studies have shown that what we gain in the short-term (by using incarceration) is lost further down the road due to the negative effect of imprisonment on offenders (e.g., Clear & Rose, 1999; Petersilia & Turner, 1985). Our review of the research on the effectiveness of probation (e.g., Byrne & Pattavina, 1992) reveals that it is offender improvement in the areas of employment, substance abuse, personal and family problems that is directly related to recidivism reduction. At its core, offender change in these areas is precisely what probation officers should focus on during supervision.

The “what works” literature consistently repeats the theme that offender change (i.e., recidivism reduction) is due to improved treatment outcomes (see Taxman, 1999). To be effective, treatment must be both available and suitable to meet the needs of the population. To the extent that treatment quality and/or availability is a problem in a particular area, probation leaders should be advocates for more (as well as better) treatment resources. Why? Because this aspect of community change can be directly related to probation’s role in promoting overall public safety—providing individual offender supervision.

STRATEGY 2: SUPERVISE PROBATIONERS IN THE NEIGHBORHOOD, NOT THE OFFICE

While “location, location, location” is a very sound credo for the real estate investor looking to make a profit, it has limitations to any discussion of (mainstream) probation supervision. According to the Council, “For probation supervision to be effective, it must take place where the offender lives, works and engages in recreational and other activities (2000: p.20). It is our view that this is an overstated,

unsubstantiated claim. Why would a face-to-face contact in the field improve public safety while the same meeting in an office setting would be a threat to public safety? In terms of public safety, the location of the meeting is not important; it is the content of the actual meeting between the probation officer and the offender that is critical. As Braswell (1989) and others (e.g., Byrne, 1990; Taxman & Piquero, 1998) have noted, informal social controls (e.g., family, peers, social interaction.) offer much more in terms of public safety than formal social controls. Perhaps the most effective informal social control mechanism available to line officers is the relationship developed between the officer and the offender. With this in mind, we need to spend less time thinking about where these meetings occur and more on the number and actual content of the probation officer-offender contacts meeting itself (i.e., a focus on personal, family, school and work problems).

We do not mean to imply that field visits should not be used, because they certainly represent an important supervision tool, particularly as an adjunct to an office visit, to complete a collateral contact and/or as part of the initial offender assessment process. However, the Council’s discussion of “community-centered” supervision emphasizes the surveillance role of probation officers in community settings, which may leave little time for treatment-related interventions. According to the Council, “Community-centered supervision activities call for the development of supervision strategies that carefully monitor in concert with others the whereabouts and behavior of offenders” (2000:p.21). The danger inherent in this strategy is that monitoring and control becomes the focal point of supervision, rather than engaging the offender in behavior change activities in specific problem areas (e.g. drug use, employment).

There is another element to the Council’s proposed plan to have probation officers “reach outward beyond their individual caseloads to the community” (2000:p.20-21). How will we monitor the behavior of probation officers in community settings? In many states, the primary reason probation officers conduct their work in the office is operational control: managers at least know where line staff are and what they are doing. In Massachusetts, for example, probation officers in the late 60s and early 70s routinely spent a large portion of their time in the field. In a *Boston Globe* series of articles about agents having “part-time” coaching jobs during their state ordered time, probation officers were ordered to quit their secondary jobs. Our point is simple: Any wide-scale movement out of the office and into the community must be managed carefully, perhaps using new technologies such as electronic monitoring and/or

“IN TERMS OF PUBLIC SAFETY, THE LOCATION OF THE MEETING IS NOT IMPORTANT; IT IS THE CONTENT OF THE ACTUAL MEETING BETWEEN THE PROBATION OFFICER AND THE OFFENDER THAT IS CRITICAL.”



global positioning systems and cell phones for line staff in the field. Without such controls in place, this strategy could result in less, not more, community supervision of offenders. Of course, the cost of these new technologies may actually outweigh the public safety benefits of community-centered supervision and improved offender outcomes. This is another caveat to consider before implementing a broken windows strategy.

Besides the management control issue, the Council did not identify several other important issues that probation managers must address when “field contacts” are discussed. First, the simplest way to give probation departments the “look” at community policing is to open neighborhood “field” offices in storefronts, at community policing sites and in local schools. These operations require additional positions and require attention to a series of administrative control issues (e.g., line staff supervision, staffing, operational control, case review and confidentiality of records). A second, related concern for probation managers will be the extent (if any) of union/staff resistance to changes in job location, hours at work, supervision and overtime. Third, probation managers in many jurisdictions will have to revisit a contentious issue—gun carrying by line probation officers. Of course, any discussion of gun carrying is inevitably followed by the call for revised training procedures, due to the potential for failure to train lawsuits, and the concomitant need to revise current salary, leave and retirement policies to more closely mirror the policies of local and state police departments. Finally, coordinating the use of physical locations with other agencies (e.g., police departments, schools) will require coordination on a number of fronts, such as cost-sharing, privacy issues and administrative procedures. While each of these management issues can certainly be addressed, it seems clear that location in the community, by itself, is not the answer. In short, there is a lot more to the development of a community-oriented probation system than telling line staff to hit the streets, particularly if offender treatment rather than surveillance/control is your goal. As we noted earlier, our view is that the question of where the probation officer meets with the offender is less important than the content of the meeting itself. Although the distinction between the Council’s view of community supervision and our own could be described as a choice between “Big Brother (or Sister) watching you” and “Big Brother (or sister) helping you.” We recognize that probation officers can and should address issues related to offender surveillance and offender rehabilitation.

STRATEGY 3: RATIONALLY ALLOCATE RESOURCES

When discussing resource allocation decisions, it is necessary to make a distinction between a satisfying strategy and an optimizing strategy. The Council’s decision to focus their recommendation on how best to rationally allocate existing probation resources is a satisfying strategy that ignores the larger issue of the disparity between prison and probation resources. According to the Council, community corrections is sliced an inordinately small piece of the corrections resource pie (i.e., two-thirds of the offenders but only one-third of the money). The Council decided to remain silent on how to address this issue. Instead they focused on two pragmatic resource-related recommendations: (1) improve assessment

and placement practices within the constraints of existing resources; and (2) shift (back) to geographic or place-based supervision. In terms of the Council’s first recommendation, there is no discussion provided on either the cost of new assessment protocol (e.g., design, implementation, validation, assessment), or the obvious need to address the problems related to treatment availability, cost and quality. Even if one assumes—for the sake of argument only—a satisfying mode, it is difficult to see whether this strategy will result in rational resource allocation.

Similarly, the Council’s discussion of place-based supervision begs the question of the specialist versus generalist role of line staff. In a geographic-based model, all line staff will likely be generalists with mixed caseloads (e.g., drug users, alcoholics, sex offenders and mentally ill offenders) with—it is assumed—the necessary brokerage skills to link offenders with available programs/services in their community. Is this movement away from specialized caseloads based on sound empirical evidence, or is it another attempt to mirror community policing? The Council is strangely silent on this important issue. The Council also fails to discuss the dynamics of the advocacy role imbedded in this model, as probation officers attempt to improve public safety within these geographic areas. As critics used to say about electronic monitoring, place-based supervision is currently a technique in search of a program. But is it a sound strategy? Absent a review of the empirical evidence, the immediate answer is no.

STRATEGY 4: PROVIDE FOR STRONG ENFORCEMENT OF PROBATION CONDITIONS AND A QUICK RESPONSE TO VIOLATIONS

The past decade has been marked not only by changes in sentencing strategies that have exposed more and more citizens to the prison experience, but also by an increase in the number and type of probation conditions established for offenders (see, e.g., Lanagan & Cunneiff, 1992; Taxman & Byrne, 1994). Not surprisingly, when you increase the number of conditions set you increase the number of violations noted, even if surveillance strategies remain constant. According to the Council, this leads to a problem. Probationers often realize they may “expect two or more ‘free ones’ when it comes to dirty urine samples, electronic monitoring violations, or failure to comply with their supervision conditions” (2000:p.24). They state that, “for probation to be meaningful, this permissiveness and laxity in enforcement practice must be reversed” (2000:p.24). But how? In our assessment of this problem, there are two possible solutions that should be considered: (1) don’t establish multiple conditions unless the condition is directly related to public safety; and, (2) develop and implement a system of structured, graduated sanctions for addressing the problem of noncompliance with risk-related conditions of probation. Unfortunately, the Council does not discuss the first option. They do discuss the need for non-incarceration sanctions, but only as a bridge to their major point: a tough incarceration-based response to some offenders will be a general deterrent to many others. The evidence they cite to support their belief in a general deterrent effect is non-experimental and anecdotal (e.g., Corbett, et al., 1996). Given the importance of their proposed revocation strategy to the effectiveness of



the broken windows model, it would certainly make sense to ground this recommendation in firm empirical research.

The Council also recommends the development of probation-based, specialized absconder location and apprehension strategies. While the development of specialized units can certainly be justified, two questions about this recommended change come quickly to mind. First, where will the money come from to fund these new units? Second, what will we do with the absconders we catch? If absconder units will be funded using existing probation resources, then there will be even less money available to support treatment-based probation initiatives, which would be a bad idea if public safety is our primary goal. Moreover, if catching absconders becomes a priority for probation, then invariably there will be a higher rate of return to prison for these probation systems, even if the judiciary remains constant in their response to absconders at revocation (see Taxman and Byrne, 1994 evaluation of the Maricopa County, Arizona Absconder unit). Due to the negative effect of the prison/jail experience on these offenders, they will likely pose a greater risk to public safety upon their release. Absent any empirical support for either a specific or general deterrent effect, it is difficult to understand the Council's position on absconders and the general issue of the integrity of court orders.

Our point is not that we should ignore absconders, but that we should first examine why probationers abscond (e.g., inability to pay fines) and then consider the various system changes that could address this problem without new program development initiatives, especially when these new initiatives may have a negative impact on public safety. This is also regarding a better understanding of the issues related to technical violations, attendance at treatment, and other typical areas of non-compliance. Very little is known about the nature and extent of the issue. Without more research into understanding the issues, our solutions may not be appropriate. This is the essence of a problem-oriented probation strategy—understand the issues and then develop appropriate responses.

STRATEGY 5: DEVELOP PARTNERS IN THE COMMUNITY

We agree with the Council that the development of partnerships is, in the abstract at least, a critical step in the ongoing process of reintegrating the concept of community into community-based corrections. What is worrisome to us is the use of Boston, Massachusetts' Operation Night Light as the exemplar for this type of effort. Throughout their report, the Council has hammered home the theme that for probation to be successful, it must be more like policing; specifically, community policing. By successful, of course, they mean successful at gaining public support for more resources. According to the Council, "Probation department managers must realize... that adequate resources will not come until the public is persuaded that probation is more than a 'slap on the wrist,' a hollow experience that trivializes the offense, demeans and enrages the victim and emboldens the offender" (2000:p.13). When viewed in this context, police-probation partnerships like Operation Night Light offer local probation systems the opportunity to appear more law enforcement oriented and therefore more fundable. There will inevitably be pressure

to demonstrate that these partnerships represent a "tougher" response and not a perpetuation of probation's "slap on the wrist." How will this be accomplished? The obvious answer is higher technical violation rates for curfew violators in order to send a message to the entire offender population. History suggests that this type of get tough strategy will likely only exacerbate the problem by placing a greater proportion of the offender population at risk for incarceration. What would make more sense would be the development of a police-probation partnership that begins with a very different underlying assumption. Consider the following: For police departments to be successful in the area of improved public safety, they adopted roles traditionally assigned to conventional probation (e.g., advocacy, brokerage, community—the ABC's of probation); for probation to be successful it must do the same thing—return to its roots. Police-probation partnerships based on this set of operating assumptions would focus not on posturing (i.e., as get tough strategies) but on problem solving at the individual and the neighborhood level (e.g. helping offenders get jobs, so that they can pay fines).

Finally, we caution program developers against providing yet another example of "Dumja Vu," (i.e. making the same mistake over and over again). The Council actually makes the outrageous claim (2000:p.28) that programs such as Boston's Operation Night Light can reduce a city's homicide rate significantly, citing the type of supporting evidence (i.e., non-experimental research) that would be laughed out of any undergraduate research methods class. You would think that the Council would be careful not to repeat the same mistakes program developers made with Scared Straight, Outward Bound, Mandatory Minimums for gun possession, and most recently, mandatory arrests for domestic abuse. In each instance, exaggerated claims were presented for public consumption that could not be supported by sound, empirical research. In each instance, the reason these unsubstantiated claims were offered was easy to articulate: the ends (more funding for new initiatives) justified the means (the use of non-experimental research and anecdotal evidence to buttress a claim of effectiveness).

Partnerships between probation departments and the local community are an essential ingredient of a successful probation system. However, it is our view that such partnerships should focus primarily on improving public safety, not garnering public support. Toward this end, probation managers will need to work closely with local police departments, school superintendents, business councils, other social welfare agencies, and area treatment providers in activities directly related to the supervision of offenders. Since the problems (e.g., unemployment, inadequate schools, income inequality, racism) that generate and exacerbate an area's crime problem cut across (and move beyond) any one agency, only a comprehensive system-wide response to the problem will likely succeed. Of course, it is up to probation managers to clearly define their role in this system-wide effort.

STRATEGIES 6 & 7: ESTABLISH PERFORMANCE-BASED INITIATIVES AND CULTIVATE STRONG LEADERSHIP

The Reinventing Probation Council offered two recommendations that do not involve specific programs: (1) the need to establish



performance-based initiatives; and, (2) the need for probation leaders to be risk-takers. We agree with the Council that performance-based initiatives, as well as improved leadership are critical to the success of probation, but there are certainly a few caveats to consider. First, before we design a rigorous evaluation protocol for the Council's "Reinventing Probation" Model, it would be a good idea to integrate what we already know about best practices in the area of probation from previous evaluation research. Based on our review of the Council report and recommendations, what we have is a prime example of an expert system model based on the past experience of those on the Council. We find no evidence in the report that the members of this Council have even a rudimentary knowledge of the results of the available evaluation research on probation. When viewed in this context, the call for sound evaluation research is, at best, specious. More emphasis should be on developing performance-based initiatives that integrate the empirical literature.

This brings us to our second caveat: It is one thing for a probation leader to be a risk taker when the risk-taking is the result of a careful review of the evidence supporting various policy options; it is quite another to engage in a major change effort without first reviewing the available empirical evidence. The former strategy entails risk-taking leadership, while the latter strategy simply puts the public's safety at risk, merely for the pursuit of new resources

CONCLUDING COMMENTS ON FIXING BROKEN WINDOWS

Despite its limitations, probation is currently the most commonly used and effective sanction in this country. As the Reinventing Probation Council correctly observed, almost 60 percent of the 5.7 million offenders under some form of correctional control in 1997 were placed on probation. Critics of our country's probation system often lament the subgroup of offenders who commit new crimes while under probation supervision, conveniently ignoring the fact that more than 70 percent of the offenders placed on probation will actually complete their term of probation supervision without committing a new crime. Using rearrest while under supervision as our outcome measure, probation is our most

effective sanction, with much lower recidivism rates than prison, jail and intermediate sanctions.

Can probation be improved? Obviously, the answer is yes. But as they consider alternative strategies for the organization and administration of probation services, probation leaders in general (and the Reinventing Probation Council in particular) would do the public a service by looking within rather than outside the probation system for answers. The core technology of probation is supervision and the primary purpose of supervision is individual offender change—in work habits/patterns, in personal and family relationships, in risk behaviors, (e.g., gangs, substance abuse) and in mental health. It is our view that efforts to reinvent probation will fail unless we recognize this basic tenet. How can we fix the broken window model? We offer our assessment in this final section.

FIXING BROKEN WINDOWS: A PRELIMINARY PLAN OF ACTION

The good thing about the "Broken Windows" probation model is that it provides a solid foundation for discussing the future of community supervision practices in this country. With this said, we have serious problems with the Council's overall conceptual framework as well as the specific strategies included in their blueprint for reform. In Table 1, we have summarized the key features of the broken windows model and then offered our own treatment-based strategy for refocusing probation, which for the sake of continuity, we have called "proactive community supervision" probation. We hope that this point-by-point comparison of the broken windows and proactive supervision approaches to probation reform will continue a debate over the future of probation that we seem to have at the beginning of each new decade.

Our rejection of the "broken windows" probation model is based on a belief that despite its social ecological rhetoric, this proposal is a throwback to the get tough surveillance-oriented community sanctions championed during the late eighties and early '90s (see, e.g., Byrne, 1989 for an overview). The fact that the Council has attempted to reinvent probation by turning it into community policing suggests to us that there may actually be a link between financial need and intellectual

"PARTNERSHIPS BETWEEN PROBATION DEPARTMENTS AND THE LOCAL COMMUNITY ARE AN ESSENTIAL INGREDIENT OF A SUCCESSFUL PROBATION SYSTEM. HOWEVER, IT IS OUR VIEW THAT SUCH PARTNERSHIPS SHOULD FOCUS PRIMARILY ON IMPROVING PUBLIC SAFETY, NOT GARNERING PUBLIC SUPPORT."



bankruptcy. Probation certainly needs additional resources, particularly if we expect probation officers to provide adequate supervision and treatment resources to offenders. But a “broken windows” probation strategy is not the only option available to administrators attempting to increase public support and resources for their agencies. One only has to look at recent reform efforts in California and Arizona for evidence that the public currently supports treatment and is willing to pay for it.

Legislation was passed in 1996 in Arizona that has diverted thousands of drug offenders from prison and jail to community-based treatment programs. Similar legislation recently passed in California (proposition 36) that “will provide \$120 million a year, for the next 5 1/2 years, for community-based substance abuse treatment programs” (Mann, 2000:p.13). As the results of recent meta-analyses of what works with offenders in various correctional settings (see Table 2 and Taxman, 1999)

TABLE 1:
FIXING BROKEN WINDOWS PROBATION: A COMPARISON OF TWO STRATEGIES

	The Broken Windows Model	The Proactive Supervision Model
Definition of the Public Safety Problem	Probation should be held responsible for the level of public safety in each community, including crime rates, fear of crime, school safety, and quality of life.	Probation should be held responsible for the supervision and control of all offenders under their direct supervision.
The Duties of Probation Officers	Probation officers should be involved not only in offender surveillance and control, but also in crime prevention efforts and various forms of advocacy and community change.	Probation officers should focus their efforts on the direct supervision of offenders while the responsibility for resource development and coordination should be completed by creating a new “resource specialist” position within probation.
The Location of Probation Officers	Probation officers should supervise offenders exclusively in the community rather than in the office. Supervision should be <i>place</i> -based rather than <i>offender</i> -based.	Probation officers should utilize a combination of office and field visits, but the purpose of the contact is always the supervision of the offender, not the place.
The Role of the Probation Officers	The probation officer should be a “generalist” with the ability to supervise a wide range of offenders (e.g. drug offenders, alcohol offenders, nonviolent offenders, sex offenders, mentally ill offenders), utilizing a classic brokerage model.	Probation officers should be hired and trained with the skills to handle a specialized caseload (e.g. drug offenders, alcohol offenders, non-violent offenders, sex offenders, mentally ill offenders) including assessment procedures, counseling techniques, and a comprehensive knowledge of the treatment network (in-patient and out-patient).
The Acquisition and Allocation of Probation Resources	Probation departments need to develop improved strategies for the rational allocation of <i>existing</i> resources, focusing on two primary agency needs: (1) better assessment of offender “risk” to public safety (e.g. sex offenders, gang members, drug dealers); (2) the assignment of field staff to areas with greatest public safety needs.	Probation departments need to “make the case” for increased resources for offender treatment and supervision, by proposing legislation that mandates minimum levels of probation (<i>e.g. case load size services</i>) and allows agents to use sanctions as a tool to improve public safety.
Enforcement of Probation Conditions	Probation officers utilize a range of field surveillance techniques to identify offender noncompliance and quickly respond to violations. A structured hierarchy of sanctions will be used for initial violations with revocation and (return to) prison/jail for repeat “offenders.”	Probation Departments develop strategies (in conjunction with local judiciary) to reduce the number of conditions established and to enforce the conditions set, using a structured hierarchy of non-incarcerative sanctions.
Location of Absconders	Probation Departments establish separate probation absconder location and apprehension units to better protect the community.	Probation departments develop a task force to better understand the nature (and impact) of the absconder problem. Utilizing a problem-oriented probation strategy, probation officers will be required directly to focus on addressing the cause(s) of the problem, rather than the consequences.
Partnerships in the Community	A wide range of probation-community partnerships will be developed, including both crime prevention and community betterment activities.	Probation departments will focus on improving the treatment networks in their community and on those related activities that will enhance the supervision function.



TABLE 2
META-ANALYSIS FINDINGS ON EFFECTIVENESS FOR
CORRECTIONAL PROGRAMS

Program	Prior to 1997 ^a	Recent Meta-Analysis ^b
Vocational Training Program	Mixed	Don't Know
Work Ethic	-	Don't Know
Anger/Stress Mgt.	-	Don't Know
Victim Awareness	-	Don't Know
Life Skills	Successful	Don't Know
Boot Camp/Confrontation Programs	Unsuccessful	Doesn't Work
Physical Challenges/Juvenile Wilderness/Outward Bound	Unsuccessful	Doesn't Work
Intensive Supervision Programs	Unsuccessful	Doesn't Work
Home Confinement	Unsuccessful	Doesn't Work
Community Residential	Unsuccessful	Doesn't Work
Urine Testing with no treatment/sanctions	Unsuccessful	Doesn't Work
Case Management Programs	Unsuccessful	Doesn't work
In-Prison Therapeutic Communities with Aftercare	-	Works
Incarceration	-	Works for select offenders
Correctional Industry Programs	-	Works
Vocational Education	Successful	Works
Day Fines	-	Promising
Juvenile Aftercare	-	Promising
Drug Treatment combined with urine testing	Successful	Promising
Moral Reconation Therapy (MRT) & Reasoning		Promising
Adult Basic Education	Successful	Promising
Drug Courts	-	Promising

become available and publicized, we expect increased public support for probation-based community treatment initiatives. In this model the emphasis is on a problem-solving approach where the agent works with the offender on behavioral objectives. The tools of corrections (e.g. treatment interventions, sanctions, rewards) become the strategies employed to improve offender outcomes. Grounded in the empirical literature on effective interventions, the emphasis of the proactive supervision model is on offender change, not merely surveillance and control. It is for this reason that we view the "broken windows" model as a step in the wrong direction for all the wrong reasons.

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The "Broken Windows" Model of Probation:

A Call

for Transforming

Community Supervision

LAST YEAR DURING the American Probation and Parole Association's Annual Training Institute, the Reinventing Probation Council issued a monograph entitled *Transforming Probation Through Leadership: The 'Broken Windows' Model* (2000). This publication drew from, but offered a much more comprehensive exposition of, an earlier manifesto, *Broken Windows Probation: The Next Step in Fighting Crime* (1999), also produced by the Council. These reports were intended to spark a fundamental reexamination of the purpose and practice of probation. They called for the reinvention of the field of probation through a transformation of the focus and conduct of community supervision.

We are gratified that the ideas and strategies associated with the "Broken Windows" model of probation have received serious attention from those within the profession, as well as from our colleagues in academia. Seven probation departments will begin receiving technical assistance in 2001 from members of the Reinventing Probation Council on implementing this

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model. As the technical assistance proceeds, a “user’s manual” will be developed focusing on the lessons learned from these sites and the experiences gained in those jurisdictions that have already moved independently to adopt the “Broken Windows” model.

As the reinvention effort moves forward, it is timely and appropriate to revisit the argument associated with the “Broken Windows” model of probation. The need to do so is highlighted by an article in this issue of *Perspectives* written in response to our work. The article — “*Fixing Broken Windows*,” by Taxman and Byrne, does not present with any accuracy either the argument for, nor the community-centered implications attached to reengineering the work of probation under the “Broken Windows” model. What follows, however, offers less of a rejoinder to these authors’ claims and more of a restatement of the essential parameters of the monograph. We leave it to the reader to assess the adequacy of their critique.

At the start, it is important to clarify the use of the “Broken Windows” metaphor. As noted in the monograph, this metaphor refers to an innovative approach to community policing; one that attends to the problems of social disorder, especially in public spaces, by engaging the citizenry in the mission and practice of policing. In its more progressive forms, this style of policing views citizens as partners in crime control, as well as customers of the services police provide. In a number of urban centers across the country, what has emerged is a proactive, problem-solving, order-maintaining role for the police, not just a commitment to the activities traditionally associated with law enforcement alone.

The application of this metaphor to probation suggests a comparable redefinition for community supervision. At its core, the “Broken Windows” model argues that the work of probation must move well beyond the management of individual caseloads and engage the community in the business of community supervision. Its vision, rooted firmly within a community justice framework, is neither control-oriented, nor offender-centered. Rather, it is a vision that seeks to reconnect probation practitioners as willing partners in working with and contributing to the quality of community life. Embracing the vision statement on community justice issued by the American Probation and Parole Association, the “Broken Windows” probation model argues that communities and victims must become active participants in co-producing the outcomes associated with justice.

The monograph develops seven key strategies for reengineering the field of probation. These strategies, however, do not work in isolation from each other. They are built upon community partnerships, community mobilization, and community collaborations that are designed to provide both short- and long-term public safety. We must take on the business of addressing serious and violent offenders in the short-term, while providing the appropriate balance of supervision and treatment strategies in the long run—each seeking as its primary outcome reduced victimizations in the future.

The first three strategies include “placing public safety first,” “supervising probationers in the neighborhood, not the office,” and “rationally allocating resources.” Recognizing that *the primary concern of the public is to be free from crime*, the paramount emphasis is on achieving

public safety. What public safety means is drawn from Smith and Dickey who define it quite uniquely *as the extent to which persons and property are free from attack or theft, that is, from the threat or risk of harm in particular places at particular times*. Consistent with a community justice vision, this is a definition that calls for a strategic approach to crime prevention, reduction, *and* control.

It is also a definition that involves, as the monograph highlights, a systemic, yet local focus on the social ecology of crime. The emphasis on social ecology informs a number of the strategies proposed under the “Broken Windows” model. Contrary to the suggestion by Taxman and Byrne that this somehow represents throwaway rhetoric, incorporating an ecological focus is essential to redirecting and guiding the daily work of probation officers. In fact, it is inseparable from the pursuit of public safety as defined by Smith and Dickey. With respect to probation officers, attending to local ecology requires a proactive and daily engagement in the wider arena of community and victim vulnerabilities in those locales and at those times of day where the threats to public safety are greatest. Even more, it requires the pursuit of community-centered and neighborhood-based approaches to supervision.

For too long, the supervision of probationers has been conducted in government office buildings in a fortress-like fashion far removed from where offenders live or carry on their lives. Numerous commentators have long observed that where the office may serve as the *base* of supervision, the neighborhood should be the *place* of supervision. As noted in the monograph, a commitment to place-based supervision recognizes that the rate of crime actually reflects the aggregate of many different crime problems, scattered about in many different neighborhoods. The threats offenders pose to public safety are by definition “local in nature,” disproportionately affecting some neighborhoods, street corners and other public spaces, far more than others.

A commitment to public safety and the adoption of place-based supervision strategies requires that resources be allocated with a sustained focus on managing the risk of harm posed by probationers at those times and in those places where the potential for victimization is greatest. Such an approach requires that probation officers widen the community net. They must reach well beyond the management of individual caseloads to devote a significant portion of their time to connecting offenders with prosocial peers, mentors and other adults in the neighborhoods where probationers live. At the same time, they must draw on the informal sources of social control to monitor and respond proactively to the public safety risks posed by such offenders. Within the “Broken Windows” model, probation officers must redefine their role to serve as a “catalyst” for building these relationships, in effect, aligning their efforts with the greater operational, resource and socializing capacities that communities provide.

It is surprising to us that Taxman and Byrne challenge the fundamental importance of moving probation officers out on the street where they not only interact with offenders, but develop a much more informed understanding of the environment in which offenders, and those around them live, work, and recreate. The effectiveness of



supervision is undermined where probationers are able to maintain anonymity and social distance from their probation officers and from those who may and often are better positioned to exert meaningful leverage and accountability over them.

The successful adoption of the first three strategies discussed above requires the pursuit of another strategy discussed in the monograph: namely, the need to “develop partners in the community.” If the goals of crime prevention, reduction and control are to be achieved, and if reparation of the harm caused by criminal actions is to be addressed, then it is vital that community, faith-based and neighborhood groups, as well as law enforcement and human service agencies be involved in new and meaningful partnerships with probation.

There are many potential partners with whom to collaborate. The “Broken Windows” model argues that probation practitioners must move such collaborations and partnerships from the margins to the center of what they do. When such relationships are established, probation agencies are better positioned to effectively supervise offenders, and impose greater leverage and accountability over them. Each collaboration that is formed contributes to the provision of public safety and to more credible probation practices given their connection to the social ecology of neighborhood and community relations. They enhance the limited leverage probation exercises over offenders by drawing on the “social capital” furnished by local community groups and institutions.

Clearly, the monograph calls for a more complex form of community engagement for probation. It also speaks to the need to hold offenders accountable for their actions and for them to maintain prosocial, law-abiding behavior. One of the seven strategies discussed under the “Broken

Windows” model addresses the enforcement/sanctioning dimension of probation work (“provide for strong enforcement of probation conditions and a quick response to violations”), while another targets the need for the development of programs grounded in evidence-based practices (“establish performance-based initiatives”). The former offers a no-nonsense argument for levying consequences for non-compliance with the expectations of probation, while the latter draws on well-established research in urging the adoption of rehabilitative programs that seek to reduce offender recidivism.

In terms of enforcement, there is a need to provide aggressive surveillance and control for probationers whose behavior is deemed a threat to public safety, and to provide swift, timely and proportionate responses to all violations of probation conditions. A carefully calibrated continuum of graduated sanctions offers probation officers a range of measured responses short of revoking and returning all such violators to prison. In addition, the “Broken Windows” model calls for strict and proactive policies relative to apprehending absconders from probation. We strongly disagree with Taxman and Byrne that such an emphasis represents a return to the failed “get tough” policies of the past. The demanding enforcement of offender accountability for abiding by the conditions of supervision represents sound probation practice. It is also responsive to the public’s expectation that probation serve as a meaningful sanction within the justice system, not an ineffectual slap-on-the-wrist.

As the monograph points out, achieving public safety within a community justice framework means more than reducing offender recidivism. Nevertheless, its accomplishment is enhanced significantly through effective rehabilitative programming. Reducing the threat or risk of harm presented by offenders *requires* the development of programmatic interventions that connect them to environments that have prosocial supports and structure. For this to occur, probation practitioners must incorporate the findings and principles established in the well-known “what works” literature in corrections. Some things work in correctional practice; certain programs will, if designed properly and implemented with “therapeutic integrity,” produce significant outcomes relative to reducing offender recidivism. As is clearly stated, it is incumbent on probation agencies to draw on this research, as well as to rely more generally on evidence-based practices when justifying the continued operation or retention of particular programs.

It is perplexing to us that Taxman and Byrne seem to have missed this section of the monograph entirely in their critique of the “Broken Windows” model. Not only do we provide ample reference citations for the reader, but members of the Reinventing Probation Council have been writing about, advocating and adopting programs for years drawing on the various meta-analyses of “what works” in corrections. Incorporating this research into effective programming falls under the strategy of adopting performance-based initiatives as discussed in the monograph. While Taxman and Byrne seem to believe that a commitment to rehabilitative programming grounded in evidence-based practice represents the sine qua non of probation practice, we argue that it is but one element of a more comprehensive vision of reconnecting the community to community supervision.

“IF THE GOALS OF CRIME PREVENTION, REDUCTION AND CONTROL ARE TO BE ACHIEVED, AND IF REPARATION OF THE HARM CAUSED BY CRIMINAL ACTIONS IS TO BE ADDRESSED, THEN IT IS VITAL THAT COMMUNITY, FAITH-BASED AND NEIGHBORHOOD GROUPS, AS WELL AS LAW ENFORCEMENT AND HUMAN SERVICE AGENCIES BE INVOLVED IN NEW AND MEANINGFUL PARTNERSHIPS WITH PROBATION.”



At its core, the “Broken Windows” model argues that of all the key strategies necessary for transforming the practice of probation, leadership is, in the final analysis, the most important of all. It is critical for leaders in the field to constantly strive in all that they do to create something of public value. This means seeking to achieve tangible outcomes that matter to the community. It means “embracing accountability” for producing results that contribute to public safety and community well-being. As the monograph notes, *the leaders and practitioners of probation must consider how and in what ways their vision and actions move their agencies toward the creation of public value.*

The muddled critique offered by Taxman and Byrne illustrates, ironically, the very distinction we draw in the monograph between leadership and management. Leadership seeks to move the field forward with a bold new vision of how things ought to be, where management concentrates on working within the existing paradigm. Taxman and Byrne argue for a very traditional, offender-centered, treatment-oriented model of probation. It represents a reactive, one-dimensional approach to supervision that is rightly viewed by the citizenry as sorely lacking in credibility. It is a model that is disengaged from the community, and destined to remain ineffectual in achieving outcomes that matter to the public. It is a recipe that will only contribute to the further devaluation of probation.

There is no doubt that the adoption of the strategies that occupy the center of the “Broken Windows” model will require a loosening of organizational structure and a major redirection in the management practices associated with many probation agencies today. This will necessarily involve a decentralization of tasks, greater reliance on automated information systems, an outcomes-based or results-driven focus, and the cultivation of wide-ranging staff competencies that facilitate building partnerships within and linking offenders to the communities in which they live. Taxman and Byrne express grave concern that this will greatly complicate the managerial task of maintaining operational control over the whereabouts and activities of field staff now accomplished by keeping them in the office. A more careful reading of the monograph would have shown that there are numerous agencies that have already adopted such changes and are doing so with great success.

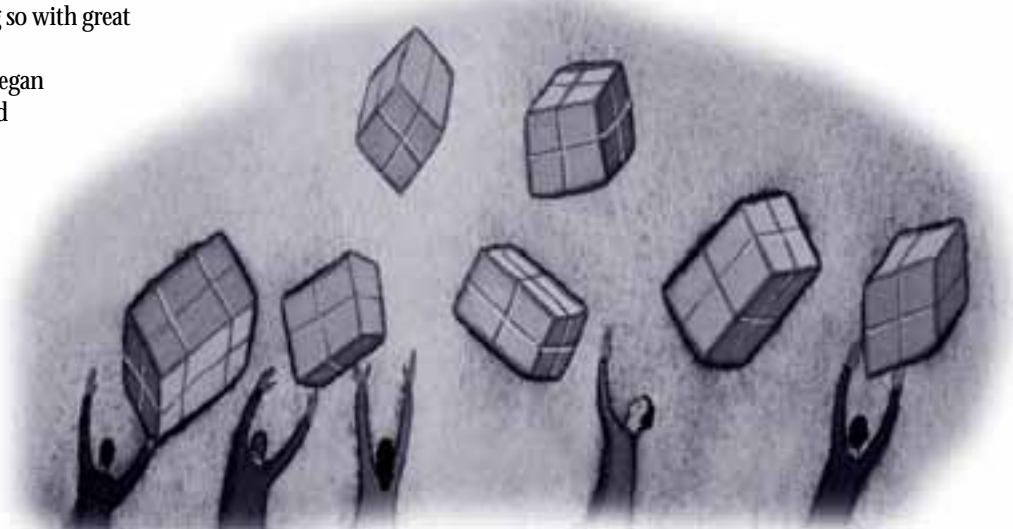
The Reinventing Probation Council began its work by noting that probation had reached a critical turning point in its history. Whether probation will serve at the political and intellectual hub of future policy-oriented efforts to promote public safety and offender rehabilitation or continue to be undervalued, ineffective, and sorely lacking in resources is viewed by the Council as dependent on choices made by those in leadership positions across the field. Many examples are provided throughout the monograph

that offer exemplary illustrations of elements of the “Broken Windows” model in practice. It is thus appropriate to end this summary of our argument for a new approach to probation by pointing out what this choice will require.

Probation leaders can no longer wait for major shifts or increases in funding to flow their way. They must be willing to take the first steps on their own, with or without new support, and they must demonstrate positive results NOW, under present conditions and in the environments in which they labor daily. They must be willing to fully assume responsibility for creating credible supervision strategies that the public and other critical stakeholders value. They must, in essence, chart a course for the present and the future that establishes the worth of their work and then challenge others to furnish greater support if the desire is there to sustain and expand upon the contributions and accomplishments of probation.

It was and remains the vision of the “Broken Windows” model to place probation “at the table” when public safety and justice issues are debated and resolved. It is a vision that seeks to bind probation practitioners as valued community partners in working across the entire spectrum of local crime prevention, reduction and control. Achieving this vision and thereby contributing to outcomes that are valued by the citizenry represent, in our view, the sine qua non of a revitalized probation practice. □

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RETHINKING PROBATION:

THOUGHTS FROM A BROADER CONSTITUENCY

BY ANN H. CROWE, Ed.D



ON APRIL 25, 2000 approximately 40 invited participants, hosts and observers convened in Washington, DC for a Roundtable Discussion on Reinventing Probation. The meeting was co-sponsored by the Office of Justice Programs within the U. S. Department of Justice and the American Probation and Parole Association. The stated purpose of the meeting was “. . . to solicit and listen to the views and suggestions of a diverse group of criminal justice professionals as to whether and how the recommendations outlined in these two reports can contribute to reshaping community supervision to regain public confidence” (M. Beckman, personal correspondence, February 15, 2000). The documents to which Ms. Beckman referred were:

- *Rethinking Probation: Community Supervision, Community Safety* by W. J. Dickey and M. E. Smith, published by the Office of Justice Programs, U. S. Department of Justice, December 1998.
- *“Broken Windows” Probation: The Next Step in Fighting Crime* by the Reinventing Probation Council, published by the Center for Civic Innovation at the Manhattan Institute, August 1999.

Attendees at the Roundtable included a cross section of representatives from the adult and juvenile justice systems as well as a variety of guests from related organizations. Invited participants were carefully selected to represent a broad range of perspectives, all of which may not have been included in previous discussions of the status and future of community corrections. Participants represented the following areas, with some fitting more than one category (a list of invited participants and hosts is included at the end of this document):

- Probation, Parole, Community Corrections Professionals
- Victim Advocates
- Prosecutors
- Judges
- Other Court Personnel
- Public Defenders
- Pretrial Services
- Institutional Corrections
- Private Corrections Programs
- The Media
- Both Adult and Juvenile Justice Programs
- Women
- Minorities
- Both Administrative and Line Personnel
- Representatives of Divisions within the Office of Justice Programs (Office for Victims of Crime, Bureau of Justice Statistics, National Institute of Corrections, National Institute of Justice, Drug Courts Program Office)

BACKGROUND

Mario Paparozzi, Past President of the American Probation and Parole Association, provided the meeting participants with a brief summary of events leading up to the publication of the two documents listed previously and this Roundtable Discussion meeting. The timeline depicted in Figure 1 summarizes this background information.

The participants in this Roundtable Discussion were deliberately chosen to broaden the discussion about the status and future of community corrections. As Paparozzi said, “. . . [W]e’ve got to broaden the discussion. We’ve got to find out what other people think is valuable to them, and we’ve got to tell them what we’re doing that we think has value, and come together.”

“It’s important, and maybe even bordering on unprecedented, that we are all going to get together and share different perspectives on this reinventing probation piece that has been published. . . We’ve been looking at this reinventing piece perhaps in our own family, and this is like the first step to look at this maybe just in our neighborhood, and maybe the next step after that is to look at it in our state and to look at it within the country.”

Ray Wahl
President

American Probation and Parole Association



“We have invited some people that are not normally at the table. . . to come and help us shape the direction of our field. I throw out this challenge: Will you do the same for us? . . . It is important that we also come to your table to help shape the direction that you’re going, because we have something to offer, too.”

*Carl Wicklund
Executive Director
American Probation and Parole Association*

FIGURE 1
Timeline of Activities Leading to Roundtable Discussion



The all-day Roundtable Discussion meeting included an opportunity for participants to introduce themselves and mention any issues of importance to them in the two publications they were asked to read before the meeting. The remainder of the meeting was primarily a working session through which participants met in three small groups to discuss key concepts extracted from the two publications. Following the small group deliberations, each reported their conclusions to the larger group, and everyone was invited to add further comments regarding the issues raised.

REFLECTIONS FROM THE ROUNDTABLE DISCUSSION

Fifteen themes from the earlier work on reinventing and rethinking probation and parole were used as the basis for small group discussions. Participants were randomly assigned to groups, and each group was asked to discuss five themes.

Figure 2 on page 37 represents just a slice of the work done by the Roundtable Discussion group at the April 25, 2000 meeting. The following summarizes some of the key conclusions of the group. While consensus was elusive in many instances, there was still a great deal of enthusiasm and constructive discussion about the status and future direction for the community corrections field.

For clarity of presentation in this article, the themes discussed by the small groups have been divided into three conceptual categories:



- critiques of the current state of probation and parole,
- philosophical statements about the purpose of community corrections, and
- specific strategies probation and parole should use.

FIGURE 2

Try this Quiz!

To experience a little of what the meeting participants undertook, ponder the statements in this quiz and determine your degree of concurrence with them. Then think about discussing this with other justice professionals in your jurisdiction including a judge, prosecutor, defense attorney, probation and parole professionals, and a victim advocate, among others. What level of consensus do you think you will achieve with this larger group?

	Agree				Disagree
1. Probation and parole practitioners are concerned that the work they do is irrelevant as perceived by the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. A more holistic approach to offender supervision is needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The public expects some measure of increased public safety and justice from its probation and parole services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CRITIQUES OF PROBATION AND PAROLE

The largest number of theme statements were in this group. Each statement is presented with a brief summary of the discussion about it.

1. There is confusion across the profession as to the underlying purpose for probation and parole as well as whom the primary customer is or should be.

The majority of small group participants concurred with this statement, with one notable exception. Those who represented juvenile justice agencies felt their purpose and customers were more clearly understood than is true in the adult system. This may reflect a lack of representation from juvenile probation and aftercare in earlier dialogues about the status and future of community corrections. Lack of clarity on probation's and parole's purpose(s) is directly linked to issues regarding the field's customer(s). As discussants pointed out, if the purpose is clear, then the customer is apparent. If the purpose is public safety, then the customer is the community; if the purpose is offender rehabilitation, then both the offender and the community are customers; if the purpose is victim restoration, then the victim is a primary customer. The consensus was that many probation and parole agencies and professionals do not have a clear sense of purpose and therefore are confused also about whom they serve as customers.

2. The political viability of probation and parole is weak, if not nonexistent.

The participants agreed that probation's and parole's political viability is very weak. They

“The malaise about probation isn’t just out in the public. . . . A lot of the malaise is in our own house. Misunderstandings about what’s possible; misunderstandings about what we can and can’t do; misunderstandings about what works in changing people’s behavior; misunderstandings about how we can—if we can—manipulate environments—neighborhood, families and so on—to help us maintain changes in people’s behavior; misunderstandings about our ability to do prevention—stop the feeder system.”

Mario Paparozzi
Past President

American Probation and Parole Association



“If the purpose is public safety, then the customer is the community; if the purpose is offender rehabilitation, then both the offender and the community are customers; if the purpose is victim restoration, then the victim is a primary customer.”

felt probation's and parole's political viability was generally stronger at local levels, where professionals are more likely to be known to the community. As the political sphere becomes larger (i.e., progressing to state and national levels), probation and parole have a very low profile and are virtually unknown to many political entities. The group also recognized that there are different agendas at each of these levels. The need to involve local community members in probation and parole issues to gain their support when funding and other matters are addressed at state and national levels was emphasized also. Finally, the discussion focused on the need for probation and parole strategies to produce the outcomes the public wants (e.g., offender rehabilitation should lead to increased public safety).

3. Probation and parole practitioners are concerned that the work they do is irrelevant as perceived by the public.

4. The public perceives that offenders under some form of community supervision are not held accountable, and that the interests of justice for victims and the community are ill served.

These two themes are discussed together because they both have in common the idea of the public's perception of probation and parole. The group that discussed both of these statements generally agreed with them, and there were some common elements in their discussion of each. First, they cited the problem of communication with the public by probation and parole. They felt community corrections personnel had not educated the public effectively and sometimes tended to exclude the public by claiming they could not disclose information about probation and parole. Second, they indicated a lack of partnership with communities that, if present, might be manifest through conducting activities in the community and recruiting community corrections professionals from the neighborhoods in which they would work, among other approaches. Third, the group felt there was generally a lack of collaboration between probation and parole and other parts of the adult justice systems. However, those in the juvenile justice system felt they had a better track record of working with other agencies both within the justice system and in the community, such as schools, child protective services agencies, and the courts. In general, those from adult probation and parole felt their agencies did not enjoy equal status with those from other parts of the justice system, which leads to professionals feeling devalued and exhibiting low morale. Fourth, the group also thought that an unsatisfactory record of addressing victims' needs led to poor public perception in some cases. If victims do not feel that they are heard and valued, and they are not provided the information they need about their case, they are likely to share their frustrations with others in the community, resulting in negative public perceptions.

5. Practitioners are demoralized and frustrated about their inability to hold offenders accountable for violating conditions of community release. This inability to enforce court and parole orders seems to derive mostly from ideological conflicts between sentencing and releasing authorities (judges and parole boards) and the field supervision probation and parole officers.

In response to the issue of offender accountability (in statement #4 above), the participants discussed the need for probation and parole agencies and professionals to apply immediate and intermediate sanctions when offenders are noncompliant. They also felt strongly that sanctions should serve a rehabilitative as well as punitive purpose. They indicated that there was too much reliance on revocation as a sanction and that more creative, community-based sanctions should be available, such as restitution and community work service.

When another group discussed statement #5 regarding offender accountability they could not come to a consensus. They brought to the discussion an idea that had not previously been voiced as evidenced in the following quotation from the group's reporter:

If there is a sanctions portion, why isn't there an incentives portion? If the person is not violating — is complying — how are they being told this? What incentives are they being



given for behaving appropriately and according to the rules? It seems that when the probationer is hearing from the agent, it's because they've done something wrong, not because they're doing things well. What are the incentives for the agent who doesn't go to the extremes [revocation] all the time? Because in most instances this means more work for the agent if there's going to be some kind of intervention short of revocation. It may mean additional paperwork, it may mean additional time, because now I'm going to have more contact visits with the person. So what would be the incentive for all parties involved to not have to resort to the extreme option in terms of applying sanctions to the individual? How do you train agents to apply sanctions wisely?

6. Community members, especially those mostly involved with the activities of offenders, are generally left/kept out of the loop when it comes to an articulation of making determinations regarding the type and quantity of services that should be provided by probation and parole agencies

As with statement #3 above, the group that discussed this theme agreed that there is insufficient involvement of the community in the work of probation and parole. Besides better communication and education cited previously, this group also suggested the use of citizens' advisory boards for probation and parole. They indicated that there were successful examples of such practices in Vermont and Iowa.

7. An infusion of resources to probation and parole will not in and of itself improve the quality of probation and parole services. Rather, field supervision can be significantly improved right now—what is needed is the “will to do it.”

The group discussing this theme could not fully agree with it, although they felt there was some truth in it. They felt, first of all, that there are some issues beyond the “will” of probation and parole practitioners. For example, they made the statement, “We can't will away crack cocaine.” They also felt the statement would be perceived as disparaging by probation and parole officers, many of whom do work very hard at providing supervision to offenders. The group felt that it was important to have line personnel involved in the discussion and planning process for the reinvention of probation. They need to be asked what motivates them to improve their practices and what incentives should be tied to successful outcomes for staff as well as offenders. There was greater agreement with the first sentence—that an infusion of resources (money) will not necessarily improve the quality of services. The group felt that solely increasing funding for probation and parole, without also revising its purposes and practices, would not achieve significantly more positive outcomes. There was discussion that probation and parole should be analyzed for both costs and benefits, much like a business approach.

8. “Fortress probation” seems to be the order of the day. This term refers to the notion that most offender supervision occurs in office—not community—settings

The group discussing this theme largely agreed with the statement. However, again, the participants felt that juvenile probation and aftercare generally had better connections and spent more time in community settings than did adult probation and parole practitioners. For juvenile line officers, contacts with school, social workers, the family and other community entities are much more a part of their routine work. Two issues arose during the discussion of this theme: 1) What is community? and 2) How are probation and parole agents being trained to work with the community? Both of these issues emerged in relation to other themes as well. One's definition or concept of community influences how one might practice probation or parole in community settings and what those settings might be. There was also a feeling that working directly with community members is an area for which probation and parole practitioners are not usually trained. If they are to perform these new tasks successfully,

“If there is a sanctions portion, why isn't there an incentives portion? If the person is not violating — is complying — how are they being told this? What incentives are they being given for behaving appropriately and according to the rules?”



“The offender is part of this whole piece; the community is part of the piece; the victim is part of the piece;... we’re part of the piece. How can we make this work so that, in the end, we have value?... Are we willing to say we’re going to own certain things?”

Mario Paparozzi
New Jersey State Parole Board, Trenton, NJ

then additional learning opportunities must be provided.

PHILOSOPHICAL STATEMENTS ABOUT THE PURPOSE OF COMMUNITY CORRECTIONS

Three of the theme statements seemed most appropriate in this category. These primarily focus on the ideologies guiding probation and parole practices.

9. A more holistic approach to offender supervision is needed. Such an approach requires probation and parole officers to proactively work in and with communities in order to address individual, social and economic factors that contribute to criminal activity in the community. This paradigm requires probation and parole officers to broaden their workload perspective beyond a myopic concern for the offender under supervision. The appropriate concern then becomes the victim, the offender and the well being of families, neighborhoods and communities.

The group discussing this statement agreed with it and felt that probation and parole services could be more effective if they could be implemented in larger urban areas in ways similar to the practices that are employed in rural areas. This would necessitate breaking down larger communities into smaller areas so they could know the community culture and specific residents well. The group did, however, feel, as discussed previously, that probation and parole professionals must receive training to do this aspect of their work appropriately. They will need to gain an understanding of the victims and communities with whom they are expected to work and build skills in forming effective partnerships with victims and communities.

10. The rebuilding of communities, and therefore informal social control mechanisms, will have a significant positive impact on recidivism as well as prevention efforts.

The group discussing this theme was in general agreement, but stated two caveats. First, they took exception to the use of the word “rebuilding” and thought it should be replaced with “restoring,” because they were concerned that rebuilding might connote changing the underlying culture of the community and trying to mold communities into predefined patterns where residents were expected to have similar jobs, lifestyles and family styles. They reported, “We opted to thinking more in terms of restoring the community—restoring the community based on its definition of itself, in terms of how is it most vital, how is it most alive when all working parts are in order.” Second, the group felt that while restoring communities was an important task for probation and parole, they should not shoulder this responsibility alone. Other stakeholders should be brought into the process as well.

11. The application of restitution and community services programs needs to be expanded. Currently these programs are used almost exclusively as intermediate or proportionate punishment. While these are desirable objectives, there also seems to be a demand for more victim reparation and victim/offender mediation programs. Restitution and community service programs provide a logical context for individual and community restoration.

Greater involvement of victims in the justice process and the restoration of victims’ losses, to the extent possible, was a recurring theme during the Roundtable Discussion. The group discussing statement #11 felt strongly that restitution and community services need to perform a rehabilitative function for the offender also. While the documents reviewed by the participants in preparation for this meeting strongly emphasized community involvement and holding offenders accountable, there was less attention given to the role of victims and the principles of restorative justice, an area that would bring more balance to the reinvention of probation.

STRATEGIES FOR PROBATION AND PAROLE

12. The public expects some measure of increased public safety and justice from its probation



and parole services. *The reinvention of probation called for by practitioners supports these outcomes.*

The group discussing this theme was in agreement with the first sentence but was less affirmative regarding the second. The Reinventing Probation Council (1999) states that “Successful probation programs put public safety first. Their primary goal is to let the public move about and feel free of the risk of harm to their person or their property.” The Roundtable Discussion group agreed that the public is not feeling safe, but they were less adamant that the public expects probation and parole to be responsible for its safety. They felt that, at minimum, public safety is a partnership task involving both the community and other justice agencies. It cannot be accomplished by a single agency. The group also expressed the opinion that the reinvention of probation must be much broader and more balanced than just focusing on public safety.

13. It is essential that family, faith-based community leaders, neighborhood, community and a variety of criminal justice officials collaborate on the agenda for probation and parole services.

The group agreed with this statement after removing the word “criminal” from the statement. They felt criminal justice implies adults only, and the reinvention efforts should also include juvenile justice. They thought there might be a need to expressly include victims in this statement rather than assuming they are included within other categories listed. Overall, the group felt this was the most powerful statement among those they considered and they had the greatest degree of consensus about it among group members. They further commented that partnerships needed to be forged, not only between probation and parole and external systems (e.g., family, faith groups, community), but also within the justice system, including the need for better collaboration between agencies serving juveniles and adults (especially when they are in the same family) and between institutional and community corrections (so there is a seamless administration of justice).

14. Practitioners should increase their attention to state-of-the-art, research supported strategies that produce desired outcomes like public safety, offender accountability and community “wellness.”

15. Probation and parole need to employ results-driven management strategies. In this regard, once the desired (i.e., publicly relevant) results have been articulated, an appropriate management information system should be developed. The data produced should crystallize the relationship between everyday practices (strategies) of probation and parole and relevant intermediate performance measures as well as final results-oriented (outcome) measures. Current management information systems are primarily activities-oriented—they provide information as to the “busyness” of probation and parole officers as opposed to their effectiveness.

These final two themes also are grouped together because of their similarities. They were discussed in the same small group that was in agreement with their content and intent. They supported the use of research to guide practice in probation and parole. Strategies chosen should be evidence-based and linked to outcomes that probation and parole want to achieve. The group strongly advocated the collection and analysis of data about probation practice. When discussing the use of management information systems, they felt that there should be greater integration of information across the justice systems.

SUMMARY AND CONCLUSIONS

In general, the participants in the Roundtable Discussion agreed with most of the themes extracted from the two publications produced on the reinvention of probation, with some exceptions taken to specific wording. The most notable dissension was to the idea that field

“The primary problem is to come up with a model — a paradigm — that has value, and then put our feet to the fire, act as if we will cease to exist unless we hold ourselves rigorously accountable for some results.”

Mario Paparozzi
New Jersey State Parole Board, Trenton, NJ



“We do a lot of things right
... We haven’t done a good
enough job figuring out
how to get that message
out. “

Mario Paparozzi
New Jersey State Parole Board, Trenton, NJ

supervision can be significantly improved if probation and parole practitioners have the “will to do it.” Representatives of administrative and line personnel in probation and parole as well as other parts of the justice system felt that this was a pejorative assumption that certainly could not be applied to all practitioners.

The group also took exception to the strongly sanction-oriented nature of some of the themes, feeling that, as the “what works” literature implies, incentives are more powerful in changing offenders’ behavior than are sanctions and should be applied in a ratio of at least 4 to 1. They also stopped short of fully endorsing statements to the effect that probation and parole shoulder full responsibility for public safety. They do, indeed, have an obligation to work toward increased public safety, but the participants felt this is a shared responsibility and probation and parole cannot own it totally.

There were several issues the Roundtable Discussion group pointed out that were not adequately addressed in the documents they reviewed and the themes they discussed in small groups. Included among these were:

- *Lack of adequate attention to the field of juvenile probation and aftercare.* References to juveniles were almost entirely missing from the two documents, and, as participants pointed out, in several areas, juvenile probation and aftercare agencies are performing very well in comparison to their adult counterparts.
- *Inadequate attention to diversity in race, gender, culture and other areas.* Participants repeatedly emphasized the need to tailor practices to the needs of particular communities and specific offenders, taking into account their uniqueness. Diversity is not addressed in the documents reviewed by participants, and as pointed out during the Roundtable Discussions, the members of the Reinventing Probation Council share very similar characteristics (middle-aged, white, males).
- *Need to give additional consideration and voice to crime victims.* Except as they are subsumed within the community, victims were given very little attention by the Reinventing Probation Council. However, there has been a strong movement over the past decade or more to instill accountability to victims as an essential component of the justice system’s mission. In this framework, accountability, defined as making amends to the victim, outweighs the notion of accountability as sanctioning for the sake of punishment.
- *Greater recognition of the role of substance abuse in criminal behavior.* Although the discussion was limited on this topic, it bears mention here. There is a strong association between substance abuse and criminal behavior. While those who abuse psychoactive substances cannot be excused for criminal acts, there is a recognition that they do need treatment for their addictions. Community treatment resources often are woefully inadequate for the needs of these offenders.
- *More emphasis should be placed on prevention of crime.* Crime prevention is another area that is not addressed in the Reinventing Probation Council’s report, but participants in the Roundtable Discussion felt this was an important and legitimate part of probation and parole’s work in the community and should not be overlooked.
- *Incentives and intermediate sanctions should be given greater prominence.* As stated previously, the role of incentives in changing offenders’ behavior cannot be slighted in light of the research available. Similarly, there needs to be a range of both incentives and sanctions, and the responsibility for imposing them should be clearly articulated. For example, some agencies have an array of intermediate sanctions that line officers can implement depending on the nature of an offender’s behavior and his or her personal needs. However, other sanctions may require supervisory or court approval before they are imposed. The group felt, though, that the tone of the earlier documents implied a propensity to respond



only to negative behavior, and then, with severe sanctions, such as revocation.

- *Not enough credit is given (or taken) for the positive aspects of probation and parole.* Participants in the discussion felt the field may be judging itself too harshly and not adequately communicating to the public and other parts of the justice system the positive aspects of probation and parole that are occurring in many jurisdictions. While it is important to admit faults, it is also necessary to share solutions
- *Need for additional training.* Participants in the Roundtable Discussion group expressed concern that new roles are being carved out as the field considers its reinvention, and many practitioners will not be prepared to perform these roles adequately. Not only must probation and parole be concerned with setting new goals and expectations, but agencies must quickly retrain officers to perform new tasks such as working with victims and working with community members, if this is consistent with their goals. To fail to provide such training will result in frustrated employees, offenders not being held accountable, victims' needs not being met, and the public feeling let down — again — by probation and parole.

One of the small discussion groups developed a set of principles they felt should be used in the operation of a reinvented probation and parole system. These included the following:

- Each community needs to be involved in defining what its values are.
- Probation and parole must pay attention to gender, cultural, and ethnic issues.
- The field must measure what it does and base practices on research evidence.
- Risk and needs assessments should be used regularly, updated as needed, and be relevant to the community and offender population.
- Changes in probation and parole will require buy-in from the judiciary and all parts of the justice system. We need to work at creating a culture of change.
- "Best practices" should be shared among agencies and mechanisms should be developed so agencies can learn from each other.
- Practices should be based on a cost-benefit analysis.

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Overview of Legal Liabilities Part II

Editor's Note

This article is Part 2 of a series on Legal Liabilities in Probation and Parole. Part I of this series appeared in the Winter 2001 issue of Perspectives magazine.

Introduction

This article discusses two major kinds of state tort cases: intentional tort and negligence tort. In legal terminology, the act itself is called a tortious act while the person who commits the act is known as a tortfeasor. Since there is so much variation in state tort law from one state to another, this article is restricted to general principles applied in most states. State law must be consulted for specifics.

I. Definition of State Tort

Black's Law Dictionary defines tort as:

A legal wrong committed upon the person or property independent of contract. It may be either (1) a direct invasion of some legal right of the individual; (2) the infraction of some public duty by which special damage accrues to the individual; (3) the violation of some private obligation by which like damage accrues to the individual.¹

The same act can be a crime against the state and a tort against an

individual; thus, both a criminal prosecution and a civil tort action may arise from the same act. For example, a person who drives while intoxicated and causes an accident resulting in injury to another driver and damage to his or her car may be guilty of the criminal offense of driving while intoxicated while being civilly liable for the injury inflicted on the other person and the damage to the car. Tortious acts may also be the basis for suits charging violation of civil rights under Section 1983 (federal cases).

Tort actions are usually tried in state court before a jury that makes a determination of liability and the amount of damages to be paid under instructions from the judge as to the applicable law. The jury determination is subject to modification, either by the trial judge or on appeal. A successful tort action generally results in payment of monetary damages to the wronged party.

II. Kinds of State Tort

There are generally two kinds of tort: intentional tort and negligence tort. Probation/parole officers are exposed to both, but, of late, more

and more cases have been filed under negligence tort. The allegation in negligence tort cases is that the officer failed or neglected to do what he or she ought to have done, resulting in injury to the plaintiff, usually a member of the public.

A. Intentional Tort

Black's Law Dictionary defines intentional tort as "a tort in which the actor is expressly or impliedly judged to have possessed intent or purpose to injure."² To win an intentional tort case, the plaintiff must prove the following:

- An act by the defendant;
- The act must be deliberate and purposeful or the defendant knew with substantial certainty that consequences could result from the act;
- The result must have been caused by the act; and
- Damages resulted from the act.

Example: A probation officer beats up a juvenile probationer for no reason whatsoever, as a result of which the juvenile suffers injury. The officer may be held liable under intentional tort because the act was committed by the defendant (the officer), the act was deliberate and purposeful, the injury was caused by the act, and damages (the injury) resulted from the act.

Intentional tort may be subdivided into two categories: physical tort and non-physical tort.

1. Physical tort:

- a. Battery: Intentional harmful or offensive touching.
- b. Assault: Intentionally placing a person in reasonable apprehension of immediate touching.
- c. Intentional infliction of emotional distress: Acts of an officer that caused emotional distress.
- d. False arrest: Arresting a person illegally in the absence of a warrant.
- e. False imprisonment: Illegally detaining a person after arrest.
- f. Wrongful death: Death caused by the wrongful act of another.

2. Non-physical tort:

- a. Defamation: An invasion of a person's interest in his or her reputation.
- b. Invasion of privacy: An umbrella concept covering unreasonable interference with an individual's right to be left alone.
- c. Misrepresentation of facts: False representation of a past or present fact, on which individuals may justifiably and actually rely in making decisions.
- d. Malicious prosecution: The initiation of criminal proceedings without reasonable cause or for improper reasons, such as revenge.
- e. Wrongful death: When death results from the wrongful act of another person.

The above list is illustrative, not exhaustive. What acts constitute tort vary from one state to another and are usually determined by case law or legislative enactment.

B. Negligence Tort

Negligence tort is filed with increasing frequency by plaintiffs who are injured by crimes offenders commit while on probation/parole supervision. It is based on the assumption by the public, and made official policy in some departments, that one of the purposes of probation/parole is public protection. Example: Jane Doe, a member of the public, is raped by a parolee. Ms. Doe brings a lawsuit against the parole officer

and the department alleging negligence in their duty to protect the public. Whether the lawsuit succeeds or not is an entirely different story; the likelihood is it will not, with some exceptions. The point, however, is that a lawsuit for negligent supervision may be brought against the officer, the supervisor and the department for crimes committed by probationers/parolees. Not all types of negligence in supervision lead to liability. An important question for probation/parole officers is: when are they negligent in their jobs as to be exposed to negligence lawsuits? The answer is, it depends on the legal definition of negligence and available defenses in their jurisdiction.

1. Definition of negligence. One court offers this definition:

Negligence, in the absence of statute, is defined as the doing of that thing which a reasonably prudent person would not have done, or the failure to do that thing which a reasonably prudent person would have done in like or similar circumstances; it is the failure to exercise that degree of care and prudence that reasonably prudent persons would have exercised . . . in like or similar circumstances.³

One phrase is mentioned three times in the above definition: "a reasonably prudent person." The definition of negligence sets the standard of what a reasonably prudent person would or would not have done under similar circumstances. For purposes of day-to-day decision-making, in cases not covered by the provisions of the agency manual, probation/parole officers should be guided by what a reasonably prudent person would have done under the circumstances. Note, however, that the above definition may be preempted by a definition given by state statute or state case law. A definition found in a state statute or state case law prevails over the above definition.

2. Elements of negligence tort.

In general, four elements must be present for a defendant to be held liable under negligence tort law:

- A legal duty owed to the plaintiff;
- A breach of that duty by omission or commission;
- The plaintiff must have suffered an injury as a result of that breach; and
- The defendant's act must have been the proximate cause of the injury.⁴

3. Types of negligence.

Negligence may be slight, gross, or willful. Slight negligence is defined as "an absence of that degree of care and vigilance which persons of extraordinary prudence and foresight are accustomed to use." In other words, a failure to exercise great care. Gross negligence is described as "a failure to exercise even that care which a careless person would use," while willful negligence means that "the actor has intentionally done an act of an unreasonable character in disregard of a risk known to him or so obvious that he must be taken to have been aware of it, or so great as to make it highly probable that harm would follow."⁵

In general, no liability ensues if the negligence is slight; liability ensues only if the negligence is gross or willful. The problem, however, is that it is sometimes hard to determine whether a specific negligence is slight, gross or willful. Despite definitions, these terms are subjective with the trier of fact, be that a judge or jury. What may appear slight to one judge or jury may be gross to other individuals. The good news, then, is that there is no liability for slight negligence (with some exceptions, as in strict liability cases); the bad news is that there is no definite guideline to determine what is slight or gross.

III. Defenses in State Tort Cases

Defenses are available in state tort cases, including consent, self-defense, defense of others and defense of property. Just about each type of tort case has its own particular defense. For example, the defense for the tort of assault and battery differs from the defense against the tort of defamation; the defense for intentional tort differs from the defense for negligence tort.

Nonetheless, certain types of defenses are discussed here because they apply only to government officials or entities, not to private persons. These are: the official immunity defense (applies to government officials), the governmental immunity defense (applies to governmental agencies), and the public duty doctrine defense (applies to public officials in injury cases resulting from alleged supervision negligence).

A. The Official Immunity Defense

Official immunity from liability applies to public officials. The historical justification for official immunity is that since a government can only act through its officials and since sovereign immunity protects the government, then those who carry out governmental operations must also be immune.⁶ Another argument is that it would be unfair and intimidating to allow a private individual to hold a government officer or employee liable for performing his or her duty. For example, if a prosecutor could be subjected to a possible tort lawsuit every time a prosecution failed, she might well decide to prosecute with less vigor and only when absolutely certain the case will result in a conviction. The fear of tort liability could have chilling effect on job performance.

The meaning of and requirements for the official immunity defense vary from state to state. One state court lists the requirements that must be present in many states for the defense to succeed, allowing that government employees are entitled to official immunity from lawsuits arising from the performance of their "discretionary duties, in good faith, as long as they are acting within the scope of their authority."⁷ This definition requires that for the official immunity defense to succeed, the following must be proved by the probation/parole officer: (1) the officer must have been performing discretionary, not mandatory, act; (2) the officer must have acted in good faith, and (3) the officer must have acted within the scope of his or her authority. What do these terms mean?

Discretionary means that the act involves personal deliberation, decision and judgment. Actions which require obedience to orders or performance of duty to which the officer has no choice are not discretionary; they are, instead, ministerial.⁸ Example: To revoke or not to revoke a probationer for a minor offense is usually left to the discretion of the officer unless revocation is required by agency policy—which is unlikely. On the other hand, respecting the constitutional rights of a probationer, at least those not lost as a result of being placed on probation, is ministerial in that the officer had no option to disregard those rights.

Good faith means that the officer "acted in the honest belief that the action taken or the decision was appropriate under the circumstances."⁹ Example: A probation officer denies permission for a probationer to travel, based on the reasonable belief that there is a strong possibility the probationer will not return.

Acting within the scope of authority means that the officer is discharging the duties generally assigned.¹⁰ Example: An officer making a home visit is acting within the scope of authority. In contrast, an officer who revokes a probationer without justification is clearly acting outside the scope of authority.

1. Categories of official immunity.

Official immunity may be divided into three categories: absolute, qualified and quasi-judicial.

a. Absolute immunity. The need to encourage fearless decision-making has led to recognition of an absolute immunity for some officials. This privilege protects the official from liability for official acts even if they were done with malice, and allows the courts to dismiss actions for damages immediately without going into the merits of the plaintiff's claim.¹¹

Judges, and prosecutors have this type of immunity, and it is sometimes referred to as judicial immunity. Although these officials could be sued in actions alleging their decisions were based on malicious grounds, such cases will be dismissed by the courts. These officials are thus protected from liability. Courts at both the federal and state levels have consistently upheld absolute immunity for judges and prosecutors based on the rationale that these officials must be free from the fear of liability in order to exercise their discretion appropriately.¹²

This does not mean that absolutely immune officials are not accountable for their decisions. Judicial ethics bodies may inquire into and punish misconduct; judges can be impeached in appropriate cases; and judges and prosecutors are subject to citizen censure at the polls. They are simply protected from personal financial liability. It must be noted, however, that judges and prosecutors do not enjoy absolute immunity in everything they do. They have absolute immunity only when performing judicial or adjudicatory responsibilities, such as issuing and setting conditions of probation, filing a motion to revoke or revoking a probationer. They do not have absolute immunity when performing administrative functions, such as being a member of a juvenile probation board or when hiring or firing office personnel.

b. Quasi-judicial immunity. Absolute immunity is generally applied to officials in the judicial and legislative branches of government, while qualified immunity applies to those in the executive branch. Some officials, however, have both judicial and executive functions. Such officials include court personnel, parole board members and some probation officers. These officials are given some protection, referred to as "quasi-judicial immunity." Under this type of immunity, judicial-type functions that involve discretionary decision-making or court functions are immune from liability, while some other functions (such as ministerial duties of the job) are not.¹³ The emphasis is on the function performed rather than the position the officer holds. In other words, there are non-judicial officials who enjoy the same immunity as judges when performing certain responsibilities that are analogous to those performed by judges.

c. Qualified immunity. The courts have been less willing to find absolute immunity for other public employees who are not involved in the legislative or judicial process. These officials are usually from the executive department of government.

The doctrine of qualified immunity has two different formulations. According to one, the immunity defense is held to apply to an official's discretionary acts, meaning those that require personal deliberation and judgment. The immunity defense is not available, however, for ministerial acts, meaning those that amount only to the performance of a duty in which the officer is left with no significant choice of his or her own.¹⁴ For example, a parole hearing officer's recommendation to revoke or not to revoke parole is a discretionary act, but the duty to give the parolee a hearing before revocation is ministerial because a hearing is required by the Constitution, as decided by the United States Supreme Court.

A major difficulty with the discretionary-ministerial distinction is that there is no adequate way of separating discretionary from ministerial duties. The distinction seems to vary from judge to judge and from jurisdiction to jurisdiction and is, thus, difficult to predict. It is clear, however, that officials in policymaking positions (such as probation/parole board members) at the planning level of government are more likely to be making discretionary decisions and are, therefore, better able to claim the immunity defense for their actions. Field officers and others at government's operational level usually perform ministerial acts and are advised to consider their functions as ministerial and not immune unless otherwise previously decided by a court in closely similar circumstances.

A second and better-known way of interpreting qualified immunity, used in some states, is by relating it to the "good faith" defense. Under this concept, a public officer (other than one who enjoys absolute immunity) is exempt from liability only if he or she can demonstrate that the actions were reasonable and were performed in good faith within the scope of employment.¹⁵

2. What Type of Immunity Do Probation/Parole Officers Have?

Immunity for probation/parole officers often depends on the agency for which they work and the nature of the functions performed. In general, however, they merely have qualified immunity. Probation officers who are employees of the court and work under court supervision do not enjoy the same absolute immunity of judges, but they may be vested with judicial immunity for some acts. For example, in a recent federal case, the Fifth Circuit Court of Appeals held that a probation officer was entitled to judicial immunity when preparing and submitting a presentence report in a criminal case and was not subject to liability for monetary damages.¹⁶ Another case, decided by the Ninth Circuit Court of Appeals in 1970, held that in preparing and submitting a probation report on the defendant, the probation officer was performing a "quasi-judicial" function and was therefore immune from liability under Section 1983.¹⁷

Many of the actions of such court-supervised probation officers, however, are considered executive, and hence are likely to come under qualified immunity. Probation officers are liable unless the act is discretionary or done in good faith. Parole officers are usually employees of the executive department of the state and therefore enjoy only qualified immunity. Parole officers do not enjoy any type of judicial immunity that some courts say probation officers have when performing certain court-ordered functions.

Most federal courts of appeals have ruled that higher officials of the executive branch who must make judge-like decisions are performing a judicial function that deserves absolute immunity. This particularly refers to parole boards when performing such functions as considering applications for parole, recommending that a parole date be rescinded, or conducting a parole revocation hearing.¹⁸ One federal appellate court, however, has stated that probation and parole board members and officers enjoy absolute immunity when engaged in adjudicatory duties, but only qualified, good faith immunity for administrative acts. The same court

categorized the failure to provide procedural due process in a revocation hearing as ministerial in nature, for which liability attached.¹⁹

B. The Government Immunity Defense

This type of immunity protects the government (instead of individuals) from liability. It derives from the early English concept of "sovereign immunity" which proclaims that "the King could do no wrong," and, therefore, he could not be subjected to suits in his own courts.²⁰ Sovereign immunity was adopted in the United States at an early date through court cases and memorialized in the eleventh amendment to the Constitution.²¹

Initially, the doctrine was held by the court to bar suits against the federal and state governments, based on the premise that the government had authority to protect itself from liability suits. The right to sue for damages was created by the government, and the government, as the creator, could exempt itself from the enforcement of that right. Various justifications for exempting the government from liability were advanced, involving considerations of finance and administrative feasibility.²²

Neither the federal government nor any state fully retains its sovereign immunity. Legislatures in every jurisdiction have been under pressure to compensate victims of governmental wrongs, and all have adopted some form of legislation waiving immunity in at least some areas of governmental activity. As noted by one scholar:

The urgent fiscal necessities that made the governmental immunity acceptable at the outset are no longer present in the United States, and a growing number of states have found it financially feasible for them to accept liability for and consent to suit upon claims of negligence and omission, for which they traditionally bore no liability at all; the availability of public liability insurance as well as self-insurance makes the assumption of this wholly new liability quite tolerable.²³

No state, however, has gone so far as to totally relinquish immunity for all injuries caused through the misuse of the governmental process.

State immunity, subject to waiver by legislation or judicial decree, is an operational doctrine for states and their agencies. A distinction must be made, however, between agency liability and individual liability. State immunity only extends to state agencies. It does not necessarily extend to individual state officers who can be sued and held personally liable for civil right violations or tortious acts. Therefore, in states where sovereign immunity has not been waived, state officials may still be sued and held liable because they do not partake of governmental immunity. For example, a state cannot be sued (unless sovereign immunity is waived), but the chairman and members of the state parole board can be sued and held liable. Whether the state will provide legal representation and indemnification, if held liable, varies from state to state.

Prior to 1978, municipal governments, counties and villages could not be sued because they were considered extensions of state power, and hence enjoyed sovereign immunity. All that changed in 1978 when the United States Supreme Court held in *Monell v. Department of Social Services*,²⁴ that local units of government may be held liable, in a Section 1983 action, if the allegedly unconstitutional action was taken by the officer as a part of an official policy or custom.

A public officer (other than one who enjoys absolute immunity) is exempt from liability only if he or she can demonstrate that the actions were reasonable and were performed in good faith within the scope of employment."

The immunity defense is complex, confusing and far from settled, particularly in the case of probation/parole officers. Variations are found from state to state and from one jurisdiction to another. The above discussion is designed merely to provide a general framework and guideline. Table I.1 presents what courts in most jurisdictions have said. It is not meant to be a definitive statement on the issue of immunity. Readers should consult their legal advisor for the law and court decisions in their state.

C. The Public Duty Doctrine Defense in Injury Cases Resulting from Negligent Supervision

The general rule is that there is no liability on the part of probation/parole officers for failing to protect a member of the public who suffers injury inflicted by a probationer/parolee. This protection from liability stems from the “public duty doctrine,” which holds that government functions are owed to the general public, but not to specific individuals.²⁵ Therefore, probation/parole officers who fail to prevent an injury to a member of the public are not liable for the injury inflicted. One of the goals of probation/parole is public protection. Injured members of the public file lawsuits against probation/parole officers and departments because they link the injury caused by probationers or parolees to negligent

supervision or failure to revoke probation or parole. The public assumes that had the offender been properly supervised and revoked upon violation of conditions, the injury could have been prevented.

Logical though this thinking may be, it generally has no basis in law. The reality is that were it not for the protection against civil liability established by the public duty doctrine, nobody would ever want to be a police, probation or parole officer. These are high-risk occupations that profess public protection as a part of their mission, yet they hardly have any control over what the public or their supervisees do vis-à-vis the public; therefore they are protected from civil liability.

D. The Exception: Liability May be Imposed if a Special Relationship Exists

There is one major, but multi-faceted and largely undefined, exception to the public duty doctrine. This is the special relationship exception. That term means that if a duty is owed to a particular person rather than to the general public, then a probation/parole officer or agency that breaches that duty can be held liable for damages. “Special relationship,” however, has many meanings depending upon state law, court decisions or agency regulations.²⁶

TABLE I.1
General Guide to Types of Official Immunity in State Tort Lawsuits

	Absolute*	Quasi-Judicial**	Qualified***
Judges	Yes		
Prosecutors	Yes		
Parole Board Members		Yes, if performing in a judge-like function	Yes, if performing other functions
Supervisors			Yes
Probation Officers		Yes, if preparing a pre-sentence report under order of judge	Yes, if performing other functions
Parole Officers			Yes
Police Officers			Yes
Prison Guards			Yes

* *Absolute immunity means that a civil liability suit, if brought, is dismissed by the court without going into the merits of the plaintiff's claim. No liability*

** *Quasi-judicial immunity means that officers are immune if performing judicial-type functions, such as when preparing a pre-sentence report under orders of the judge, and liable if performing other functions.*

*** *Qualified immunity means that the officer's act is immune from liability if discretionary, but not if ministerial. Also, an officer may not be liable even if the act is ministerial if it was done in good faith.*

In cases involving the police and law enforcement officers, courts might find liability to injured individuals in the following instances based on special relationship:

- When the police deprive an individual of liberty by taking the arrested person into custody;²⁷
- When the police assume an obligation that goes beyond police duty to protect the general public;²⁸
- When protection is mandated by law;²⁹
- When protection is ordered by the court;³⁰
- In some domestic abuse cases.³¹

What the above situations have in common is that the duty of the police has shifted from protecting the public in general to protecting a particular person or persons, and hence a special relationship is deemed to have been established.

There are instances when the special relationship exception might apply to probation/parole officers. This is likely when they are vested with law enforcement authority, as they are in some jurisdictions. Realistically, however, liability based on special relationship in probation/parole might arise in the following cases:

- When a probation/parole officer has credible knowledge that a crime is about to be committed by a probationer/parolee, and the officer could have prevented it but negligently failed to do so; and
- When the probation/parole officer fails to follow a specific order of the court. Example: A judge orders a probation officer not to allow a probationer to have access to his estranged wife and the officer could have done that but failed to do so.

The problem with the special relationship exception is that it is difficult to determine under what specific circumstances a special relationship exists. There are no definite guidelines. Special relationship cases sometimes indicate that courts or juries first impose liability in egregious cases to compensate an injured member of the public, then fall back on the special relationship exception to justify the award. The rationale seems to be that the victim has suffered because of what the probationer/parolee has done and should be compensated either by the state or by those in-charge of supervision.

Summary

Probation and parole officers may be held liable under state tort law. There are two kinds of state tort: intentional tort and negligence tort. Intentional tort has two sub-categories: physical tort and non-physical tort. Negligence tort has assumed greater importance for probation/parole officers because of the increasing number of cases filed by the public. This happens when a member of the public is injured by a probationer/parolee and that person feels the injury could have been prevented had the officer properly supervised the probationer/parolee. Intentional tort is a tort of commission, whereas negligence tort is generally a tort of omission, meaning the officer failed to do something that ought to have been done.

Three defenses to state tort are discussed in this article: the official immunity defense (applies to government officials); the government immunity defense (applies to federal and state governments); and the public duty doctrine defense (applies to public officials in injury cases as a result or alleged supervision negligence). Official immunity may be divided into three categories: absolute, qualified and quasi-judicial. Judges and prosecutors enjoy absolute immunity while performing judicial

responsibilities; probation/parole officers have qualified immunity. Government immunity means that the government cannot be sued because of sovereign immunity, unless such immunity is waived by legislation or case law. Local agencies, however, do not enjoy sovereign immunity, and hence can be sued and held liable. The public duty doctrine holds that government functions are owed to the general public, but not to specific individuals. Therefore, probation/parole officers who fail to prevent an injury to a member of the public are not liable, unless it falls under the special relationship exception. Special relationship, however, is an ill-defined concept and tends to be applied on a case-by-case basis.

End Notes

¹ *Black's Law Dictionary*, sixth edition (1991) at 1036.

² *Id.* At 560.

³ See *Biddle v. Mazzocco*, 248 P.2d 364 (1955).

⁴ *Supra* note 3, at 143.

⁵ *Supra* note 3 at 183-85.

⁶ Committee on the Office of Attorney General, National Association of Attorneys General, *Official Liability: Immunity Under Section 1983*, at 7 (July 1979).

⁷ *City of Lancaster v. Chambers*, 883 S.W.2d (Texas 1994).

⁸ *City of Pharr v. Ruiz*, 944 S.W. 2d 709 (Tx.Cr.App.Corporate Christi, 1997).

⁹ *Id.*

¹⁰ *Supra* note 14.

¹¹ Texas Advisory Commission on Intergovernmental Relations, *Personal Tort Liability of Texas Public Employees and Officials: A Legal Guide*, at 12 (1979).

¹² *Supra* note 13, at 7.

¹³ *Supra* note 13, at 47.

¹⁴ *Supra* note 13, at 8.

¹⁵ *Supra* note 13, at 69.

¹⁶ *Spaulding v. Nielsen*, 599 F.2d 728 (5th Cir. 1979).

¹⁷ *Burkes v. Callion*, 433 F.2d 318 (9th Cir. 1970), cert. denied, 403 U.S. 908 (1970).

¹⁸ *Keeton v. Procnier*, 468 F.2d 810 (9th Cir. 1972), cert. denied, 411 U.S. 987 (1973); *Pope v. Chew*, 521 F.2d 400 (4th Cir. 1975); *Douglas v. Muncy*, 570 F.2d 499 (4th Cir. 1978). For a more detailed discussion of cases on the issue of immunity in the performance of quasi-judicial functions, see *supra* note 18, at 47 *et seq.*

¹⁹ *Thompson v. Burke*, 556 F.2d 231 (3rd Cir. 1977).

²⁰ *Supra* note 13, at 1.

²¹ *Id.* at 2.

²² *Id.* at 5.

²³ Engdahl, *Immunity and Accountability for Positive Governmental Wrongs* 44 U.Colo.Rev. 1, at 60 (1972).

²⁴ *Monnell v. Department of Social Services*, 436 U.S. 658 (1978).

²⁵ For a classic formulation of the public duty doctrine, see *Ryan v. State*, 656 P.2d 616 (1982).

²⁶ For cases on the special relationship exception to the public duty doctrine, see I. Silver, *Police Civil Liability* (Matthew Bender), 1991, Sec. 9.07 ff.

²⁷ See *Sanders v. City of Belle Glade*, 510 So.2d (Fla. App. 1987).

²⁸ See *Schuster v. City of New York*, 154 N.E. 2d 534 (N.Y. 1958).

²⁹ See *Irwin v. Town of Ware*, 467 N.E. 2d 1292 (Mass. 1984).

³⁰ See *Sorichetti v. City of New York*, 482 N.E. 2d 70 (1985).

³¹ This happens in cases when a state passes legislation authorizing courts to issue protective orders to spouses in domestic abuse situations and the police fail to enforce the order. □

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CALENDAR OF EVENTS

2001

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|------------|--|--------------|--|
| Mar. 20-22 | Kentucky's 2001 Victim Assistance Conference , Hyatt Regency, Lexington, KY. Contact Denise Hancock (502) 696-5312. | May 25-27 | First National Sexual Assault Response Team Training Conference , Hyatt Regency Riverwalk, San Antonio, TX. Contact Linda E. Ledray or Amy Grau at (612) 347-5832 or email Linda@sane-sart.com |
| Mar. 22-24 | Midwest Regional Restorative Justice Conference, "Restorative Justice Principles, Practices, Partnerships," Indianapolis, IN. Contact (219) 744-8753 | May 31-Jun 2 | National Association of Drug Court Professionals 7th Annual Training Conference , Hyatt Regency New Orleans, New Orleans, LA. Contact Dean Schultheiss at (703) 706-0576 or Price Daniel Communications at (303) 989-8600. |
| Mar. 25-27 | Texas Corrections Association Spring Training Institute and Corrections Day at the Capitol , Omni Hotel-Southpark, Austin, TX. Contact (512) 454-8626 or email tca@assnmgmt.com | June 3-6 | Middle Atlantic States Correctional Association Annual Conference & Training Institute , Renaissance Hotel, Washington, DC. Contact (202) 508-1737 or visit www.corrections.com/masca |
| Apr. 7-10 | Fourteenth National Youth Crime Prevention Conference , Adam's Mark Hotel, Dallas, TX. Contact (202) 261-4165 or visit www.ncpc.org/youthcon . | June 6-9 | National Association of Sentencing Advocates 9th Annual Mitigation Institute and Conference , Nashville, TN. Contact NASA (202) 628-0871 or email nasa@sentencingproject.org |
| Apr. 8-11 | Association of Paroling Authorities International 17th Annual Training Conference , Washington Court Hotel, Washington, DC. Contact APAI by phone at (573) 796-2113, email ghdh@aol.com or visit www.apaintl.org . | June 7-10 | National Conference on Peacemaking and Conflict Resolution Summer Peace Building Institute 2001 , Eastern Mennonite University, Harrisonburg, VA. Contact (540) 432-4490 or email spi@emu.edu . |
| Apr. 25-27 | Volunteers in Prevention, Probation & Prisons, Inc., Training and Networking Institute . The Yarrow Resort Hotel, Park City, UT. Contact VIP (313) 964-1145 fax or visit the website www.vipmentoring.org . | Jul 15-18 | National Council of Juvenile and Family Court Judges 64th Annual Conference , Doubletree Hotel, Monterey, CA. Contact NCJFCJ at (775) 784-6012. |
| May 11-20 | Training for Restorative Justice Trainers , Florida Atlantic University MacArthur Campus, Jupiter, FL. Contact National Institute of Corrections, 1960 Industrial Circle, Longmont, CO 80501 or fax (303) 682-0469 | Aug. 12-16 | 2001 ACA 131st Congress of Correction Summer Conference , Philadelphia, PA. Online information www.corrections.com/aca or contact Jeff Washington at (800) 222-5646, email jeffw@aca.org . |
| May 17-19 | Justice Fellowship – 3rd Annual Forum on Restorative Justice , "30 Years of Restorative Justice: What Works." Tyson's Sheraton Premiere, Washington, D.C. Contact Tim Richmond at (703) 456-4050 or trichmond@justicefellowship.org . | Aug. 26-29 | APPA 26th Annual Training Institute, Saint Paul, MN . Online information is available at www.appa-net.org or contact Krista Chappel at (859) 244-8204, email kchappel@csg.org . |
| May 20-23 | PA Association on Probation, Parole and Correction Annual Training Institute , DoubleTree Hotel, Pittsburgh, PA. Contact Darlene Zelazny, email dzelazny@pbpp.state.pa.us . | | |
| May 21-22 | National Law Enforcement & Corrections Technology Center, 2nd Annual Innovative Technologies for Community Corrections Conference , Dallas, TX. Contact Joe Russo at 800-416-8086 or email jrusso@du.edu | | |

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 (859) 244-8001

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



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