the journal of the American Probation and Parole Association

PERSPECTIVES

Volume 25 *Number 4* *Fall 2001*

The New Interstate Compact

THE TIME HAS COME.

President's Message

This is the last President's message that I will write for *Perspectives*. Both Mario Paparozzi and Rocco Pozzi (APPA past presidents) have told me that after two years, I will be ready to pass the gavel to President-Elect Kathy Waters. To be completely honest, I have some mixed emotions. I suppose that there are always things that are left undone, and that is the case as I think back on the goals the APPA Executive Committee has set. While Kathy will set her own agenda, I know she plans to continue with some of the unfinished business. But let me just say what a great time I had being president of APPA. I will remember these two years for the rest of my life.

Ray A. Wahl

As I mentioned in the last message, I wanted to update the membership on progress made on the 16 goals adopted by the APPA Board of Directors. I have spared you by not reviewing all of them in detail but have grouped them into four categories: a strong voice for probation and parole, communication, networking and training. The first two I reviewed in the last message, and the last two are contained in this issue.

Networking

As you know, the APPA vision statement talks about being inclusive. Two efforts were undertaken to move the Association in this direction. First, several roundtable discussions have been organized to provide groups within the organization an opportunity to network. These discussions have been held at the Institutes. A roundtable discussion on rural issues for probation and parole officers was organized by Gary Yates and APPA staff member Karen Dunlap. An outgrowth of the discussion was the development of several workshops presented at the Institutes on rural issues.

Secondly, Carmen Rodriguez and APPA staff member Karen Fuller organized a similar roundtable discussion on diversity. It was very well attended, and as a result, a diversity committee was created. Carmen Rodriguez, who has as much energy and enthusiasm as anyone in APPA, was asked to chair the committee. Once again, suggestions for program topics were moved from this committee to the program committee and have been made part of the Institutes.

While networking within the organization is important, it is just as important to network outside of our organization. Certainly, the partnership we have developed with the American Correctional Association regarding the development of performance-based standards is something of which we can all be proud. We have reached out to organizations such as the National Center of State Courts to work with them on issues such as specialty courts. We have tried to rekindle long time relationships with the National Council of Juvenile and Family Courts Judges to further emphasize juvenile issues in our organization. Let me also recognize the effort that Carl Wicklund, APPA Executive Director, has made to network on such issues as the interstate compact, mental health issues in the justice system, reentry of offenders into the community, and so many more issues too numerous to mention. Carl has made a real sacrifice to be there at the table. I am beginning to believe he spends more time in Washington D.C. than Lexington!

But perhaps most important is the networking with the Council of State Governments, which proved to be the gold mine that many of us thought it would be. For sure, we have had a big impact on the agenda of the Corrections/Public Safety Task Force. The newly elected President of CSG, Governor Dirk Kempthorne of Idaho, has been consulting with our office on the issue of treatment of drug offenders in the community. Dan Sprague, the Executive Director of CSG, has always had a soft spot in his heart for APPA, and we appreciate his always remembering us when issues regarding community corrections surface.

Training

Not that I deserve the credit, but I am very proud that APPA is probably best known for the training that it delivers at the Institutes and in conjunction with our grants. While the

Continued, next page

Broken Windows Probation model was not introduced during the last two years, our Executive Committee and staff have taken the lead in developing training materials that can be used for presentations. The power point presentation that has been developed is a very useful tool in delivering information about the model. Should you be interested in this, it can be emailed to you for any presentation.

We have also piloted several different curriculums during the last two years: one on prevention and another on officer safety. The latter is very popular, and Bob Thorton has done a great job in its delivery. I had the opportunity to have the prevention curriculum piloted in Salt Lake City, which was very well received by staff. Linda Layton and her committee deserve a lot of credit for their efforts.

As I said in the last message, I wanted to identify an area of our profession on which we may want to place more emphasis. This idea is an outgrowth of a discussion I had with Paul Peters, former Chief Agent of Adult Probation and Parole in Utah and a Walter Dunbar Award recipient. Not to digress on the issue but "Pete" has been a mentor and father-like figure to me and several others in the profession for many years. I like to kid Pete that he started working in probation and parole the year I was born. In any event, I was talking with Pete on the phone, and he was a little upset with the last cover of *Perspectives* that proclaimed the end of probation. He said to me, "How could there be an end if we have never tried it to begin with?" He was referring to the never ending battle for identity and resources with funding sources and the community. That is a very important message for those of us who have been talking about the Broken Windows Probation Model. It is a reminder that we have much work to do on the public relations front.

I hope that I will get a chance to thank many of you personally for the last two years at the 26th Annual Training Institute in St. Paul on August 26-29, 2001. I consider myself a very lucky person to have had the opportunity to serve you. I intend to stay very involved in APPA.

American Probation and Parole Association 2001 Professional Development Program

The American Probation and Parole Association (APPA) Professional Development Program provides selected training and technical assistance opportunities for APPA members as well as professionals in the field of probation, parole, community corrections and community justice.

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If you are you are interested in bringing APPA specialized training to your area or for more information on the current training programs, contact: Karen L. Dunlap (859) 244-8211, kdunlap@csg.org.

Visit the APPA Website for Registration Information at www.appa-net.org!

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Kansas City, Missouri

Strength-based Practices for Community Corrections Practitioners

Wichita, Kansas
April 8-9, 2002

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c/o The Council of State Governments
P.O. Box 11910, Lexington, KY 40578-1910
Fax: (859) 244-8001, E-mail: appa@csg.org
Website: www.appa-net.org

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

vision

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:

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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:

- Spring 2002 Issue – December 11, 2001
- Summer 2002 Issue – March 19, 2002
- Fall 2002 Issue – June 20, 2002
- Winter 2003 Issue – September 21, 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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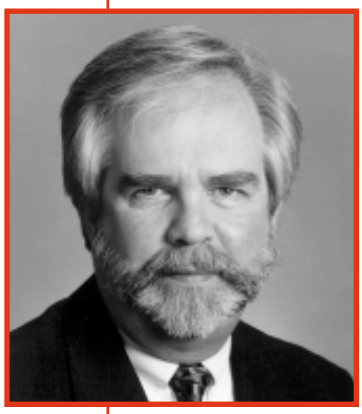
Editor's Notes

A number of years ago, Professor Charles M. Friel of Sam Houston State University commented that "probation was conceptually straightforward, but substantively very challenging." That phrase has always stuck with me, and it came to mind again as I reviewed this issue of *Perspectives*. Probation and parole sound pretty straightforward on the surface. After all, a volunteer by the name of John Augustus created the whole idea of probation and did it pretty well by himself for some 30 years. But with the passage of time and the incredible growth of our field, things have changed dramatically. Sure the basics are the same, but when you start to dig a little, you see just how challenging and complex the job is. The articles in this issue reflect that complexity and the daily challenges it poses.

In the lead article, Kermit Humphries tackles the interstate compacts, certainly one of the most complex aspects of our work. The original adult compact was a response to the increasing mobility of offenders. In the intervening 60-plus years, much has changed and the compact needed to be revised. The idea of an interstate compact is conceptually simple—the states agree to work together to supervise the movement of probationers and parolees between states. As anyone with any experience in this area can tell you, there is nothing simple in the substantive aspects of the compact. The new adult compact has been completed and is working its way through the state legislatures. We all owe a debt of gratitude to both the National Institute of Corrections and the Council of State Governments for their leadership and hard work in this important effort.



William Burrell

One of the core functions of probation and parole supervision is the monitoring of offender behavior and whereabouts. The emergence of electronic monitoring technology in the 1980s presented our field with a tremendous opportunity and challenge. Dick Irrer's article about the Michigan Department of Corrections' electronic monitoring program demonstrates how one organization has responded to the challenge. The Technology Update describes computerized mapping technology which can provides probation and parole agencies with still more information about offenders and their whereabouts.

All of this technology and almost instantaneous information it can provide puts pressure on our organizations to evolve and adapt. Fundamental questions about who we are and what we are trying to do keep coming up. Noted management guru Peter Drucker repeatedly exhorts managers to be clear about their business purpose and mission as the fundamental first step in any organizations, public or private. For the past several years, our field has been engaged in a vigorous debate and dialogue about new models for community corrections. Whether it be *Broken Windows Probation* or *Community Justice*, APPA has been at the forefront of these discussions about our purposes and practices. We are pleased to keep that flame of professional discourse burning by publishing Sam Torres's article.

The latest installment of the series on probation and parole officer liability by Rolando del Carmen and Gene Bonham reinforces the complexity of our work and reminds us of the challenges we all face from the potential of litigation.

In this issue, we introduce a new feature called the Committee Corner. The work of APPA's Standards Committee is described by co-chair Terry Borjeson. This is a very exciting project, working in partnership with the American Correctional Association to integrate the performance-based model with the accreditation standards. We plan to have regular reports from other committees in future issues.

We hope you find this issue stimulating and challenging. If you are attending the 26th Annual Training Institute in St. Paul, try to find me or one of the members of the Editorial Committee and share your feedback about *Perspectives*. We'd love to hear what you think!

Bill Burrell

Correction

In the Summer iss ue of Perspectives (Vol. 25, Number 3) the title of the article on Page 22 was incorrect. It should have read, "The End of Probation and the Beginning of Community Justice". We regret the error.

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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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:

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NIC Update

NIC and CSG

In May 2001 the National Institute of Corrections (NIC) convened a two-day meeting in Lexington, Kentucky which included several of the Community Corrections Division-sponsored networks of state government administrators. The Council of State Governments (CSG), home for the APPA secretariat, hosted day-one and exposed these state executives to the services of CSG. The Executive Director Dan Sprague spoke to the forty plus executives from probation and parole agencies from around the nation, explaining the many services that CSG provides to the states. One of the more exciting projects that CSG is currently working on is examining future trends in a number of areas including corrections, both institutional and community corrections. "Trendsition" is the new word that CSG has coined (*Building Blocks to a National Trends Mission Blueprint;* December 2000-December 2002*)*. This type of visioning will help correctional professionals to be prepared for the future.

A full day workshop dealing with female offenders services, strategies and supervision was presented by a national faculty and NIC staff. Female offenders are the fastest growing population in both the institutions and probation. The needs of female offenders are very different from males, and this demands that specific attention be given to what works with this population. This is an area of corrections that is still being examined. Existing research has been done on male populations but not on the special needs of females who are incarcerated or under correctional supervision in the community. For more information on this subject please contact Phyllis Modley, Correctional Program Specialist at 1-800-995-6423 ext. 4-0099.

This was the first time that NIC has brought together these networks of state community corrections administrators to share a body of knowledge on female offenders. Because of the success of this meeting, it will not be the last time this type of meeting will be held as part of the networking experience.

Most recently NIC has been a partner with CSG in promoting the new bill to improve the Interstate Compact dealing with the transfer of offenders on probation or parole. The old compact was written more than 65 years ago and it is difficult to enforce the rules regarding the transfer of offenders on probation and parole. CSG has been an excellent partner in this still ongoing effort to promote the new bill. The task is consistent with CSG's mission to improve the effectiveness and efficiency of state government. To date, more than 20 states have passed and signed into law the new compact, and it appears by this time next year there will be a new compact in force. ❐

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

BY RICK FAULKNER

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A5301

Spotlight on Safety

In profiling community corrections officers that have been killed in the line of duty over the last twenty five years, we see that many of the assailants had a history of mental illness. A recent study by the National Institute of Justice shows that many individuals with mental health issues are being supervised on our caseloads. The following safety tips are suggested for dealing with these offenders:

- Closely review the offender's psychiatric and other relevant medical history.
- Make the first contact in the office and alert other staff of the possibility of increased risk.
- Familiarize yourself with the offender's psychotropic medication so that you can talk to the offender about their medication regime, recognize behavior that is indicative the offender is not taking the medication appropriately, and encourage them to take their medication as prescribed.
- Maintain regular contact with the offender's treatment provider.
- Make frequent contact with the offender's support system such as family, friends, employers, and others who can alert you to the offender's failure to take their medication, or notify you of changes in the offender's behavior.
- Clearly establish and explain the limits of acceptable and unacceptable behavior.
- Explain the consequences of noncompliance with conditions of supervision.
- Consider taking another officer with you during home contacts.
- Refrain from confronting or criticizing the offender at his/her home.
- Do not disclose your address or details about your family or personal life to the offender.

It would be erroneous to assume that all people with mental health issues are dangerous and all those who do not have mental health issues are not dangerous. However, by paying increased attention to these special issues in dealing with offenders, we can increase our safety both in the office and in the field.❐

American Probation and Parole Association

Myrtle Beach!

Winter Training Institute

February 10-13, 2002
Myrtle Beach, South Carolina

Co-sponsored by the South Carolina Probation and Parole Association

Plan to attend the APPA Winter Training Institute offering community corrections professionals over 50 educational sessions for all levels of experience. Participate in the discussion of new ideas, reveal discoveries yielded by recent research and experience and encourage communication between participants from diverse jurisdictions and backgrounds.

Meet in Myrtle Beach!

All Institute activities will be held at the Embassy Suites and the Brighton Towers at the Kingston Resort in Myrtle Beach, South Carolina. You are sure to be delighted with a half-mile secluded white sand beach and 145 acres of park-like gardens, woods and lakes.

Hotel Reservations

The Kingston Resort offers a wide range of accommodations. APPA has secured the following lodging selections for your comfort and convenience:

Embassy Suites Hotel
($104 – single or double occupancy) – spacious two-room suites featuring private balconies with ocean view, complimentary breakfast buffet (Embassy Suites guests only), coffee maker, microwave, refrigerator and wet bar.

Brighton Condominium Tower
($149 – two-bedroom; $189 – three-bedroom) – luxurious two and three bedroom condominiums featuring a spacious ocean view balcony, a full kitchen and washer and dryer.

Hampton Condominium Towers
($129 – two-bedroom) – similar to the Brighton Condominium Tower, featuring a spacious ocean view balcony, a full kitchen and washer and dryer.

Villas
($104 – one-or two-bedroom) – beautiful wooded or lake view villa units offering the same amenities as the condominium towers with added seclusion for relaxation and convenient shuttle service to meeting rooms.

Make Your Reservations Early!

There is a limited number of each lodging option, so we recommend you make your reservations early. To make your lodging reservation, call the Kingston Resort at (800) 876-0010 or visit the APPA website at www.appa-net.org for a lodging reservations form. Reservations must be made by January 10 to take advantage of the special rates available only to APPA Institute participants.

How You Will Benefit

- Learn fresh, new ideas from well-known, national experts.
- Experience innovative programming from all across the nation.
- Participate in stimulating discussions with your peers.
- Enhance your current abilities and qualifications.
- Discover "what works" from professionals in the field.
- Network with your peers and learn from their diverse experiences.
- View and compare the newest correctional products and technologies.
- Increase your current program's effectiveness.
- Take part in exciting and fun social events.

Early Registration Fees

$265 – special fee for APPA members and members of the South Carolina Probation and Parole Association

$310 – non-member fee

Register before January 25, 2002 to receive these discounted rates!

TECHNOLOGY UPDATE

Crime Mapping for Probation and Parole

Geographic Information Systems (GIS) is an exciting technology that uses geography to observe, analyze and provide solutions to challenges facing an organization. It combines traditional database systems with a graphic component that allows for visual representation and analysis of tabular data on a map.

Think of all the data your agency collects and maintains. Any data containing an address, such as the offender's residence, work location or crime location, can be spatially displayed and analyzed using the GIS. External data such as school locations, treatment centers, parks and public transportation routes can also be incorporated into the GIS for further spatial analysis.

GIS is not new to the criminal justice profession; police departments have been creating crime maps as early as 1960 to help identify crime patterns. One of the most publicized examples of the use of GIS in criminal justice is the ComStat program created in New York City in 1994.

Utilizing GIS, the ComStat program provides department executives and operations commanders with the ability to spatially display criminal activity so that it can be instantly and more easily analyzed. This capability allowed the department to better identify and address crime patterns, trends and hot spots as they emerge. The ComStat program is given much credit for the sharp decline in crime in New York City. GIS undoubtedly played a key role in this success.

In recent years, probation and parole agencies across the country have begun to explore the ways GIS can assist in their daily operations. The following examples summarize how GIS has been successfully implemented in community corrections agencies:

Assign Caseloads Geographically "Geographic Deployment"

By utilizing the power inherent of GIS, an administrator can create a map that indicates where offenders live and assign cases more equitably. Many benefits can be realized by this approach. One benefit is that an officer does not have to travel across the county to conduct home visits given that his or her entire caseload would reside in the same general area. Many GIS software packages also have the capability to plan out the most efficient route an officer can take to perform these visits. Another benefit is that the officer can become much more familiar with the area his/her clients live in as they need only focus on that particular portion of the jurisdiction. This allows the officer more opportunity to understand the offender's environment, become more intimately involved with local treatment providers and develop closer and more collaborative relationships with the local police agencies.

Resource Allocation and Planning

GIS is also useful for resource allocation and agency planning. For example, if an agency were planning to implement a new day-reporting center, a map displaying the density of offender residences, with an overlay of the public transportation system, would be useful in determining where to locate the center. Some agencies are using GIS to create offender density maps to help identify where to establish sub-stations to better serve their clientele.

Managing Sex Offenders

Maps can also be created that highlight locations within a specified distance of another location. For example, the GIS will enable you to select and display all the day care centers, schools or parks within a 1,000 foot radius of a registered sex offender's residence. Additionally, when a sex offender wants to change their residence or work location, GIS provides an easy way to determine if the new address presents problems in regard to its proximity to day care centers, schools, the victim's residence or other areas of concern.

Partnerships with Law Enforcement

GIS is a tremendous crime-solving tool, particularly when it is used in conjunction with the information already collected by most

Crime Mapping Training Dates:

Training Dates	*Location*	*Software Focus*
September 10–14, 2001	Charleston, SC	MapInfo
October 15–19, 2001	Denver, CO	ArcView
November 5–9, 2001	Charleston, SC	ArcView
November 12–16, 2001	Denver, CO	MapInfo
January 14–18, 2002	Denver, CO	ArcView
February 11– 5, 2002	Denver, CO	ArcView
March 11– 5, 2002	Denver, CO	ArcView
April 8–12, 2002	Denver, CO	ArcView
May 13–17, 2002	Denver, CO	MapInfo
August 5–9, 2002	Denver, CO	ArcView
September 9-13, 2002	Denver, CO	ArcView
October 7-11, 2002	Denver, CO	ArcView

BY JOE RUSSO

probation and parole agencies. As an example, suppose there has been a series of assaults in the business district of your city. The local community corrections agency could assist law enforcement by providing a map of all offenders under supervision with a history of assault that live and/or work in that part of the city. The map could be fine tuned even further if a description of the perpetrator was available. This type of information sharing would be extremely helpful in boosting public safety.

How to Get Started:

To successfully implement a GIS program in your agency, you must first acquire the necessary hardware, software, base maps and training. The minimum hardware requirements needed to operate a GIS include a 200mhz computer containing at least 64 mb of RAM. A 17 inch computer monitor and printer/plotter are also recommended. GIS software is available for approximately $1000 per license. GIS maps may be available free of charge through your city, state or county's GIS/ engineering department.

Most importantly, you will need training and this is where the National Law Enforcement and Corrections Technology Center (NLECTC) can help. The Crime Mapping and Analysis Program (CMAP), located at the Rocky Mountain Region office in Denver, Colorado provides *free training* in crime mapping and crime analysis. The one-week course is offered regularly in Denver and other regional NLECTC locations. There are currently slots available for the following training sessions:

For further information about GIS or if you would like to participate in the APPA Technology Committee, please contact Joe Russo at 800-416-8086 or jrusso@du.edu.❐

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.

Call for Presenters

American Probation and Parole Association
27th Annual Training Institute
Denver, Colorado – August 25-28, 2002

The American Probation and Parole Association is pleased to issue a call for presenters for the 27th Annual Training Institute scheduled to be held in Denver, Colorado on August 25-28, 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. Presentations should relate to the following topics:

- Community Justice Initiatives and Innovations
- Executive Management
- Human Resources
- International Issues
- Juvenile Justice Issues and Programming Strategies
- Legal Issues
- Multi-Agency Collaboration/Interdisciplinary Participation
- Parole Issues and Post-Incarceration Supervision Strategies
- Pre-Trial Services
- Program Specialization in Community Supervision and Corrections
- Sentencing Strategies and the Judiciary
- Substance Abuse
- Technological Innovations

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

Submission Guidelines

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

1) Workshop title
2) A clear, concise, accurate description of the workshop as it will appear in the program (average length is 75 words; submissions on disk in Microsoft Word are preferable)
3) Name, title, agency and complete mailing addresses with phone numbers of all proposed faculty members
4) Brief resume or vitae of each faculty member
5) Primary contact person for the workshop (include complete address and phone number)

Presentation summaries may be mailed, faxed or emailed to:
Ginger Martin
Community Corrections Division
Oregon Department of Corrections
2575 Center Street, NE
Salem, OR 97301-4667
Phone: (503) 945-9062
Fax: (503) 373-7810,
Email: ginger.martin@doc.state.or.us

Presentation summaries should be received no later than December 14, 2001. Ideally, a presentation panel should consist of two or three persons. Annual 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's policy that, regrettably, expenses and fees associated with participation cannot be reimbursed by APPA.

Standards Committee Update

In August of 1999, the American Probation and Parole Association began the process of developing performance-based standards for community corrections. This initiative was the direct result of numerous requests by our practitioners to have APPA take a leadership role in defining the substantive standards by which community corrections agencies will be evaluated and accredited.

The first step in the process was to create a Standards Committee charged with developing performance-based measures that would be approved by the association's board. The next step was to insure adequate representation for both adult and juvenile probation and parole.

Once this had been accomplished, the decision was made to approach the American Correctional Association (ACA) to become equal partners in the project. The leadership of ACA embraced the concept. The timing could not have been better. Over the last five years, ACA in conjunction with the Bureau of Justice Assistance had been working on developing performance-based standards for its accreditation process. The development of performance-based standards for probation and parole field services was a logical extension of this project.

In February of 2000, the full APPA Standards Committee met to decide on the best method to achieve our goals of transforming the concept of performance-based measures into reality at the operational level. While APPA has championed this cause through publications, Institute workshops and training programs, this would be the next step in actually implementing standards into the accreditation process to help people put them into operation and be recognized for that work.

This first meeting quickly revealed the complexity of the task ahead. Discussion evolved around developing standards consistent with the recent "Broken Windows Probation" literature, existing ACA standards and APPA's Vision and Community Justice statements. Format and style were discussed and the decision was made to have the committee members take a special goal area and attempt to write standards for it. The results were to be reviewed at our 2000 Annual Institute in Phoenix.

The results were not encouraging. It became very apparent that the committee was not really in a position to actually "write" the standards in a way that would be meaningful and uniform in format and writing style. We decided that it would be advisable to engage a "writer" who could work closely with the standards committee to tap the group's expertise in developing key information that would be translated into a draft product. As this product was developed, the Standards Committee would be the subject matter experts to review drafts until a final product was completed. With ACA's help and substantial financial commitment, APPA was able to engage Rod Miller, a consultant who has been involved in the development of other performance-based standards for ACA.

Identifying the Guiding Principles

The task for the committee's January 2001 meeting became one of identifying guiding principles for community corrections from which standards could be written. From a variety of source information, seven key guiding principles were identified. Certain of these principles overlap, yet each is also distinct in certain ways.

The overall guiding principles are:

- Enhanced community and public safety through effective supervision.
- Collaborative problem solving efforts with the community.
- Offender accountability.
- Offender assessment to clearly identify risk and needs.
- Assisting offenders to change.
- Advocacy, access and support to victims.
- Properly trained and equipped staff to carry out core functions.

At the January 2001 meeting, copies of the standards committee deliverables and proposed work plan were distributed. Comments on both were solicited and necessary changes made. Decisions were reached to develop adult standards first and then go back and adopt the necessary language for juvenile standards. The work plan was updated to take into account the availability of both the APPA and ACA governing boards.

Based on his previous experience with developing performance-based standards for ACA, Rod Miller proposed a template for developing the new standards for probation and parole field services.

The committee agreed to use this template. Overall, the feedback was positive concerning the direction and approach. The committee agreed that this template fits well with, and advances APPA's principles.

The First Cut

The committee has recently received the first draft of the consultant's report. This draft will be reviewed by the committee members and discussed at the 26th Annual Institute in St. Paul. Based on those discussions, the consultant will revise the draft standards and prepare them for final review and approval by the standards committee in the fall.

The final draft will be presented to the APPA and ACA governing bodies for approval at the January 2002 meetings of each organization. The projected field testing of these standards will begin in February 2002. ❐

Terry Borgeson is the Program Manager for the Court Support Services Division in Rocky Hill, Connecticut, and is also the co-chair of the APPA Standards Committee.

BY TERRY BORJESON

DEFINITIONS OF PERFORMANCE-BASED STANDARDS TERMS

ELEMENT	DEFINITION
Goal Statement	General statement of what is sought within the functional area.
Standard	A statement that clearly defines a required or essential *condition* to be achieved and maintained. A performance standard describes a "state of being," a condition, and does not describe the activities or practices that might be necessary to achieve compliance. Performance standards reflect the program's overall mission and purpose.
Outcome Measure	Measurable events, occurrences, conditions, behaviors or attitudes that demonstrate the extent to which the condition described in the performance standard has been achieved. Outcome measures describe the *consequences* of the program's activities, rather than describing the activities themselves. Outcome measures can be compared *over time* to indicate changes in the conditions that are sought. Outcome measure data are collected continuously but are usually analyzed periodically.
Expected Practice(s)	Actions and activities that, if implemented properly (according to protocols), will produce the desired outcome. What we *think* is necessary to achieve and maintain compliance with the standard—but not necessarily the *only* way to do so . . . These are activities that represent the current experience of the field, but that are not necessarily supported by research. As the field learns and evolves, so will practices.
Protocol(s)	Written instructions that guide implementation of expected practices, such as: policies/procedures, post orders, training curriculum, formats to be used such as logs and forms, offender handbooks, diagrams such as fire exit plans, internal inspection forms.
Process Indicators	Documentation and other evidence that can be examined periodically and continuously to determine that *practices* are being implemented properly. These "tracks" or "footprints" allow supervisory and management staff to monitor ongoing operations.

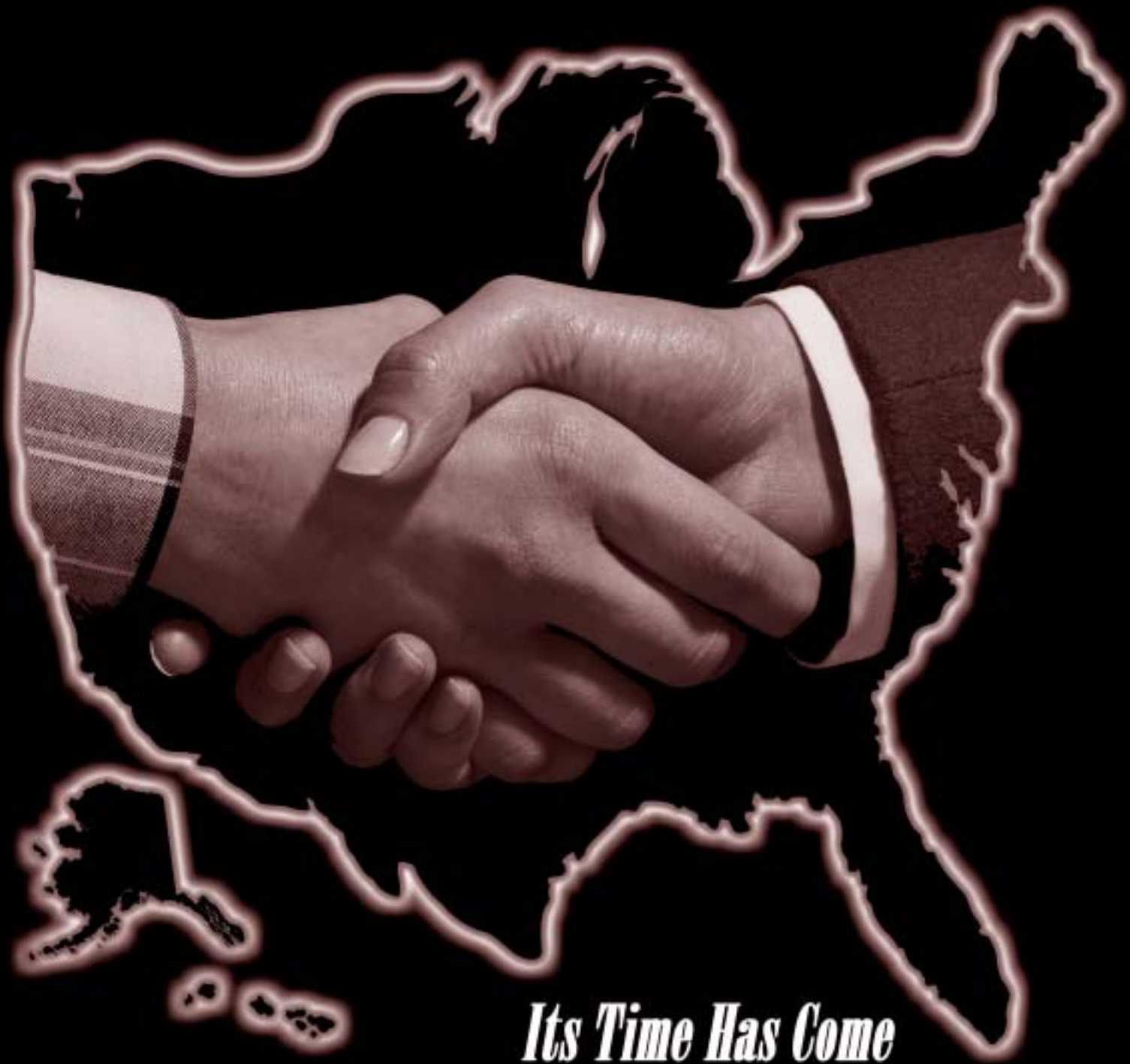
If anyone would like more information concerning the standards committee, they should contact any of the following people:

Terry Borjeson, Program Manager
Court Support Services Division
2275 Silas Deane Highway
Rocky Hill, CT 06067
Phone: (860) 529-1316
Fax : (860) 529-2438
E-Mail: terry.borjeson@jud.state.ct.us

Linda Valenti, Counsel
NYS Division of Probation and Correctional Alternatives
4 Tower Place
Albany, NY 12203
Phone: (518) 485-2394
Fax: (518) 485-5140
E-Mail: lvalenti@dpca.state.ny.us

Karen Dunlap, Research Associate
APPA Representative
2760 Research Park Drive
Lexington, KY 40511-8410
Phone: (859) 244-8211
Fax: (859) 244-8001
E-Mail: kdunlap@csg.org

The New Interstate Compact for Adult Supervision:



Its Time Has Come

BY KERMIT HUMPHRIES

INTERSTATE COMPACT: two words that warm the hearts of few parole and probation officers (POs). Over the past 28 years the compact has followed my career like a stalker. At incremental steps my understanding of "the compact" has evolved from it being a bureaucratic nuisance to where I now see the compact as a powerful instrument of federalism and public safety. Let me share what has changed my impression and explain changes coming in 2002 that will enhance interstate supervision for years to come.

The Compact from the Line Officer's Perspective

I began my career in corrections as an adult probation/parole officer in Anchorage, Alaska during the pipeline construction years. My first morning as a PO began with my supervisor literally saying, "There is your desk; here is your chair; your file cabinet is over there; the stack of files on the desk require immediate attention; so get started."

I said, "Get started doing what?"

He responded, "Probation work. If you have questions ask the other POs."

By trial and error I learned the things to do: complete office and field contacts with my parolees/probationers; enter case notes in the file; record wild estimates on the monthly data collection form; write pre-sentence reports; draft petitions to revoke; fill out interstate compact forms; and on and on. Over time I began to learn the context for activities and the source of their authority. If it was a probation case, I dealt with the district attorney and the judge. If it was a parole case, I dealt with the parole board. There were also a whole series of administrative things I had to complete. There were leave slips and requisition forms and interstate compact packets.

As a new line officer I viewed interstate transfer requests as just another administrative requirement. These cases couldn't be real casework because the compact didn't seem to matter much to judges or parole boards — it only mattered to some remote deputy compact administrator somewhere in the state capital. The only incentive to satisfy the vague interstate compact required timelines was when the office grapevine reported the supervisor was about to audit case files.

Why were interstate compact requirements viewed so casually? Simply stated, nobody seemed to care. "Boomers," many of whom who were also offenders, were coming to Alaska for pipeline construction regardless of whether they had jobs or skills. Sometimes they would appear in the office with interstate compact travel papers with no intent of ever going back to their referring state. We would not receive their compact case materials for months — if at all. Other times we received interstate compact case packets and learned that the probationer/parolee had been in Alaska for many months with varying degrees of success or failure or had long since moved on. When Alaska would send packets to other states requesting supervision, we often could expect months of silence from the receiving state. My perception as a beginning PO was that the interstate compact was just another administrative requirement that didn't work well, and it couldn't be very important.

Further, I assumed the problem was that Alaska is remote and the pipeline construction offered an unusual set of circumstances. Only once in my experience did another state actually re-take a parole violator. As fate would have it, his landlord was a powerful state legislator and our agency took a substantial budget cut the following year for insisting that the violator be returned to the sending state. The compact did not warm any corner of my heart.

Over time I learned that "the compact" was a misnomer. I became the supervisor in Sitka and later in the larger probation/parole office in Juneau. In these offices we were responsible for both adults and juveniles being supervised in the community under authority of the courts or the parole board. I was annoyed to discover with my first juvenile interstate compact case that the forms were different. Why did I have to learn two different ways to do the compact? Because, as I discovered, these were separate compacts. I eventually had to do some research for a graduate school paper and learned that the existing adult interstate compact is really the "Interstate Compact for the Supervision of Parolees and Probationers" and it dates back to 1937. The juvenile interstate compact, dating back to January 1955, is the "Interstate Compact on Juveniles" (ICJ), and runaways overlap to the "Interstate Compact for the Placement of Children." I learned that interstate compacts are not merely some nebulous administrative requirement. They are actually state law. But not just in Alaska. They are state law in every state that has enacted essentially the same piece of legislation. The adult interstate compact has been enacted in all 50 states, the District of Columbia, Puerto Rico and the Virgin Islands. The juvenile interstate compact has been enacted in all 50 states, the District of Columbia, the Virgin Islands and Guam. Therefore, these compacts have legal standing nationwide.

My career path wandered through several central office administrative positions. During one crisis period I was assigned to monitor the records section, which included adult interstate compact. We were located in a windowless basement packed with bulging case files and endless printouts. The deputy compact administrator was a very talented and hardworking clerk who was on the phone constantly with other states. She processed an enormous volume of interstate cases while somehow tolerating widespread disregard of rules and timeframes by field staff. Her attitude was that she was a clerk who did her job efficiently, she sometimes attended national meetings, but she had no control over the field staff. She cared intensely about her specific responsibilities, but felt helpless to make the system work better. She did not see herself as an agency manager or a policymaker.

Several years later I found myself in Washington, DC, on a two-year loan to the Community Corrections Division of the National Institute of Corrections (NIC). I was primarily working on parole issues, but along came this "other duty as assigned" — the dreaded interstate compact. In 1985, the Parole and Probation Compact Administrators Association (PPCAA) asked NIC for assistance because senior state administrators believed that the adult interstate compact's lack of consistency and effectiveness were major problems, and they felt that performance could be improved through revised rules, training and technical assistance. It was then that I learned PPCAA is the organization of mostly deputy compact administrators and some compact administrators that meet twice annually to make the rules and conduct the business of the adult interstate compact. It is a nationwide policy making group, and the hardworking clerk represented Alaska with her vote when she attended. Between 1985 and 1990, NIC responded to their requests for funding and technical assistance by providing support to PPCAA as they re-wrote and published a new set of rules, substantially completed a training curriculum, and made an effort to create an automated information system. Among the things that became clear to me through this exposure to the interstate compact is that a lot of good, hardworking people were making the interstate compact system work despite lack of adequate funding, sufficient staff, agency decision making power or legal authority to receive outside funding. It was a system that worked remarkably well for its time because compact administrators and deputy compact administrators maintained a strong informal

network that allowed them to jointly resolve most problems. The training curriculum and automated information system ultimately were never completed, and, thus, I received my first glimpse into the organizational dysfunction that flows from lack of empowering language in the 1937 compact. Regardless, the revised rules were implemented and seemed to serve PPCAA quite well for a several years.

A Mandate for Change

After a seven year hiatus the compact caught up with me again. I was by then a permanent NIC employee and the compact had encountered major problems beyond compact administrators' good faith ability to manage. There had been some tragic, high profile cases drawing political and media attention to the compact, and administrators were frustrated with uncertain compliance by a number of states. In fact, between 1997 and 1999 several states, through legislation or executive order, created their own interstate supervision criteria that were inconsistent with the legal requirements of the compact and PPCAA rules. Aside from the question of effectiveness, some believed the continued existence of the compact itself was in jeopardy. Interstate compact administrators again approached NIC for assistance. Given our substantial technical assistance and financial investment less than a decade earlier, we determined that further NIC involvement would need to come under the policy development authority of the NIC Advisory Board. The NIC Advisory Board is the policy setting board for NIC with its membership appointed by the U.S. Attorney General. It was to this body that two compact administrators, a state parole board member and an assistant commissioner of a state department of corrections made presentations regarding issues with the interstate compact. Not unexpectedly, most board members were unaware of the interstate compact or the issues surrounding interstate supervision. Testimony indicated that serious problems with the compact were widespread. Nevertheless, they argued that an effective system permitting interstate supervision of parolees and probationers has utility for corrections, public safety and victims' interests. Surprised by what they heard from the field, the NIC board created an ad hoc committee of their membership to study the interstate compact. The chief executive of the largest probation agency in the country chaired the committee and other committee members were comprised of the former director of the federal prison system, the executive director of the National District Attorneys Association, the chair of the U.S. Parole Commission, and the sheriff of a major metropolitan county. A survey of compact administrators, agency administrators and line officers was completed by the NIC Information Center, and results led to presentations by line officers, compact administrators, judges, agency directors, state leaders and leaders of criminal justice and government associations at a public hearing in late 1997. The following was learned during the hearings:

- Criminal justice practitioners and victim's representatives identified more effective management of interstate movement as an urgent public safety concern.
- The existing interstate compact was then sixty-three years old and had never been amended. This compact is the only vehicle for the controlled movement of (state and locally sentenced) non-incarcerated adult offenders across state lines, and a volunteer association (PPCAA) attempts to manage movement of more than a quarter of a million offenders.
- Compliance to the rules of the compact by participating states was sporadic and inconsistent.
- Most judges were unaware of the interstate compact and, thus, unlikely to concern themselves with compliance.
- The existing compact is outdated and can no longer effectively manage the high volume movement of offenders in a mobile and increasingly technological society.
- The existing compact does not have legal authority over critical emerging practices like victim input, victim notification requirements and sex offender notification. It does not adequately address concerns of crime victims, crime prevention, public safety or the effective administration of community supervision practices.
- Perhaps of greatest significance was the determination that management authority might not legally exist to remedy many of the problems through the existing compact.

The NIC ad hoc committee issued their report and findings to the NIC Advisory Board. One committee member referred to the existing compact as a "toothless tiger" because it had the appearance of a viable organization of duties while lacking the ability to enforce compliance with rules by member states. The advisory board endorsed the committee's recommendation that the staff of NIC facilitate a process that addressed the following themes and initiatives. The board identified two important themes: public safety concerns and correctional system accountability (including potential liability).

A wide range of issues and problems were identified, but the board determined that one essential issue must be addressed — the states' capacity to govern the compact — before other issues could be effectively resolved. They concluded that only when the governance issues are adequately addressed would it be appropriate to recommend initiatives in the remaining areas:

- improved communications between local agencies,
- standardized data collection, measures and reporting and
- expanded education, training and information exchange.

Following up on the board's direction, a 12-member compact Advisory Group was formed representing a cross section of criminal justice interests: probation/parole (executive and judicial branches), previous compact experience, five current compact administrators or deputy compact administrators, a director of corrections, a victim representative, a governor's office representative, a person with expertise in compacts in general and the evaluator from the NIC Information Center.

Our Compact is "the" Compact?

During working sessions of this group I finally began to understand the versatility and power of the interstate compact mechanism independent from simply assuming that "our" compact was "the" compact. Here is some of what was learned:

- Interstate compacts are contractual agreements between two or more states that bind them to provisions of the compact. They take the form of similar legislation being enacted by member states.
- Over 200 interstate compacts exist. Only eight compacts have 35 or more state members, and half of those are corrections related.
- Interstate compacts are not new. Before 1921 compacts were primarily used to resolve boundary disputes. The mechanism was used by colonies before we even became a nation. Interstate compacts

are also used to institutionalize interstate activities such as the allocation of water and other natural resources or the building of bridges.

- In recent history, the major purpose of interstate compacts has been to create ongoing administrative agencies having jurisdiction over a wide variety of state concerns including public transportation, resource management, taxation, economic development, corrections and public safety. Compacts govern important state activities we seldom think about, including multi-state nuclear waste disposal; provision of manpower and equipment to neighboring states during natural disasters; management and exchange of motor vehicle licensing information; logistics and responsibilities regarding snow plowing across state lines; and so on.
- "Federalism" is a term we hear increasingly. The United States is a republic, and the advantages of interstate cooperation in an era of "decentralized" government gives interstate compacts wide appeal. The Crime Control Act of 1934 granted Congressional consent "for any two or more states to enter into agreements or compacts for cooperative efforts and mutual assistance in the prevention of crime and for other purposes." The existing interstate compact drew authority from this Act, and no other federal action is necessary to authorize a replacement compact.
- The validity of the state authority to enter into compacts and delegate authority to an interstate organization was specifically recognized and unanimously upheld by the U.S. Supreme Court in *West Virginia vs. Sims*, 341 U.S. 22 (1951).
- Each of the existing interstate compacts is unique and provisions of compact language determine the legal authority of that particular compact. The existing 1937 Interstate Compact for the Supervision of Parolees and Probationers is simple. However, it is lacking in specifics. Several elements are missing — e.g., clear rule making authority, sanctioning processes for non-compliance, establishment of a commission, authority to seek non-dues funding, amendment processes, authority to employ staff, and so on. Without these authorizations it is almost impossible to strengthen the governing capacity of the existing compact. Absent an amendment clause (which does not exist), the same process is required for amending a compact as for enacting a new compact — preparation of draft legislative language and legislative enactment by all member states.

With this new understanding of the interstate compact mechanism, the advisory group assessed interstate supervision governance issues and ultimately focused on five options for an improved compact. The first received no support because it would reduce or eliminate any interstate compact in favor of individual states striking separate agreements with

other jurisdictions if they wanted a probationer/parolee to be supervised in another jurisdiction. It felt determined that this option would present a logistical nightmare. The next three options involved working with the existing interstate compact by strengthening the current governing structure, changing membership of PPCAA, or creating some type of outside board of key interest groups to enhance the stature of the compact. All three options were rejected because each, at best, would result in only limited and short term enrichment of the compact. It was the consensus of the group that the only viable option for effective, long term change was the final option — to replace the current compact with one that would empower states to make and enforce their rules through a new governing structure.

Replacing the Compact

"Replace the current interstate compact" was the direction received from the advisory group. This recommendation was made acknowledging that we now have a 50 state (along with the District of Columbia, Puerto Rico and the Virgin Islands) compact and any new compact would likely begin with less than full participation from all 50 states and the territories. However, it was felt that an effective compact for states/territories choosing to participate was superior to the current compact that some member states had no intention of honoring, and the PPCAA lacked authority to enforce. It was also the opinion of the group that the replacement compact would ultimately be joined by all 50 states and the territories much more quickly than the 17 years it took to get full participation for the current compact. The advisory group also directed a couple of other things: obtain interstate compact expertise so that the new compact incorporates the necessary legal authority to remain effective over time, and form a broader group to actually draft the replacement compact.

In response, NIC entered into a cooperative agreement with the Council of State Governments (CSG) to assist in shaping a remedy to the interstate compact quandary. CSG serves as secretariat to a number of interstate compacts and is acknowledged for their interstate compact expertise. A drafting group was formed with membership that included probation/parole (executive and judicial branches), three compact administrators, a state legislator, a victim representative, a state court administrator and a representative of state attorneys general. Support to the drafting group included two attorneys with substantive knowledge of interstate compacts, the executive director of the American Probation and Parole Association and NIC/CSG staff.

Outfitted with the findings from the NIC Information Center survey and information from the public hearings and advisory group meetings, the drafting group met several times before completing a proposed draft. That proposal was amended after being sent to 290 individuals, agencies and organizations for critique and suggestions. Key elements of the final replacement compact include:

- Clarification and expansion of the types of offenders for whom rules could be written. This does not mandate supervision of additional populations (pre-trial, diversion, etc), but it provides the legal authorization to do so if member states/territories decide at some time in the future that additional populations should be supervised;
- In order to raise the visibility of the compact within state/territorial government, every member must have a council including representatives from at least each branch of state/territorial government (executive, judicial and legislative); the compact administrator; and a victim's representative. State councils will exist to exercise oversight and advocacy concerning interstate compact issues in-state, but their precise role and responsibility is a determination left to each state/territory;
- The multi-state/territory interstate commission is the governing body made up of persons (compact administrators) representing member states/territories. They have legal authority to establish and enforce rules and by-laws and to employ staff to manage daily activities. They have at their disposal an array of options designed to encourage, or ultimately to mandate, compliance by member states/territories with their mutually agreed upon rules and requirements. It is important to stress that the rule and policy making interstate commission is comprised exclusively of members from participant states/territories and each state/territory has one vote. The commission will set the annual fees, make the rules and hire and supervise staff of the commission that will work year-round to implement their policies.
- In creating compacts two divergent roads can be taken. One leads to putting the important details in the text and terms of the compact that cannot be amended without reenacting the compact. This approach works well for things like establishing geographic boundaries. The other road leads to creating a system where the compact can respond to changes over time without having to go through the reenactment process. This is the course chosen for the adult replacement compact with the interstate commission empowered to make and revise rules over time. The disadvantage of this choice is that the interstate commission cannot convene until the compact is enacted, so it is impossible for compact rules to be known at the time a compact is enacted by the state/territory. The major advantage is that rules are made and maintained by states/territories choosing to enact the compact, and the compact is not tied to a fixed set of rules that were made by some outside group before states/territories had opportunity for input, and the rules can be dynamic and able to react to changing issues.
- The most tangible product of the new interstate compact will be the creation of a web based information system for rapid transfer of investigation requests, case materials, and so on. The compact has always relied on the postal service to transfer stacks of paper reports, while offenders travel by air, rail or interstate highways. If supervision is important, then having information in a timely manner is essential. The system is being designed with sensitivity to cost and protection of data. Some states/territories will be in a position to use the information system statewide within existing resources from the start. Other states may only be able to automate the compact office in the immediate future.

The above is merely a cursory overview of what is contained in the replacement interstate compact. Interested readers may access extensive information on the web at www.statesnews.org/clip/policy/isc.htm.

Current Status

What has happened since the proposed compact was completed? There have been numerous presentations at conferences and association meetings, two national briefings for state/territorial legislators and government officials, presentations to working groups and committees within individual states, and a number of information items have been published. By early summer 2001, in only the second year that it was

Interstate Compact

for Adult Supervenders, State by State Status as of 7/11/01

State	Bill / Statute Number	Primary Sponsor	Status
Alabama	HB 715	Rep. John Robinson	Session ended
Alaska	HB 52	Gov. Tony Knowles	Session ended
Alaska	SB 25	Gov. Tony Knowles	Session ended
Arizona	SB 1008	Sen. Tom Smith	Session ended
Arkansas	SB 252	Sen. Mike Everett	Signed into law, 2/15/01
California	Cal. Penal Code 11180	Sen. John Lewis	Signed into law, 9/24/00
Colorado	CRSA §§ 24-60-2802	Sen. Norma Anderson	Signed into law, 4/10/00
Connecticut	SB 553	Judiciary	Signed into law, 6/1/00
Delaware	HB 199	Rep.'s Wagner	Corrections Committee
Florida	SB 306		Signed into law, 6/13/01
Georgia	HB 885	Rep. Curtis Jenkins	Held for interim study
Hawaii	SB 2152	Sen. Avery Chumbley	Signed into law, 6/7/00
Idaho	IC § 20-301	Sen. Denton Darrington	Signed into law, 4/17/00
Illinois			
Indiana			
Iowa	HF 287	Judiciary Committee	Signed into law, 3/26/01
Kansas	SB 95	Sen.'s Adkins & Goodwin	Session ended
Kentucky	KRS § 439.561	Rep. Bob Damron	Signed into law, 4/21/00
Louisiana	HB 965	Rep. Daniel Martiny	Signed into law, 6/22/01
Maine	HP 827	Rep. Julia Ann O'Brien	Passed House, in Senate
Maryland	SB 85	S. Frosh & R. Dembrow	Signed into law, 4/20/01
Massachusetts			
Michigan	HB 4690	Rep. Charles LaSata	In committee
Minnesota	SF 1348	Sen. Jane Ranum	Held for interim study
Minnesota	HF 1353	Rep. Rich Stanek	Held for interim study
Mississippi	HB 928	Rep. Warner McBride	Session ended
Missouri	VAMS § 589.500	Rep. Randall Relford	Signed into law, 6/27/00
Montana	SB 40	Sen. Chris Christiaens	Signed into law, 2/14/01
Nebraska			
Nevada	SB 194	Sen. Maurice Washington	Signed into law, 6/6/01
New Hampshire			
New Jersey			
New Mexico	HB 669	Rep. Ken Martinez	Signed into law, 4/5/01
New York	AB 9111	Assem. Jeff Aubrey	
New York	SB 3239	Sen. Michael Nozzolio	Sent to Governor
North Carolina			
North Dakota	HB 1270	Rep. Duane DeKrey	Signed into law, 4/6/01
Ohio	HB 269	Rep. Bob Latta	Passed House, in Senate
Oklahoma	22 Okl St Ann §§ 1091	Sen. Brad Henry	Signed into law, 6/1/00
Oregon	HB 2393	Interim Judiciary Com.	Signed into law, 7/3/01
Pennsylvania	SB 391	Sen. Stewart Greenleaf	In committee
Rhode Island	SB 771	Sen. Mary Parella	Held for interim study
South Carolina	HB 3384	Rep. George Campsen	In committee
South Dakota	SB 28	State Affairs Comm.	Signed into law, 2/28/01
Tennessee	SB 1682	Sen. David Fowler	Paseed 30-0 in House
Tennessee	HB 1404	Rep. Curry Todd	Behind budget
Texas	HB 2494	Rep. Pat Haggarty	Signed into law, 6/11/01
Utah	HB 18	Rep. Gary Cox	Signed into law, 2/22/01
Vermont	28 VSAT 22 § 1351	Senate Institutions	Signed into law, 4/27/00
Virginia	SB 889	Sen. Yvonne Miller	Session ended
Washington	SB 5118	Sen. Jeri Costa	Signed into law, 4/16/01
West Virginia	HB 2785	Del. Roy Givens	Session ended
Wisconsin			
Wyoming	HB 90	Judiciary Committee	Signed into law, 2/20/01
Amer. Samoa			
Dist. of Columbia			
Guam	SB 528	Sen. Marcel Camacho	
N. Mariana Is.			
Puerto Rico			
U.S. Virgin Islands			

available for consideration, the revised compact had been introduced in 42 states and had been enacted in at least 22 states. By the end of 2001 it is anticipated that nearly 30 states/territories will have enacted the new compact. A number of additional states carry over legislation to 2002, and given action underway in those states, there is reason to believe that the necessary 35 states/territories required for enactment will be realized during the first couple of months of 2002. Discussing enactment generally raises two areas of concern:

- How will the field transition from the old interstate compact to the new? A process is being formulated by NIC/CSG to insure that the interstate commission will be able to convene, organize and conduct business until such time that it is financially and organizationally self-sufficient. The current PPCAA rules will be in effect for the first year, so there will not be supervision uncertainty or chaos. Legal provisions require continued supervision of offenders already in other states for the duration of their terms. For the first six months, legal provisions permit states/territories to continue issuing travel permits and requests for supervision under existing terms of the compact; and it is possible that these practices could be extended by rule for an additional, albeit limited, period of time. The key message is that there will be an opportunity for orderly transition between the existing and replacement compacts.

- What happens if my state/territory is not among the original 35 or more states/territories enacting the new compact? Your governor will be invited to send a representative to the interstate commission meetings, but your state/territory will not be entitled to vote until the revised compact is passed by your legislature and signed by your governor. As indicated above, for a period of time you will be able to continue doing interstate business with all states, but it is unlikely new compact states will see it in their interest to do that for an extended period of time. The drafters fervently desire a full participation compact, and the new compact encourages cooperation with "old compact states" as much as is reasonably possible. It is clearly a decision of states whether or not they choose to join in the new compact. However, if a state anticipates that it will eventually join the compact, it is better to do it sooner rather than later so it has a vote at the table during the early stages when initial rules and decisions are made.

The Interstate Compact for Adult Offender Supervision has received much support. It has been endorsed by the Council of State Governments; American Probation and Parole Association (APPA); Parole and Probation Compact Administrator's Association; the American Correctional Association (ACA), and victims groups - including the National Center for Victim's of Crime, and victim's committees from both ACA and APPA.

As I look back over my years in corrections I see that where one sits in large part determines one's perspective. If I were starting my career as a parole officer in Anchorage in the year 2001, I might well think unfavorably of the existing compact and view the replacement compact with skepticism. I might be inclined to say this effort is just more bureaucracy. I have not intentionally selected the interstate compact as an area that I wanted to focus on over the years, but the responsibility has come my way. From my current perspective, I firmly believe that managing the interstate movement of parolees and probationers is a major public safety concern. It is not merely about a parole and/or probation officer making individual decisions, rather the cumulative effect of how those cases are managed constitutes a body of more than a quarter of a million convicted adult offenders residing in states other than where they were sentenced. How states manage this population translates into the establishment of important public policy. I believe that as societal conditions change it is important to be able to respond to acknowledged needs like those presented by victims.

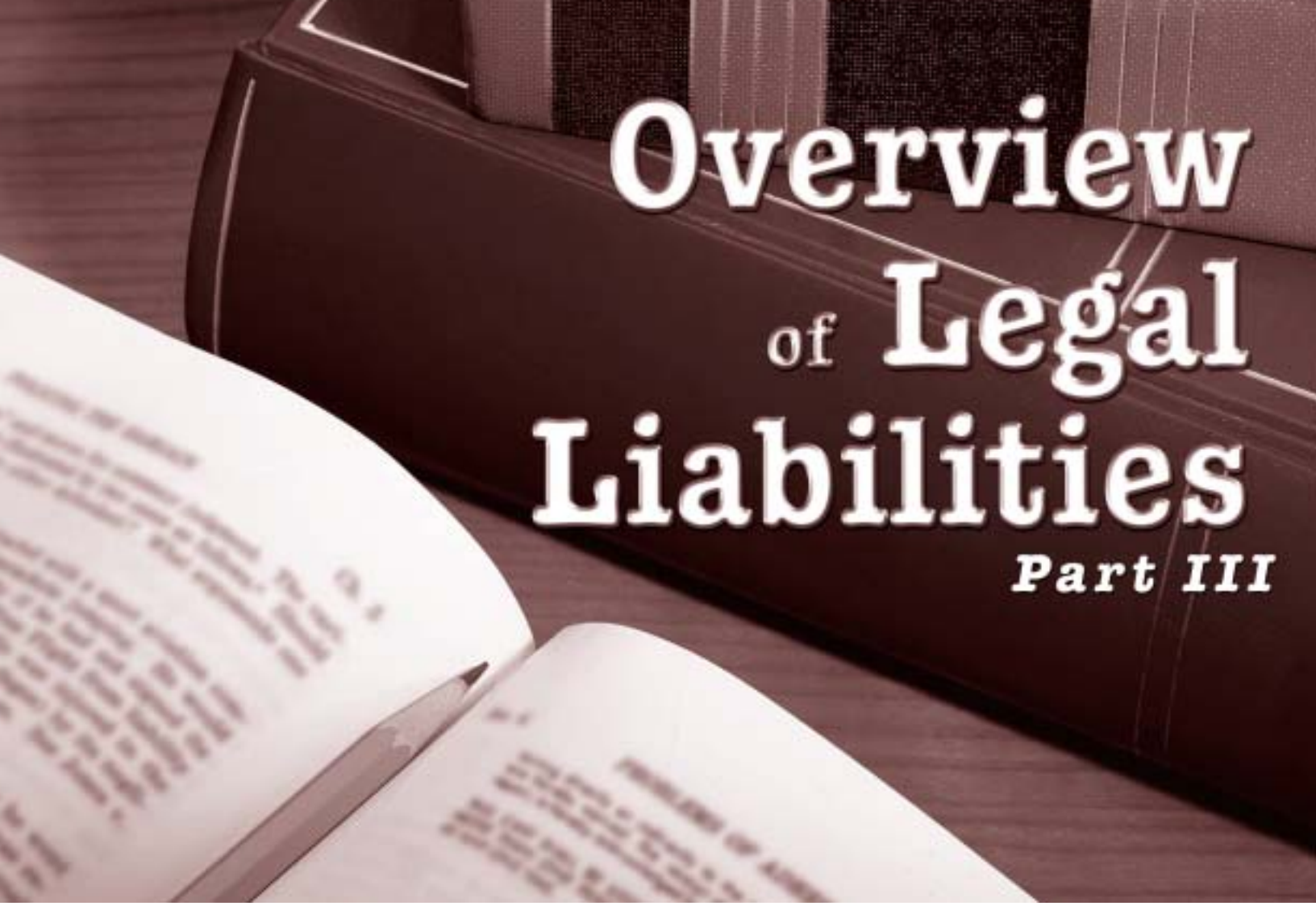
The existing adult compact has had a long and largely successful run. However, conditions have changed in 65 years, and there is no longer a common agreement between states concerning what types of offenders can be sent to other states for supervision and little ability to hold other states accountable for not following compact rules that they have mutually enacted. A more purposeful interstate compact is now needed — one that has teeth. Once the Interstate Compact for Adult Offender Supervision takes effect, I believe that it will empower states with the capacity to cooperatively manage the interstate movement of offenders in the community; address concerns of victims for information and input; and empower member states to adapt the interstate compact to criminal justice system changes over time.

Endnotes

My discussion here focuses on the adult compact since the National Institute of Corrections has limited responsibility for juvenile issues. However, the Office of Juvenile Justice and Delinquency Prevention is working with the Council of State Governments (CSG) on a similar initiative to that described in this article concerning the juvenile compact. Virtually all issues identified are very similar to those of the adult compact. A proposed replacement compact for juveniles will be ready for consideration by state legislatures during their 2002 sessions.

Federalism refers to the checks and balances system created by the United States Constitution by having three branches of government and sovereignty among the states (which give the federal government its authority to govern). ❐

Kermit Humphries is a Program Specialist at the National Institute of Corrections in Washington, DC.



Overview of Legal Liabilities

Part III

Editor's Note

This article is Part III of a series on Legal Liabilities in Probation and Parole, subtitled "Civil Liabilities in Probation and Parole". Part I of this series appeared in the Winter 2001 issue and part II appeared in the Spring 2001 issue.

Introduction

Section 1983 of Title 42, United States Code, is perhaps the most frequently used provision in the array of legal liability statutes against public officials, including probation and parole officers. It is therefore important that this law be properly understood by probation and parole officers. This article discusses Section 1983 cases, sometimes also called civil rights cases. These cases are usually filed in federal courts and the plaintiff, as in state tort cases, seeks damages and/or changes in agency policy or practice.

I. Section 1983 Cases

A. The Law

Title 42, United States Code, Section 1983 -- Civil action for deprivation of rights, reads:

> *Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.*

B. History of the Law

Section 1983 dates from the post-Civil War Reconstruction Era when Congress saw a need for civil means to redress violations of the civil rights of the newly freed slaves. It was not feasible at that time to enact a federal criminal statute. In 1871, the Federal Congress passed Section 1983, then popularly known as the Ku Klux Klan Act because it sought to hold civilly liable public officials who collaborated with the KKK to deprive the newly freed slaves of civil rights.[1] It was designed to enforce the provisions of the fourteenth amendment against

BY ROLANDO V. DELCARMEN AND GENE BONHAM, JR.

discrimination and to minimize racial abuses by state officials. Its immediate aim was to provide protection to those wronged through the misuse of power possessed by virtue of state law and made possible only because the wrongdoer was clothed with the authority of state law. As originally interpreted, however, the law did not apply to civil rights violations where the officer's conduct was such that it could not have been authorized by the agency; hence, it was seldom used. That picture changed in 1961 when *Monroe v. Pape* was decided.

In *Monroe v. Pape*,[2] the United States Supreme Court ruled that Section 1983 applied to all violations of constitutional rights even when the public officer was acting outside the scope of employment. This greatly expanded the scope of protected rights and gave impetus to a virtual avalanche of cases filed in federal courts based on a variety of alleged constitutional rights violations, whether the officer was acting within or outside the scope of duty. Example: a probation officer who seeks to revoke a probation without any justification is acting outside the scope of employment, but is acting under color of state law.

C. Why Section 1983 Lawsuits are Popular

Civil rights suits are often used by plaintiffs for a variety of reasons. First, they almost always seek damage from the defendant, meaning that if the plaintiff wins, somebody pays. This can be very intimidating to a probation/parole officer who may not have the personal resources or the insurance to cover liabilities. Second, civil rights suits can be filed as a class action suit where several plaintiffs alleging similar violations are grouped together and their cases heard collectively. This presents the appearance of strength and unity and affords plaintiffs mutual moral support. Third, if a civil rights suit succeeds, its effect is generic rather than specific. For example, if a civil rights suit succeeds in declaring unconstitutional the practice of giving parolees only one hearing before revocation instead of a preliminary and final hearing as indicated in *Morrissey v. Brewer*,[3] the ruling benefits all parolees instead of just the plaintiff. Fourth, civil rights cases are usually filed directly in federal courts where procedures for obtaining materials from the defendant (called "discovery") are often more liberal than in state courts. This facilitates access to important state documents and records needed for trial. A fifth and perhaps most important reason is that since 1976, under federal law, a prevailing plaintiff may recover attorney's fees. Consequently, lawyers have become more inclined to file Section 1983 cases if they see any merit in the lawsuit.

D. Roadblocks to Criminal Cases Against a Probation/Parole Officer

Plaintiffs use Section 1983 suits extensively despite the availability of criminal sanctions against the public officer under the state or federal penal code. One reason is that the two are not mutually exclusive. A case filed under Section 1983 is a civil case in which the plaintiff seeks vindication of rights. The vindication that an injured party obtains if a criminal case is brought because of injury is indirect since the state is the offended party in criminal cases. Moreover, there are definite barriers to the use of criminal sanctions against erring probation/parole officers. Among these are the unwillingness of some district attorneys to file cases against public officers with whom they work and whose help they may sometimes need. An exception might be where the injury was serious or if the case has generated massive adverse publicity. Another roadblock is that serious criminal cases in most states must be referred to a grand jury for indictment. Grand juries may not be inclined to charge public officers with criminal offenses unless it is shown clearly that the act was gross and blatant abuse of discretion. In many criminal cases involving alleged violation of rights, the evidence may come down to the word of the complainant against the word of a public officer. The grand jury may be more inclined to believe the probation/parole officer's testimony over the testimony of a probationer or parolee. Lastly, the degree of certainty needed to succeed in civil cases is mere preponderance of evidence (roughly, more than 50 percent certainty), much lower than the guilt beyond a reasonable (95% or more certainty of guilt) standard needed to convict criminal defendants.

II. Two Requirements for a Section 1983 Lawsuit to Succeed

There are two requirements for a 1983 lawsuit to succeed in court:

- The defendant acted under "color of law"; and
- The defendant violated a constitutional right or a right given by federal (but not by state) law.

A. The Defendant Acted Under Color of Law

Acting under color of law means the misuse of power possessed by virtue of law and made possible only because the public official is clothed with the authority of law.[4] (Note: Some writers prefer to use the term "color of state law." While this is the more accurate term, it can be misleading because Section 1983 also applies to federal officers and officers on the county, municipality, or lower government level. To avoid confusion, this writer feels it is better to use the term "acting under color of law," such term referring to law on all levels – federal, state, county, municipal, or smaller governmental units.)

While it is easy to identify acts that are wholly within the term "color of law" (as when a probation officer conducts a pre-sentence investigation upon court order), there are gray areas that defy easy categorization (as when a probation officer who moonlights as a private security guard illegally arrests a person whom he or she knows to be a probationer). As a general rule, anything a probation/parole officer does in the performance of regular duties and during the usual hours is considered under color of state law. Conversely, what the officer does as a private citizen during off-hours falls outside the color of state law. In general, an officer acts under color of law if the officer takes advantage of state-given authority to do what he or she did. Example: A probation officer, during off-duty hours, sees a probationer in a local strip joint. One word leads to another and the officer arrests and beats up the probationer. The officer is acting under color of law.

The term "color of law" does not mean that the act was in fact authorized by law. It suffices that the act appeared to be lawful even if it was not in fact authorized.[5] Hence, if the probation/parole officer exceeded lawful authority, he or she is still considered to have acted under color of law. An example is a probation officer who searches a probationer's residence without legal authorization. Such officer is considered to have acted under color of law and therefore may be sued under Section 1983 even though what he or she did was outside the scope of authority.

Can federal probation officers be sued under Section 1983? The United States Supreme Court in *Bivens v. Six Unknown Agents*,[6] decided in 1971, said yes. The Court stated that a cause of action, derived from the Constitution, exists in favor of victims of federal officials' misconduct. In addition, a federal officer can be sued directly under Section 1983 if he or she assists state officers who act under color of law.[7]

In 1997, the United States Supreme Court held that correctional officers working for privately run state prisons may be held liable in Section 1983 cases.[8] This means that private individuals who are under

contract with or performing public functions for probation/parole agencies will likely be held suable under Section 1983 because they are considered "acting under color of law."

B. The Violation Must be of a Constitutional Right or of a Right Protected by Federal (But Not State) Law

Under this second requirement, the right violated must be one that is guaranteed by the United States Constitution or is given by federal law. Rights given only by state law are not protected under Section 1983. For example, the right to a lawyer during a parole release hearing is not given by the Constitution or by federal law, so a violation of that right does not rise to the level of a 1983 suit. If this right is given an inmate, however, by state law, its violation may be punishable under state law or administrative regulation, but not under Section 1983.

The troublesome aspects of this requirement are not acts of probation/parole officers that are blatantly violative of a constitutional right (as when a probation officer searches a probationer's house without authorization). The problem, instead lies in ascertaining whether or not a specific constitutional right exists. This is particularly challenging in probation/parole where the courts have only recently started to define the specific rights to which probationers and parolees are constitutionally entitled. The United States Supreme Court has decided only a few cases involving rights of probationers and parolees, although federal district courts and courts of appeals have decided many. Some decisions are inconsistent with each other. It is important, therefore, that the probation/parole officer become familiar with the current case law in his or her jurisdiction. This is the law that must be followed regardless of decisions to the contrary in other states.

A probation/parole officer is liable only if the above two elements are present. Absence of one means that there is no liability under Section 1983. The officer may, however, be liable under some other law, as for tort, or under the penal code, but not under Section 1983. For example, a drunken probation officer who beats up somebody in a downtown bar may be liable under the regular penal code provisions for assault and battery, but not under Section 1983. Regrettably, the absence of any of the above elements does not prevent the filing of a 1983 suit against the officer. Suits may be filed by anybody at any time. Whether the suit will succeed or not is a different matter.

The United State Supreme Court has ruled that defendants in Section 1983 lawsuits may raise the qualified (good faith) immunity defense in both motion to dismiss and motion for summary judgment, and may be able to appeal denials both times in the same case prior to trial.[9] The good faith defense is discussed below.

III. Other Legal Considerations

Although Section 1983 cases require only two requirements to succeed, other considerations help explain when Section 1983 cases succeed or fail. These are:

A. The Violation Must Reach Constitutional Level

Not all violations of rights lead to liability under Section 1983. The violation must be of constitutional level. What this means is not exactly clear, except that unusually serious violations are actionable whereas less serious ones are not. In the words of the Eighth Circuit Court of Appeals:[10]

Courts cannot prohibit a given condition or type of treatment unless it reaches a level of constitutional abuse. Courts encounter numerous cases in which the acts or conditions under attack are clearly undesirable . . . but the courts are powerless to act because the practices are not so abusive as to violate a constitutional right.

Mere words, threats, a push, or a shove do not necessarily constitute a civil rights violation.[11] Neither does Section 1983 apply to such cases as the officer giving false testimony, simple negligence, or name-calling.[12] On the other hand, the denial of the right to a parole revocation hearing as mandated in *Morrissey v. Brewer*,[13] constitutes a clear violation of a constitutional right. Before 1972, there would have been no violation because the right at that time was not as yet considered clearly established by the Constitution.

B. The Defendant Must be a Natural Person or a Local Government, But Not a State

It used to be that only natural persons, meaning people, could be held liable in 1983 suits. State and local governments were exempt because of the doctrine of sovereign immunity. In 1978, however, the United States Supreme Court, in *Monell v. Department of Social Services*,[14] held that the local units of government may be held liable if the allegedly unconstitutional action was taken by the officer as a part of an official policy or custom. What "policy or custom" means has not been made clear and is subject to varying interpretations. If the employee on his or her own and without sanction or participation by the local government deprived another of his or her rights, no liability attaches to the local government even if the officer is adjudged liable.

The *Monell* decision does not affect state employees because it applies to local governments only. This is not of much consolation to state officers, however; because civil rights cases can be filed against the state officer and he or she will be personally liable if the suit succeeds. While *Monell* involved social services personnel, there is no reason to believe it does not apply to local probation/parole departments. Lower courts have already applied it to many local agencies.

While local governments can be sued, states generally cannot be sued because they are insulated from liability by "sovereign immunity." This means that a sovereign is immune from lawsuit because it can do no wrong. The big exception to this rule, however, is if sovereign immunity has been waived by the state (and many states have waived sovereign immunity in varying degrees, thus allowing themselves to be sued) through legislation or court decisions.

IV. Defenses in Section 1983 Lawsuits

There are a number of defenses to Section 1983 cases, depending upon the facts of the case. Two of those defenses (the others being more technical) are discussed here. One is the good faith defense and the other the probable cause defense.

A. *The Good Faith Defense* as Defined in *Harlow v. Fitzgerald*

The "good faith" defense in Section 1983 cases holds that an officer is not civilly liable unless there is a violation of a clearly established statutory or constitutional right of which a reasonable person would have known. This definition was given in *Harlow v. Fitzgerald*,[15] wherein the Court said:

> *We therefore hold that government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate a clearly established statutory or constitutional right of which a reasonable person would have known.... The judge appropriately may determine, not only the currently applicable law, but whether that law was clearly established at the time an action occurred. If the law at that time was not clearly established, an official could not reasonably be expected to anticipate subsequent legal developments, nor could he fairly be said to "know" that the law forbade conduct not previously identified as unlawful.*

The above excerpt indicates that the good faith defense has two requirements: (a) an officer violated a clearly established statutory or constitutional right, and (b) of which a reasonable person would have known. Both must be established by the plaintiff, otherwise no liability is imposed.

Although the *Harlow* case did not involve probation or parole officers (it involved two White House aides under former President Nixon). The Court, in *Anderson v. Creighton*,[16] later said that the *Harlow* standard applies to other public officers, such as the police, who are performing their responsibilities. In the *Anderson* case, a federal agent and other law enforcement officers made a warrantless search of a home, believing that a bank robber was hiding there. The family that occupied the home then sued for violation of the Fourth Amendment right against unreasonable search and seizure, alleging that the agents' act was unreasonable. On appeal, the Court said that the lower court should have considered not only the general rule about home entries, but also the facts known to the agents at the time of entry. According to the Court, the proper inquiry was whether a reasonable law enforcement officer could have concluded that the circumstances surrounding that case added up to probable cause and exigent circumstances, which would then justify a warrantless search. If such a conclusion is possible, then the good faith defense applies. This should apply to probation and parole officers as well. In short, if a reasonable probation or parole officer could have concluded that the circumstances surrounding the act make the action taken legal and valid, then the good faith defense should apply.

When is a right considered to be "clearly established?" The Federal Court of Appeals for the Fifth Circuit sets this standard: "A plaintiff must show that, when the defendant acted, the law established the contours of a right so clearly that a reasonable official would have understood his or her acts were unlawful." The court then added that: "If reasonable public officials could differ on the lawfulness of the defendant's actions, the defendant is entitled to qualified immunity."[17]

The "clearly established" requirement of a Section 1983 good faith defense may be illustrated by the recent case of Wilson et al. v. Layne, otherwise known as the "media ride-along case," decided by the Court in 1999.[18] Although involving a police officer, the case should apply to probation and parole officers as well because the same principle applies to all public officers. In this case, federal and local law enforcement agents invited a newspaper reporter and a photographer to accompany them while executing a warrant to arrest a suspect who was the son of the plaintiffs. The son was not in the house, but the reporters photographed the incident, although the photographs were never even published by their newspaper. The parents sued. The issue on appeal was whether plaintiffs' constitutional rights were violated when law enforcement agents invited the photographers to ride along with them during the arrest. The Court said yes, but did not impose monetary damages on the officers because the officers acted in good faith. The Court said that the right violated at the time of the incident was not yet "clearly established" since at that time it was not clear whether ride alongs under the circumstances of the case were violative of the public's constitutional rights. The law enforcement officers, therefore, did not violate a "clearly established constitutional right of which a reasonable person would have known." From now on, however, law enforcement officers who invite the media to "ride along" to take pictures during an arrest may be held liable because they will violate a "clearly established constitutional right of which a reasonable person would have known."

The good faith defense has two important implications for probation and parole officers and agencies. First, officers must know the basic constitutional and federal rights of offenders. Although officers may be familiar with these rights from college courses and training programs, their knowledge needs constant updating in light of new court decisions in criminal procedure and constitutional law as they affect probationers and parolees. The second implication of the *Harlow* test is that it places an obligation on probation and parole agencies to constantly inform their officers of new cases that establish constitutional rights. Moreover, agencies must update their manuals or guidelines to reflect decided cases not only by the United States Supreme Court, but also cases from federal courts in their jurisdiction.

B. The Probable Cause Defense, But Only in Fourth Amendment Cases

The second defense in Section 1983 discussed here is the probable cause defense. It states that the officer is not liable in cases where probable cause is present. It is a limited type of defense because it applies only in fourth amendment cases where probable cause is required for the probation or parole officer to be able to act legally. It cannot be used in cases alleging violations of other constitutional rights, such as the first, fifth, sixth, or fourteenth amendments. This is less of an issue in probation and parole, however, because the rights of probationers and parolees are diminished by virtue of conviction and therefore the officers can act on less than probable cause (example: reasonable suspicion or suspicion).

One court has said that for purposes of a legal defense in Section 1983 cases, probable cause simply means "a reasonable good faith belief

"If a reasonable probation or parole officer could have concluded that the circumstances surrounding the act make the action taken legal and valid, then the good faith defense should apply."

FEDERAL (SECTION 1983) CASES	STATE TORT CASES
Based federal law	Based on state law
Plaintiff seeks money for damages and/or policy change	Plaintiff seeks money for damages
Law was passed in 1871	Usually based on decided cases
Usually tried in federal court	Usually tried in state court
Only public officials can be sued	Public officials and private persons can be sued
Basis for liability is violation of a Constitutional right or of a right federal law	Basis for liability is injury to person or property of another in violation of a duty imposed by state law
"Good faith" defense means the officer did not violate a clearly establishedconstitutional or federal right of which a reasonable person should have known	"Good faith" defense usually means the officer acted in the honest belief that the action taken was appropriate under the circumstances

in the legality of the action taken."[19] That standard is lower than for the Fourth Amendment concept of probable cause, which is defined as "more than bare suspicion; it exists when the facts and circumstances within the officers' knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed".

V. Section 1983 and State Tort Cases Compared

State tort cases, discussed in the previous article, and Section 1983 cases can be confusing unless their basic features are identified. Presented below is a comparison of these two types of lawsuits that are usually brought against probation/parole officers.

Summary

Civil liability cases in federal court are generally known as Section 1983 cases. Based on 42 United States Code, Section 1983 cases need two requirements to succeed. The first is that the defendant acted under color of law; the second is that the violation must be of a constitutional right or of a right given by federal (but not by state) law. There are a number of defenses in Section 1983 cases, two of which are discussed in this chapter. The first is the good faith defense, meaning that the officer is not liable unless he or she violated a clearly established statutory or constitutional right of which a reasonable person would have known. This good faith definition in Section 1983 cases is different from the good faith definition in state tort cases. The second defense is probable cause, meaning that the officer is not liable if probable cause was present when the action was taken. This defense, however, is limited only to fourth amendment cases and does not apply to violations of any other constitutional right. Section 1983 cases and state tort cases may be filed against probation and parole officers for essentially the same act. In some jurisdictions these two cases can be filed in the same complaint and officers may be held liable under either or both of them.

Endnotes

[1] M. Weisz & R. Crane, *Defenses to Civil Rights Actions Against Correctional Employers* (Correctional Law Project, American Correctional Association, 1977).

[2] 365 U.S. 167 (1961).

[3] 408 U.S. 471 (1972).

[4] *Williams v. United States*, 342 U.S. 97 (1951).

[5] Americans for Effective Law Enforcement, *Defense Manual: Civil Rights Suits Against Police Officers – Part I*, at 13 (1979).

[6] 403 U.S. (1971).

[7] See *supra* note 5, at 9.

[8] *Richardson v. McKnight*, 117 S.Ct. 2100 (1997).

[9] *Behrens v. Pelletier*, 116 S.Ct. 834 (1996).

[10] *Witsie v. California Department of Corrections*, 406 F. 2d 515 (8th Cir. 1968).

[11] See *supra* note 1, at 9 & 10.

[12] See *supra* note 5, at 30.

[13] 408 U.S. 471 (1972).

[14] 436 U.S. 658 (1978).

[15] 457 U.S. 800 (1982).

[16] 483 U.S. 635 (1987).

[17] *Fraire v. City of Arlington*, 957 F.2d 1268 (5th Cir. 1992).

[18] No. 98-93 (1999).

[19] *Rodriguez v. Jones*, 473 F.2d 599 (5th Cir. 1973). ❐

Rolando V. del Carmen is Distinguished Professor of Criminal Justice (Law) in the College of Criminal Justice, Sam Houston State University. Gene Bonham, Jr. is currently a Doctoral Teaching Fellow in the College of Criminal Justice, Sam Houston State University.

Broken Windows Probation:

Do Probation Officers Need to Become Enforcement Officers?

BY SAM TORRES

Introduction

That the role of the probation officer must be redefined and probation fundamentally reshaped, is now being embraced by an increasing number of probation officers throughout the United States In August, 1999, a group of 13 practitioners, known as the Reinventing Probation Council (RPC), working with Dr. John Dilulio of the Manhattan Institute, released a report on reinventing probation (Arola & Lawrence, 2000). The report emphasizes that above all else the public wants safety and believes that controlling violent and dangerous offenders is the criminal justice system's first and primary duty (p.29). The RPC admonishes those within our profession to "wake up" and notes that hundreds of thousands of violent crimes are committed each year by people on probation, and that the public wants violent crime controlled now; probation can either be part of the solution or part of the problem (p.27). Therefore, to the extent that the public's perception can be changed to see probation as protecting society from criminals, we would anticipate greater public support for its efforts (Flanagan, 1996).

The key to understanding the public's negative perception toward probation is the widespread belief that probation represents leniency in the criminal justice system (p.6). While the public expresses a general loss of confidence in the criminal justice system, the loss of confidence varies significantly depending on the particular component. The police are much more highly respected and enjoy much more public confidence and support than does the court or probation system. This high level of public support translates to a greater allocation of resources. Thus, the component(s) of the system that assures the public of community protection, police and institutional corrections (prisons), garner a greater level of funding. This increased support in turn allows the police and prison officials to hire more officers, build more facilities, invest in improved technology and develop programs that are viewed by the public as enhancing public safety, which in turn contributes to even greater support.

In this article I argue that probation officers must accentuate their law enforcement role in order to reassure the public that we can be effective in providing community protection from the offenders we supervise. Probation officers have always exercised the dual role of social worker and law enforcer. Historically, probation has emphasized the helper role, most often at the expense of our "cop" role. The past 20 years has seen a resurgence of the classical or accountability model, and many probation and parole departments are now, in fact, implementing and/or enhancing control strategies like intensive supervision, search and seizure, drug testing, electronic monitoring, specialized caseloads, task forces and arming probation officers. The shift to a law enforcement approach is, in my view, inescapable. However, it need not mean the abolition of treatment. If probation is to remain a viable institution it must enhance its credibility it the public eye. Implementing supervision strategies that reassure the public that we can be effective in enhancing community safety will increase public support for community corrections. That support will in turn boost backing and funding from state legislatures. In the final analysis, enhancing public support through our law-enforcement role can translate into greater public support and resources for offender treatment. Numerous studies have found that the public wants both, public safety and rehabilitation of offenders. Since it will take considerable time for probation to modify the public's perception of leniency, I suggest that an advisable first step would be to change our name to "probation enforcement officer" in order to recast our primary role as that of community protection and enforcement.

Background: Preeminence of Public Safety & Public Perception of Probation as Weak

The criminal justice system generally, and corrections specifically, have historically experienced negative public perceptions. Corrections work is difficult enough without probation officers having to deal with the public's negative feelings of how we carry out our duties. Empirical research has frequently attributed failure of community-based corrections and ex-offender rehabilitation programs to negative public attitudes (West, 1977). The perceptions of probation officers toward their duties, however, have been found to contrast with public expectations. For example, a 1977 study (Crispino & Rogers) found that probation officers' general perception of their role as that of social worker contrasted sharply with the public's view of the officer as a law enforcement agent. At the same time that community based corrections was calling for an increase in programs in the 1970s, the public was rejecting such correctional interventions. Furthermore, correctional agencies did not seem to have an accurate perception of the way the public viewed corrections, correctional offenders and community based corrections (Roll, 1978). The 1980s and '90s revealed a growing disenchantment with rehabilitative objectives and an increasing interest in retributive and deterrent goals. This movement toward greater punitiveness was grounded in three factors: the public's desire for deterrence, the apparent logic of retribution and the perceived failure of rehabilitation. Community based sentences increasingly came to be, perhaps unfairly, perceived as lenient (Scott, 1978).

"Broken Windows" Probation

The RPC report provides an excellent departure point to my discussion because it highlights many of the problems and issues that require a proactive role to improve probation's image and credibility in the public eye. The report is also noteworthy in that the Reinventing Probation Council was comprised of 13 veteran practitioners, including several former leaders of the American Probation and Parole Association (APPA) and the National Association of Probation Executives (NAPE). The RPC met and studied the issues over a two year period and concluded that probation is the most troubled component of the criminal justice system and yet holds the most promise (Arola & Lawerence, 2000). The report acknowledges that the widespread political and public dissatisfaction with community corrections has generally been totally justified in light of the "hundreds of thousands" of violent crimes committed by probationers each year. On any given day, there are more than 3 million people on probation in the United States with more than 50 percent having been convicted of a felony offense (p.27).

A consistent criticism of probation and parole is that they have failed in the major areas of promoting public safety, enforcing court orders and providing effective treatment strategies to offenders. Studies have demonstrated that these complaints have generally been well founded. Probation's failure to protect the community is evidenced by the fact that about 66 percent of all probationers commit another crime within three years of being sentenced to probation, and often these new offenses are quite serious. Furthermore, studies have found that approximately 50 percent of all probationers fail to comply with the conditions of their probation, and only about 20 percent of these violators have their probation revoked. The imposition of intermediate sanctions as a condition of probation is almost never rigorously enforced. With respect to rehabilitation efforts, the report indicates, "Probation all too often fails to help probationers avoid drugs, learn to read, obtain jobs or otherwise get their lives together" (p.28).

Although inadequate funding for probation services is clearly part of the problem, all too often probation departments fail to employ strategies that are effective in either promoting public safety or rehabilitation of the offender. It should come as no surprise to line staff and/or administrators that probation is widely disparaged and most often seen by the public as an ineffective sanction and a mere slap on the wrist. Above all else, the public wants safety and this is the proverbial bottom line. The control of violent, dangerous and/or habitual offenders is viewed as the criminal justice system's primary responsibility, and while the public is willing to consider mitigating factors in assessing punishment, it clearly wants offenders to be held accountable for the harm they have caused to victims. After studying problems associated with probation in the United States the RPC states that, "based on our lifetimes of experience in the probation system, we propose that probation officers nationwide embrace a new paradigm that puts public safety and community involvement first" (p.29). Probation can be effective, according to the RPC, if key strategies are followed:

- placing public safety first;
- working in the community;
- developing partners in the community;
- rationally allocating scarce resources;
- enforcing conditions and penalizing violations;
- emphasizing performance based initiatives; and
- encouraging strong and steady leadership.

Consistent with putting public safety first, it was strongly felt that probationers must be supervised in the community and not in the probation office. The neighborhood should be the place of supervision and as a result probation efforts will be highly visible. Offenders should also be assigned based on geographic location rather than the random assignment used by many probation departments. Furthermore, the conditions of probation must be responded to "quickly and strongly." Though the report indicates that "*all* conditions of a probation sentence must be enforced and *all* violations must be responded to in a timely fashion," this clearly is an impossible task (p.30). Perhaps, what is *more realistic* is that *all* serious violations and/or repeated minor, technical violations must be addressed. The area of when to use one's discretion to institute revocation proceedings for technical violations is problematic and based on officer and department philosophy, caseload demands, and officer motivation. Nonetheless, probation departments can and should establish violation guidelines for both technical and legal violations. If the expectation is that the officer will violate and/or take some action for most violations then clearly caseload sizes must be manageable in order to comply with department policy and procedures. The report emphasizes that the permissive practice of allowing probationers to have two or three "free ones" for "dirty" urine tests must be abandoned. It is noted that "those probation programs that emphasize strict enforcement with the courts tend to have fewer problems with offender compliance" (p.30). If there is any doubt to the reader as to the philosophical orientation of the "emerging paradigm" proposed in this report, that doubt should be eliminated when the panel announces that "the key is that the response must be swift and sure" (p.30). Beccaria, the father of the classical school presented these principles in chapters 19 (Promptness of Punishment) and 20 (Certainty of Punishment) in his now famous monograph, "On Crimes and Punishment," originally published in 1764 (Beccaria, 1980). Public safety through deterrence achieved by "swift and sure" punishment for *all* violations, accountability,

and graduated sanctions clearly, and in my view appropriately, stresses our law-enforcement role to accomplish the goals of probation. While the authors of the report tend to avoid specifically referring to a law-enforcement role or paradigm to deal with the major problems confronting probation departments today, this, in my view, is clearly the strategy being supported in the report. To further solidify their "paradigm" RPC members suggest that "probation agencies need to be *tough-minded* and put teeth into apprehending absconders from probation by developing specialized units that work closely with law-enforcement to apprehend offenders" (p.30).

While many, if not most, of the strategies suggested by the RPC stress probation's law-enforcement role, probation under this model would continue to provide treatment opportunities for offenders on supervision by "developing partners in the community." This segment of the new strategy would provide meaningful participation from victims and the community; attempt to bring offenders into settings that provide pro-social support systems; would establish cooperative partnerships with law-enforcement and other criminal justice agencies to focus on public safety; would also develop partnerships with community agencies to provide enhanced services to assess, diagnose, treat and supervise offenders and, would develop comprehensive education campaigns to make citizens more aware of the crime problem (p.31).

Some of the specific "enforcement-type" activities recommended a major part of the new strategy include redefining the role of the probation officer, creating task forces to develop "enforcement" strategies, designing prevention strategies, holding offenders "rigorously" accountable for probation conditions and forming a continuum of sanctions for noncompliance (p.31).

Leadership is considered to be the "most" important ingredient to achieve success and it is noted that probation will change only when those running probation departments are also held accountable for achieving specific outcomes, and the *chief outcome for probation is public safety.* However, if the new strategy is to be effective, probation must be fundamentally reshaped with a work force developed with appropriate job descriptions, hiring, and training. Interestingly, while the report advocates a greater reliance on enforcement-type duties like working nights and weekends, enforcing orders, promoting safety through a "sure and swift" response to violations, abandoning permissive practices like giving "free ones" for dirty tests, being "tough-minded" in *apprehending* offenders, utilizing intermediate sanctions, emphasizing "strict enforcement" of the rules, creating task forces to develop enforcement-strategies to reduce crime and to generally "hold offenders accountable" for the harm their actions have caused victims," *no where does the report address the issue of officer safety in carrying out these duties.* While the recommendations outlined in the report were appropriate and quite bold, the panel noticeably failed to address the related controversial issue of providing probation officers with the necessary tools and allow many, if not most, officers to carry firearms as the job becomes more enforcement oriented. While the Council clearly recognizes the need to continue probation's shift to a law-enforcement model, it nonetheless, is reluctant to say with greater specificity that it is acceptable and even desirable for probation officers to be more like cops. After all, law-enforcement has been quite successful at maintaining public support by continuing their traditional role of chasing and arresting the "bad guys" while at the same time embracing more probation-type activities in implementing various forms of community-policing. In fact, many progressive county sheriffs in California are now operating drug programs in local jails. Despite this reluctance and apprehension to specifically say that probation officers should become more like cops up to and including carrying firearms, the Council, I believe make this point quite clear when it states, "Probation department managers must realize, however, 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" (p.33).

"Throughout its history, probation officers have been charged with exercising what many consider to be the conflicting roles of social-worker and law-enforcer."

Analysis

I must emphasize the fact that I do *not* suggest that an "enforcement model" be used by probation officers exclusively and that we abandon treatment. Throughout its history, probation officers have been charged with exercising what many consider to be the conflicting roles of social-worker and law-enforcer. Historically, probation officers have stressed their social-worker role consistent with the foundation established by John Augustus who came to the aid of drunkards in Boston's lower courts beginning in 1841. However, as most will agree, times have changed. Offenders today are more dangerous and violent, weapons are commonplace, and there is less respect for the authority of probation officers. In my opinion, the lingering emphasis on the social-worker, often at the expense of the enforcement role, has served only to create monumental credibility problems. Credibility problems translate into a lack of public support which in turn results in fewer resources. Fewer resources result in a decreased ability to provide adequate protection to the community, assuming that probation administrators do respond to these public concerns. Additionally, under-funding means less rehabilitative programs for offenders. Thus, the cycle of negative public perceptions is reinforced.

In contrast, the police, despite many recent high profile scandals, continue to be the criminal agency component most highly respected because they are viewed as the first line, perhaps the only line, of defense between criminals and citizens. It should come as no surprise when California Governor Gray Davis, President George W. Bush, as well as politicians at all levels, aggressively seek to obtain the support of the police and seldom fail to take advantage of taking photographs with uniformed officers. I would suggest that we consider the last time a president, governor, or legislator sought the support and/or photo opportunity with probation officers. In my view, this is quite symbolic of the negative perceptions held about probation. Consequently, police receive more resources which allows them to hire more officers, obtain cutting edge equipment and technology, and in turn be more effective in reinforcing a generally favorable public perception. That probation is seen as providing minimal public protection and viewed simply as a "slap on the wrist" is today hardly a topic of serious debate. Furthermore, I am disturbed with our general inability to provide adequate protection to the community since this is, in essence, our mission, irrespective of the model we utilize to achieve this goal. I strongly support the Council's admonishment to administrators to "WAKE UP." Although the pubic oftentimes fails to adequately understand what corrections and probation officers actually do, they appear fully justified in viewing probation with a great deal of suspicion and possessing little credibility.

Numerous studies over a 30-year period make it exceedingly clear that probation has failed to meet its primary goal of protecting the community and that the community well knows this ugly fact. Furthermore, it does not seem to have been any more successful in changing offenders as a means of protecting the public. It is also quite clear that the public is not opposed to rehabilitation per se. The want, above all else, to be protected from crime, especially violent crime. Once they feel confident that probation is being used for appropriate offenders, that higher risk offenders are being held accountable when they do not comply with their conditions, then the public is supportive of rehabilitative efforts. In short, the public wants probationers to receive a high level of surveillance, and it wants them to change and become law-abiding and productive citizens. Changing people's behavior, especially resistant offenders, has never been easy nor will it become easier simply because we become more like cops or obtain additional resources. However, improving our enforcement and community protection role is quite doable and we know this because many police agencies have demonstrated a high degree of success in this area. The public is correct in its demand that probation do a better job at protecting the community. I need not repeat here all of the numerous recommendations that have come before us. The recent RPC's "Broken Windows" recommendations however are worth repeating. The role of probation officers must be redefined, public safety must come first, probation officers must do a better job at enforcing conditions, task forces should be established to develop better enforcement strategies, a continuum of sanctions must be formed, supervision strategies must be developed to hold offenders rigorously accountable for meeting their conditions and prevention strategies must also be developed.

It is an inescapable fact that when a probation officer suggests that greater attention be placed on accountability that he/she possesses minimal concern for treatment issues. I, therefore, repeat my position that I do not here advocate the elimination of our social-worker role. I do, however, suggest that the law-enforcement model be given preeminence in how we carry out our probation duties. My suggestion for the direction that probation should take most closely approximates an intensive surveillance-treatment model. I have seen first-hand the effectiveness of this model and this is further supported by empirical research demonstrating its success at reducing new criminal conduct and lowering the incidence of illegal drug use (Torres, 1997).

In my own circle of probation colleagues there seems to be a reluctance, a discomfort so to speak, with identifying too closely with our law-enforcement role. Perhaps, this so because most of us "old-timers" were trained under the positivistic treatment model that viewed enforcement and punishment as negative strategies. How does one hold a person "accountable" if the criminal conduct is the result of factors largely beyond his or her control? I believe many of us, including a large number of probation administrators, have internalized these positivistic views which conflict significantly with the classical view of free-will and accountability. Enforcement and "accountability" need not be viewed as negative. In fact, the intensive surveillance-treatment approach suggested here has been found to be more effective than the more traditional medical model approach to changing offenders. Thus, the law-enforcement model will be more effective in protecting public safety *and* changing offenders. Probation officers becoming more like cops, in my view, will achieve to a greater degree, these much sought after goals. While the issue of probation officers being armed like the police continues to be debated heatedly, I believe that in the future almost all probation and parole officers will carry weapons. Today, more than half of all probation agencies permit their officers to carry weapons and all but 11 of the 94 federal judicial districts authorize their U.S. probation and pretrial service officers to carry guns. I, personally, favor the American Corrections Association's (ACA) position of allowing probation officers to carry weapons when the "need" has been established. While many administrators, no doubt, do not want the headaches associated with their officers carrying weapons, appropriate policy and training will reduce the problems associated with firearms. We cannot move toward an enforcement model as seems to be suggested by the RPC report without providing probation officers with the proper tools. Increased surveillance strategies, search and seizure, task force participation, fugitive units, arrests, night and weekend field work, field work in remote areas, provide adequate justification for allowing officers in high risk assignments to carry weapons. I have emphasized the public's negative perception of probation, its ability to provide public safety, and offender accountability, however, we should

not minimize officer safety concerns, and in this regard, I believe the RPC's report fails to adequately address this issue. Perhaps the issue of officer safety and firearms was avoided in order to maintain a tenuous support for the report's recommendations from the social-worker camp. However, I believe that the Council cannot recommend, as they did, that probation officers emphasize their enforcement duties without also addressing the increased risk that those duties entail. Concomitantly, the issue of more dangerous and violent offenders being granted probation must also be considered in implementing the Council's recommendations.

Changing the public's negative perception of probation will take years to accomplish. A negative reputation, once achieved, is difficult to overcome. However, a simple change in what we call ourselves can go a considerable distance in changing the "slap on the wrist" perception of probation. Changing our name to *probation enforcement officers* and becoming more like cops will enhance our image, credibility, and effectiveness. The name change, I suggest, will create some distance from the pro-offender, anti-victim perception that the public now holds of probation officers. The new name must, however, must be matched with the implementation of those strategies presented in the RPC's report. In the short-term, the name change may serve to enhance our public image, which may translate into increased legislative support. After all, it is much more cost-effective to place offenders on probation than to send them to prison. A cycle may develop wherein probation officers, now called *probation enforcement officers,* will improve their image and credibility for community safety. This improved image and credibility will then translate into enhanced legislative support, especially since there is an increasing concern with the tremendous expenditures being made in support of the prison system. As we become more effective at supervising and treating offenders in the community through the level of funding will increase, and in the final analysis, both the community and offender will be served.

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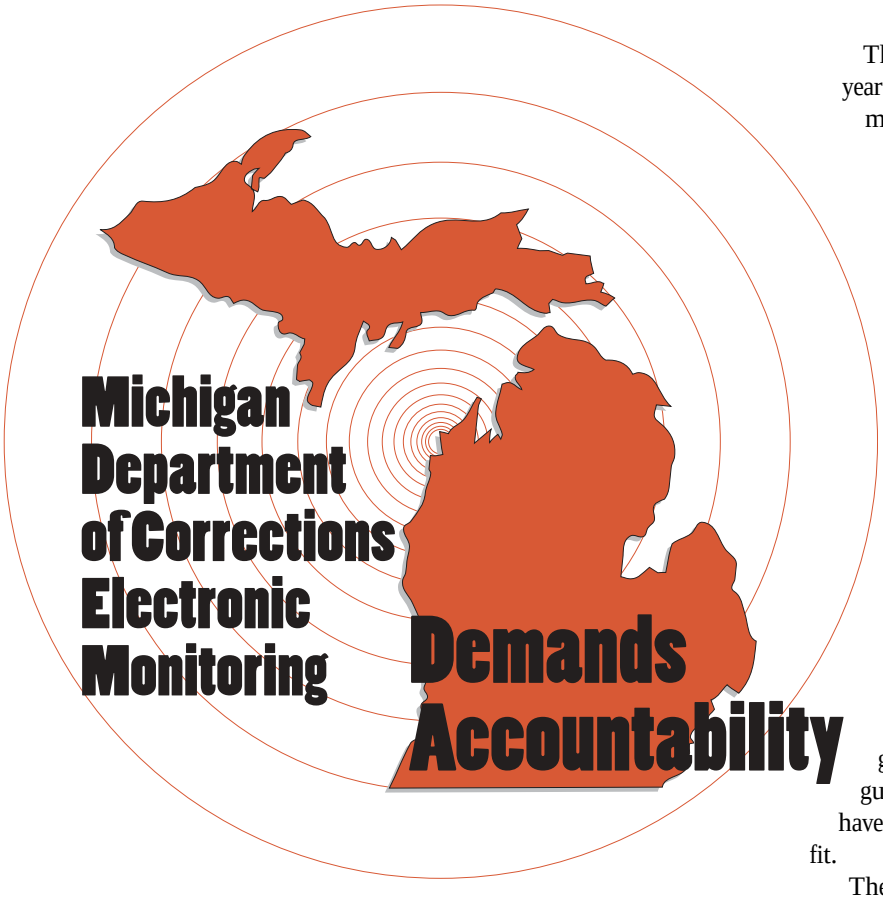
Sam Torres is an Associate Professor in the Department of Criminal Justice at the California State University at Long Beach.



MORE THAN A DECADE AGO, the Michigan state legislature enacted a state law that required furloughed prisoners be placed in correction centers (halfway houses) or on electronic monitoring. In addition, circuit courts place numerous probationers on the electronic monitoring system, and the Michigan Department of Corrections (DOC), too, utilizes electronic monitoring for parolees. Since the program began in 1987, more than 100,000 offenders have been monitored by the Michigan DOC through electronic supervision with positive results.

A State-Run Program

Within the first two years of operation, the program rapidly grew to more than 700 offenders. While many government entities outsource electronic monitoring services, the Michigan DOC has monitored its own statewide electronic monitoring program since 1987 with a high degree of success. There were very few service providers in operation when Michigan first started. As a result, the option of using outside vendors was never given serious consideration. An infrastructure and sound monitoring procedures that worked well were developed early, so there was no need to change over to a monitoring service provider.

The program has been able to provide a greater degree of accountability, and therefore, a higher level of supervision for offenders. At the same time, program expenditures have been less than one-fourth of the costs of housing a prisoner in a minimum security camp bed. Some agencies that utilize service providers have added an intermediary telephone answering service to screen violations and reduce the number of pages made to field staff. The operators at the Michigan center perform this task, thereby avoiding additional costs.

The Michigan DOC set up its electronic monitoring centers one year prior to a legislative change that expanded the role of electronic monitoring supervision for prisoners. The program was relatively small in its first year, but mushroomed with the legislative modifications. To initiate the program, the Michigan DOC purchased its field equipment and custom engineered monitoring technology from a leading electronic monitoring equipment manufacturer.

The state originally set up three electronic monitoring centers in Detroit, Flint and Grand Rapids. Eventually, the department brought the centers under one roof in the state capitol, Lansing, to cut overhead, improve efficiency and avoid duplication of efforts. Today, the one electronic monitoring center is staffed 24 hours a day, seven days a week, ensuring ongoing offender tracking.

A Carefully Selected Population

In addition to controlling the equipment and supervision at the state level, state officials believe they have minimized risk to public safety by carefully selecting prisoners and parolees most likely to follow electronic supervision guidelines. The department also developed recommended guidelines for the courts for probationers, but believes judges must have the flexibility to set conditions and use the program as they see fit.

The state also realizes substantial savings from offenders being diverted from halfway houses, jails or prisons. Specifically, to be eligible for the program, prisoners must be housed in a level one institution, the lowest custody level in Michigan's prison system. Prisoners who are serving sentences for sex offenses or who have an extensive history of assaultive behavior are not considered for Michigan's electronic monitoring program. There are no such restrictions for parolees, but many are placed on the system as a result of a technical parole violation. Judges determine which probationers are placed on the system.

By placing an offender on an electronic tether, the DOC can introduce structure and discipline into offenders' lives and can strictly monitor compliance with program rules. Once offenders prove that they can follow the rules, more freedom can then be granted until the equipment is finally removed.

Electronic monitoring is also being used in conjunction with Michigan's boot camp program, known as Special Alternative Incarceration. Once offenders are released from the boot camp--either on probation or parolee status--they are under intensive supervision in the community, usually with the aid of electronic monitoring. Probationers in the system are governed by the Court issued probation order, and violations may result in a variety of sanctions up to and including revocation of probation.

Responding to Violations

Another component of the Michigan DOC's program for prisoners -- and probably one of the most difficult for offenders to grasp as they enter it -- is a policy of zero tolerance. Zero tolerance for prisoners means that if they are even minutes late returning to their home with no mitigating circumstances, they are charged with escape, are returned to a secure facility and are not allowed back into the program. An offender's

BY DICK IRRER

profile determines the specific restrictions, including where they can go, when they can be out of the range of supervision, and with whom they can associate. Departmental policy allows prisoners to be out of their homes for work and employment searches, school, medical and other treatment programs, pre-authorized business, community service work and to visit their authorized parole placement locations. Field agents tightly manage these guidelines and determine the specific locations to which they can go, the amount of travel time needed, and in some cases, the specific mode of transportation allowed.

When an alert is received at the monitoring center, a call is made to the offender's house to determine if the equipment is operating correctly. If a prisoner or parolee cannot be accounted for, the center operators enter an escape warrant into the system. At the same time, the operator sends an administrative message to police agencies in the county where the escape took place and to the offender's home county. An additional notification is made to the department's Absconder Recovery Unit, which initiates its own investigation. In short, prisoners get one strike, and all these notifications are made simultaneously. The center uses a Law Enforcement Information Network terminal -- Michigan's warrant database -- which connects to the National Law Enforcement network.

According to Steve Bock, state manager for the Electronic Monitoring Center, Michigan's program is extremely effective because of the consequences of violations. There are no grace periods. As described, once violations occur prisoners and parolees are entered in the warrant system, probation agents are notified and a warrant is secured from the sentencing judge. Bock also says the equipment and systems are key components of ensuring quick response to missed curfews. In fact, specific responses to violations are built into the host monitoring system.

By strictly enforcing court and agency sanctions, DOC officials believe offenders are more apt to comply. Holding offenders accountable for their actions while under supervision is critical for changing negative social behavior. In addition, electronic monitoring supervision provides a verifiable record of an offender's compliance to court sanctions.

During the first month the zero tolerance policy was implemented, an average of three prisoners per day were re-incarcerated for curfew violations. Once the word was spread that the DOC was serious about compliance, that rate dropped dramatically. Now less than one offender per day is charged with a curfew violation. Offenders were held responsible for their behavior. Once that was understood, their behavior changed.

After the legislation was implemented in 1988, approximately 1,200 prisoners were placed on the system within two years. Today, nearly 3,000 prisoners, parolees and probationers are being monitored electronically at any give time. Escapees and absconders account for fewer than 8 percent of offenders who leave the program, while the number who commit new felonies is less than 3 percent. The remainder successfully transition to the community.

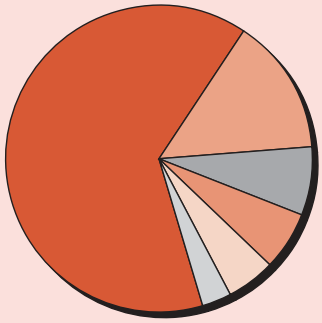
The program is also offender funded, meaning offenders pay to participate in the program. In our last fiscal year, nearly $4.5 million dollars was collected, resulting in enormous savings to taxpayers while also raising levels of public safety.

Over the past 12 years, the Michigan program has grown more than tenfold. The success of the program has led to the dissemination of its use with other Michigan agencies as well. For instance, the Michigan DOC acts as a service provider, providing equipment, monitoring services and training to various agencies who do the actual supervision of offenders with their own staff. The Michigan DOC contracts with another state agency, the Family Independence Agency, which supervises juveniles in the community and also with a variety of county sheriffs, district courts, tribal councils and probate courts. In addition, the electronic monitoring center uses its technological and data management expertise to track all warrants issued statewide – an average of 800 to 900 warrants per month.

Technological enhancements are being incorporated into the Michigan DOC program. Field probation and parole officers will be able to make changes remotely to offenders' profiles or schedules, expediting changes and reducing probability of errors. Email reports will replace faxed reports, resulting in instant and accurate offender data.

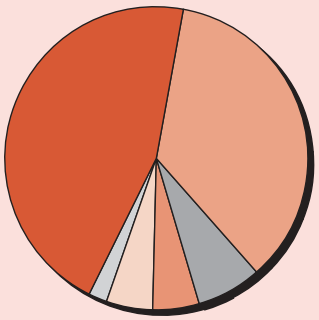
Reducing recidivism and protecting the public are goals that can be aided by electronic supervision technology but are achieved through the people responsible for enforcing the entire program. The supervision standards and violation response guidelines developed by the DOC complement the electronic monitoring technology acquired.

"By incarcerating the state's most dangerous and chronic offenders and by providing a wide range of sanctions for those who do not require incarceration, the department contributes to the safety of communities in a cost effective manner," said Department Director Bill Martin. The result is an efficient tool that provides better supervision and, ultimately, enhanced public safety. ❐



MDOC Reasons for Discharge

- Successful completions 62%
- Curfew/Tamper violations 17%
- Escape/Absconder 7%
- Administrative 6%
- Substance Abuse 5%
- New Felony 3%



MDOC Population Distribution

- Probation 46%
- Prisoners 36%
- Contract Monitoring 7%
- Parole 5%
- Probation-Boot Camp 5%
- Parole- Boot Camp 2%

Dick Irrer is the Electronic Monitoring Manager for the Michigan Department of Corrections in Lansing, Michigan.

Calendar of Events

2001-2002

Sep. 11-13	International Corrections Symposium: "Identifying Problems and Sharing Solutions." Sponsored by the Dept. of Criminal Justice and the College of Education and Human Services, Central Missouri State University. Contact (660) 543-4950 or e-mail Wallace@cmsu1.cmsu.edu
Sep. 23-26	16th Annual Great Lakes Conference on Addictions & Mental Health, Indianapolis, IN. Contact (317) 283-8315 or visit www.greatlakesconference.org
Sep. 23-26	The International Community Corrections Association Annual Conference, Philadelphia, PA. Contact ICCA by e-mail info@iccaweb.org
Sep. 23-26	Annual National Conference on Addiction and Criminal Behavior, Marriott Pavilion Hotel, St. Louis, MO. Contact (800) 851-5406 or register on-line at www.gwcinc.com
Sep. 23-26	Idaho Juvenile Justice Association and Idaho Corrections Association 2001 Joint Congress, Boise Center on the Grove, Boise, ID. Contact Skip Green at sgreen@djc.state.id.us or Terrie Rosenthal at trosenth@corr.state.id.us or call (208) 624-3462 or (208) 424-3710.
Sep. 30-Oct. 2	Alcohol & Drug Problems Association of North America's 14th Annual Women's Issues Conference. Tucson, AZ. Contact Kittie Robertson at (573)368-4377 or e-mail kittie@fidnet.com or visit www.adpana.com
Sep. 30-Oct. 3	2001 SEARCH Symposium on Integrated Justice Information Systems: Managing the Future, Adams Mark Hotel, Jacksonville, FL. Contact www.search.org
Oct. 4-6	National Institute of Justice National Conference on Science and the Law, Biscayne Bay Marriott Hotel, Miami, FL. Register on-line at www.nijpcs.org/upcoming.htm or call (703) 684-5300, fax (703) 739-5533, e-mail nijpcs@ilj.org
Oct. 6-9	National Crime Prevention Council's 2001 National Conference, Washington, DC. Contact www.ncpc.org.pop
Oct. 10-11	National Sheriffs' Association Rural Law Enforcement Training-Domestic Violence: Intervention and Investigation, Pinal County, AZ. Contact Brigitte Wittel at (800) 424-7827, ext. 337.
Nov. 4-7	Probation Officer's Association of Ontario Annual Symposium 2001, Best Western Hotel and Convention Center, North Bay, Ontario. Contact Jacqueline Grenon at (705) 753-1282 or Cathy Hutchison at (416) 314-5277 or visit www.poao.org
Nov. 7-11	Coalition for Juvenile Justice Fall Training Conference, Sheraton Gunter Hotel, San Antonio, TX. Contact (202) 467-0864 or info@juvjustice.org
Nov. 10-14	National Conference on Correctional Healthcare, Albuquerque Convention Center, Albuquerque, NM. Contact (773) 880-1460 or visit www.ncchc.org
Nov. 15	Alston Wilkes Society 39th Annual Meeting & Awards Luncheon, Seawell's Restaurant, Columbia, SC. Contact Betty Mills at (803) 799-2490.
Nov. 28-29	National Sheriffs' Association Rural Law Enforcement Training-Domestic Violence: Intervention and Investigation, Thibodaux, LA. Contact Brigitte Wittel at (800) 424-7827, ext. 337.
Dec. 1-4	National Institute of Justice Fifth Annual International Crime Mapping Research Conference, Adam's Mark Hotel, Dallas, TX. Register on-line at www.nijpcs.org/upcoming.htm or call (703) 684-5300, fax (703) 739-5533, e-mail nijpcs@ilj.org

2002

Jan. 12-16	American Correctional Association Winter Conference, San Antonio, TX. Contact Conventions Department at (800) 222-5646 x-1922 or visit www.aca.org.
Feb. 10-13	American Probation and Parole Association Winter Training Institute, Kingston Resort, Myrtle Beach, SC. Contact APPA at (859) 244-8204 for more information or visit www.appa-net.org.
Apr. 28-May 2	2002 American Jail Association 21st Annual Training Conference & Jail Expo, Milwaukee, WI. Contact Pat Cain at (301) 790-3930, fax (301) 790-2941, e-mail jails@worldnet.att.net or visit www.corrections.com/aja.
Aug. 3-8	American Correctional Association 132nd Congress of Correction, Anaheim, CA. Contact Conventions Department at (800) 222-5646 x-1922 or visit www.aca.org.

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.

American Probation and Parole Association

Myrtle Beach!

Winter Training Institute

February 10-13, 2002 • Myrtle Beach, South Carolina

Co-sponsored by the South Carolina Probation and Parole Association

Plan to Attend!

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