the journal of the American Probation and Parole Association ERSPECTIVES



Volume 26

Number 3

Summer 2002

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FEATURES

DEPARTMENTS

- 26
- 3 President's Message
- 12 Editor's Notes
- 14 TECHNOLOGY UPDATE
- 17 Spolight on Safety
- 47 CALENDAR OF EVENTS

20 Substance Abuse Treatment and Restorative Justice Practices

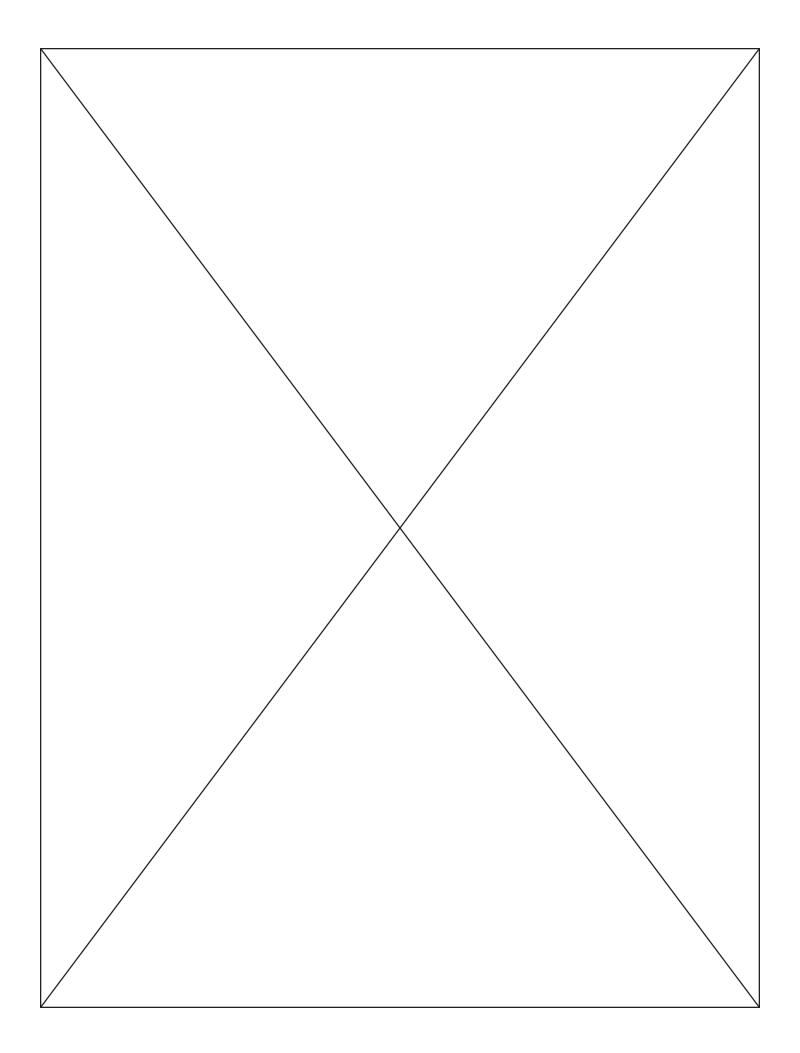
by Robert Schwebel, Ph.D. and Jay Zaslaw, M.Ed

- TRENDS IN STATE PAROLE: THE MORE THINGS
 CHANGE, THE MORE THEY STAY THE SAME
 by Timothy A. Hughes, Doris James Wilson and Alan J. Beck, Ph.D.
- **34 GETTING COMFORTABLE WITH COMMUNITY**by Jude Del Preore, Dianne Robinson, and Margot C. Lindsay
- 39 U.S. V. KNIGHTS: SUPREME COURT RULES ON SEARCHES OF PROBATIONERS BY POLICE by Stanley E. Adelman

PLUS!

- 8 Probation, Parole and Community Supervision Officer's Week-June 14-20, 2002
- 11 Corporate Member Roster
- 16 Associate Member Roster
- 16 Request for Site Proposals
- 19 APPA News
- 38 Publication Announcement
- 46 2002 Annual Training Institute





APPA News

Probation, Parole & Community Supervision Officers' Week – July 14-20, 2002

The American Probation and Parole Association (APPA) proudly promotes the third anniversary of Probation, Parole and Community Supervision Offices' Week. This years' observance will be July 14-20, 2002.

This observance has been set aside to recognize the accomplishments of the officers working on the front lines with adult and juvenile offenders each and every day in our communities. Thousands of officers supervise the nearly 4.6 million adults on probation and parole and over 600,000 juveniles placed on community supervision. These officers are at the heart of community supervision and are America's invaluable public servants.

In July 2000 during APPA's 25th Anniversary the first Probation, Parole & Community Supervision Officers' Week was observed. Each year law enforcement and correction officers are recognized through a week-long observance. Probation, parole and community supervision officers had lingered in the shadows of anonymity far too long. APPA began this week of recognition to elevate the recognition these officers need and deserve as key partners in ensuring public safety.

Officers serve the needs of their clients and the community by promoting public safety and law-abiding behavior. They make use of many programs to help individuals become productive members of society. Overseeing the rehabilitation of offenders, supporting and protecting crime victims, overseeing reparation of the harm done to the community and to victims, being accountable to the public, conducting home visits, administering drug test, and being on call 24 hours a day are just a few of the challenges these officers face each day.

These dedicated individuals work hand in hand with community groups and social service agencies to provide offenders and victims with the support they need. Officers throughout the country maintain partnerships with law enforcement agencies and the community so they can benefit from the expertise of each other and share information on criminal activity.

Agencies and communities across the country have celebrated Probation, Parole & Community Supervision Officers' Week in many ways – luncheons, newspaper articles,

social gatherings for the officers, softball tournaments, golf scrambles, cook-outs, and proclamations from governors and mayors.

Each year APPA provides a free online media kit with a variety of materials that will assist in planning your community and statewide activities to commemorate Probation, Parole & Community Supervision Officers' Week. The media kit consists of public service announcements, tips for community outreach, recognition ideas, news releases, brochures, banners for your department or agencies website, history articles on probation and parole, and posters. The brochures "Probation 101" and "Parole 101" are one of the newest additions to this year's media kit. These brochures can be given out to civic groups, the media, at community events, businesses, schools and libraries. These brochures are an excellent way to educate and increase your community's awareness of the officers in your community. You can access the media kit from APPA's website at www.appa-net.org in the 'What's New' section. For further information, please contact Karen Fuller at (859) 244-8196 or by e-mail at kfuller@csg.org.

For those officers working with offenders, literally on the front lines for the public safety of our communities, this recognition is long overdue. APPA commends you for your dedication and hard work. We are grateful for everything you do!

Karen Fuller is the Public Relations and Information Coordinator for the American Probation and Parole Association in Lexington, KY.

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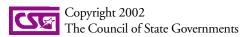
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Published four times annually by APPA through its secretariat office in Lexington, Kentucky. ISSN 0821-1507



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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 a hard copy, to Production Coordinator, *Perspectives* Magazine, P.O. Box 11910, Lexington, KY, 40578-1910, or can be emailed to smeeks@csg.org in accordance with the following deadlines:

- Winter 2003 Issue August 21, 2002
- Spring 2003 Issue November 11, 2002
- Summer 2003 Issue February 19, 2003
- Fall 2003 Issue May 20, 2003

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.

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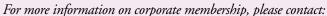
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EDITOR'S NOTES

The theme of "community" runs through this issue of *Perspectives*, linking together a series of articles on diverse subjects. The articles illustrate the many facets and complexities of the work of probation, parole and community corrections.

Our lead article by Bureau of Justice Statistics (BJS) staff Tim Hughes, Doris Wilson and Allen Beck presents an important and powerful summary of data on state parole over the decade of the 1990s. As we struggle to deal with the aftershock of the incarceration boom that started in the 1980s, hundreds of thousands of inmates are now being released to our communities

every year. One of the contributing factors to the incarceration boom was the effort to abolish or at least severely restrict discretionary parole release. Unfortunately, in many instances the baby (parole supervision) was also thrown out with the bath water (parole release).

The data from the parole study suggests that both discretionary parole release and effective parole supervision have an important role to play in ensuring public safety. Discretionary release cases performed better than mandatory releases. Effective parole supervision can contribute significantly to the safe and successful integration of the offenders in the community.

As this research on parole was being conducted, APPA was developing and adopted its position statement on Discretionary Parole (see Winter 2002 issue of *Perspectives* or visit the APPA website at appa-net.org). The research findings support the continuation of parole and support the APPA position.

The role of the probation or parole officer in promoting community safety is addressed in Stan Adelman's article on the United States Supreme Court's recent decision in *U.S. v. Knights*. The ability to search probationers and parolees provides officers with an effective tool, and Professor Adelman leads us through the thorny legal thickets to explain the issues, the court's decision and its implications for our field.

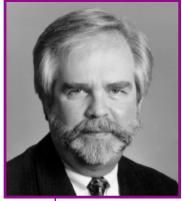
Probation and parole officers have worked *in* the community for years, and with the emergence of the Broken Windows Probation model, many of those officers who had retreated to the courthouse have been pushed out. However, we are increasingly finding that it is no longer sufficient just to be in the community if we are to truly be effective. We need to work *with* the community to leverage scarce resources and tap into the community as a resource. "But how do we do that?" many of us will ask. In their article "Getting Comfortable with Community," Jude Del Preore, Dianne Robinson and Margot Lindsay provide an offer of support in the form of training and materials to help those of us willing to stick our neck out into the community. It is an offer that we cannot refuse.

One of the exciting and sometimes frustrating aspects of our field has been the emergence of a number of powerful new paradigms for offender supervision. Unfortunately, these paradigms do not always fit together neatly. In their article, Robert Schwebel and Jay Zaslaw illustrate how a cognitive/behavioral treatment model and restorative justice principles can be integrated in the treatment of substance abusing juveniles. True restoration of the community can only happen when the offender's behavior changes for good. Cognitive/behavioral strategies are the most effective way to accomplish that goal. The integrative work described in this article helps to further develop the potential of these paradigms to inform our work and improve our effectiveness.

I want to acknowledge the continuing excellent contributions from the APPA Technology Committee, and its chair Joe Russo. This issue's article on pupillometry provides another fascinating look into the technology-rich future of our field.

We hope you enjoy this issue, and encourage you to provide us with your feedback and suggestions for future issues of *Perspectives*.





William Burrell

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TECHNOLOGY UPDATE

The Use of Pupillometry to Pre-Screen for Drugs of Abuse

An interesting technology in drug testing is rapidly emerging as an important tool for community corrections agencies. Pupillometry is the measurement of changes in the size of the pupil of the eye. Technology has been developed to computerize the process of exposing the subject's eye to a flash of light and the measurement of the pupil's reaction to the light. Computer software then analyzes the results and indicates whether the subject is impaired. This is obviously an extremely simplified overview of the technology in a general sense. Interested readers should contact some of the vendors, listed below, for more information regarding how each individual pupillometer on the market operates.

The advantages of pupillometry are numerous. First, it is non-invasive. There are no gender issues involved in testing. There are no body fluids to handle. There is no waiting for an offender to provide a sample. Second, it can be very cost effective, particularly in a department that does a considerable amount of testing, since there are no consumables or recurring costs. Third, it is fast. A screen can be conducted within a couple of minutes.

What are the reports from the field? Pupillometry has been successfully piloted in a number of community corrections setting. In this update, I will summarize two recent studies that utilized similar technologies from different vendors.

The San Diego County Probation Department recently conducted a pilot study comparing the findings of both the EyeCheck pupillometer, from MCJ, Inc., and urinalysis screening. Norchem Laboratories conducted the urine tests and confirmation testing, using GCMS, was used if any trace amount of drugs was present.

Certain populations were excluded from the pilot including offenders who had sustained head or eye injuries, had Lasik surgery within two weeks of the test, and those persons over 50 years of age. These segments were excluded because of existing factors that skew the pupillometer's analysis.

Of the 243 tests completed, 146 tests were used when analyzing results. Factors such as operator error, pregnancy, urine dilution and errors in urinalysis testing contributed to 97 tests not being used.

Of the 146 tests considered, 56 percent were negative on both the EyeCheck pupillometer and urine screen. This represents the number of offenders that could have been screened using the pupillometer alone. Thirteen percent of the tests conducted were positive on both the EyeCheck pupillometer and the urine screen.

Eleven percent of the tests were judged inconclusive by the pupillometer. Within this group, urinalysis determined that three percent were positive and eight percent were negative.

Twenty percent of all tests were false positives positive on the EyeCheck but negative on urine screening. There are a number of factors that contribute to such a high percentage of false positives including operator error. Several other factors include the offender's drug abuse history, pregnancy, medications and medical conditions not previously identified by the offender. The San Diego study report emphasized that an offender's physical and medical condition must be reviewed and taken into consideration when analyzing results as it directly impacts the pupillometer's results. Another key factor leading to the number of false positives may be the result of an offender's drug metabolite level falling below standard cut-offs for urinalysis.

Three of the tests were false negatives – negative on the EyeCheck but positive on the urine test.

The San Diego Probation Department reported a high level of confidence in the instrument. The number of false negatives was identified as a critical issue and the three percent rate was thought to be acceptable. The report indicated that further familiarization with the

instrument will most likely reduce the rate of both false negatives and false positives.

The San Diego County Probation Department estimates that it will conduct 48,384 urine tests per year at a cost of a \$6.55 per test. The estimated total cost therefore is \$316,915. In the EyeCheck pupillometer pilot, it was discovered that 56 percent of drug screens could be done using the pupillometer only, saving the probation department \$149,077 (this figure is adjusted to account for the offenders on medication who must be urine tested).

The TASC (Treatment Alternative to Street Crime) office in Brooklyn, New York conducted a month long study late last year using a product called the PassPoint from PMI Incorporated. TASC places non-violent drug addicted offenders into treatment as an alternative to incarceration. During the pilot period, TASC clients were tested weekly. A total of 752 tests were conducted using both the PassPoint pupillometer and TASC's ATS urine immunoassay-testing machine.

Certain populations were excluded from the pilot including MICA clients who were taking prescription medications.

According to the PassPoint pupillometer, 717 tests were drug-free. Urinalysis results corresponded in 707 cases. The remaining ten cases represent false negatives at a rate of 1.4 percent.

The PassPoint pupillometer detected positive results in 35 cases as opposed to 21 cases through urinalysis. This result may have been due to one of two factors. First, a negative urinalysis may be the result of an individual's drug metabolite level falling below SAMSHA cut-offs. The second possibility is that the drug used by the individual was not part of the routine urine test panel.

The TASC office determined that the use of the PassPoint would reduce the need for routine urine testing by 95 percent. This would directly result in savings on immunoassay tests

and supplies. In addition, it was determined that the TASC office could reduce urine-testing personnel by 50 percent on testing days.

Both studies demonstrate the potential of pupillometry as a cost-effective tool to pre-screen offenders for drugs of abuse. I would encourage you to learn more about this promising technology. For more information contact:

San Diego County Probation MCJ – EyeCheck

Roberto Noriega (619) 861-1386 John Dal Santo (815) 966-0196

Brooklyn TASC PMI - PassPoint

> Tania Peterson (718) 237-9404 Kevin O'Conner (800) 794-8142

For further information about the APPA Technology Committee or if you would like to become a member or propose a workshop at a future APPA institute, please contact Joe Russo, Program Manager, National Law Enforcement and Corrections Technology Center, 2050 East Iliff Avenue, Denver, CO 80208, Phone (800) 416-8086, email: jrusso@du.edu.

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

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APPA Institute - Bringing People Together

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

Applications are being accepted to host future APPA Institutes

Applications to host future APPA Winter and Annual Institutes are now being accepted. Any board member, affiliate association or state agency wishing to request consideration of a particular city must complete an application. Further information and applications may be obtained from:

Yolanda Swinford, APPA

c/o The Council of State Governments P.O. Box 11910 Lexington, KY 40578 Phone: (859) 244-8194 Fax: (859) 244-8001

Email: yswinford@csg.org

SPOTLIGHT ON SAFETY

Suicide by Cop or Probation/Parole Officer

Recent situations across the country have reminded us about the increase in "suicide by cop" incidents. In these situations individuals with an apparent "death wish" confront law enforcement officers with the intent of having law enforcement officers kill them. Sadly, the assailants also attempt to take law enforcement officers with them.

A North Carolina police officer related an incident in his state where an estranged husband, recently convicted of felony indecency with a child and sentenced to 36 months probation supervision, went to his wife's house with a firearm and attempted to break in while firing shots. An off-duty officer that lived in the neighborhood confronted the man and was shot at. Other officers responded and ended up in a shootout with the suicidal man, who was ultimately fatally wounded. He had previously told the off-duty officer that the police would have to kill him.

In a recent interview with a warrant supervisor of the U.S. Marshals Service, the agency assigned with primary responsibility for serving federal probation and parole violation warrants, he advised that they are finding more cases of probation/parole violators who have stated that they are "...not going back to prison." He went on to state that many are attempting to keep that promise.

Authorities in this area list the following behavioral indicators of a planned suicide by law enforcement officer:

- · Refusal to negotiate;
- Has just killed, or is threatening to kill significant other;
- Has just learned or believes they have a lifethreatening illness or disease;
- Has been in prison and/or has a history of assaultive behavior;
- Has recently experienced a traumatic event (e.g., loss of family member, career or employment);
- Has a history of mental illness or has been in a mental facility, and expresses hopelessness or helplessness;
- Wants to die in a provocative way, indicates he wants to go out in a "big way," or has developed an elaborate plan for his death that has obviously taken thought and

preparation;

- Appears to be looking for a "manly or macho" way to die;
- Provides authorities with a verbal will;
- Demands to be killed; and/or
- Has been drinking or taking drugs.

If we look at the history of the killers of Probation Officers Thomas Gahl and Charlie Knepple, and numerous other offenders involved in attacks against our officers, we see many of these characteristics. As probation/parole officers become more proactive, attention should be paid to these warning signs of violence by our offenders.

Robert L. Thornton is the Director of the Community Corrections Institute in Eastonville, WA and Chair of the APPA Health and Safety Committee.

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APPA News

APPA Senior Research Associate Receives 2002 NHTSA Lifesavers Award



Tracy Godwin Mullins
Director of the National Youth Court Center, Lexington, KY

Tracy Godwin Mullins has been selected to receive the Lifesavers 2002 – National Highway Traffic Safety Administration (NHTSA) Award at the Lifesavers National Conference On Highway Safety Priorities on June 11, 2002 in Lake Buena Vista, Florida.

Lifesavers is the annual highway safety conference, sponsored by numerous safety organizations, including NHTSA. Lifesaver awards are given to a few, select individuals for outstanding contributions to highway safety. The NHTSA Public Safety Award recognizes Tracy Godwin Mullins, Director of the National Youth Court Center, for her leadership and dedication to the prevention of underage drinking and impaired driving through the implementation of youth court programs nationally.

Ms. Godwin Mullins is a senior research associate with the American Probation and Parole Association (APPA) and has been the youth court project director since the initiation of a NHTSA grant in FY94. Under her direction APPA has expanded community youth court (also known as teen court, peer court or school court) programs nationally. Extensive support materials and a web site have been developed. The engagement of an additional federal partner, the Office of Juvenile Justice and Delinquency Prevention, to continue funding to support youth courts has been achieved. This program has achieved success in all ways: addressing the needs of youth, providing communities with welcome assistance, developing professional and popular publications and training, and garnering significant support from other national organizations.

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In exploring common ground of a model for juvenile justice and substance abuse treatment, we must bear in mind a fundamental difference. Juvenile justice is focused on a crime, which is a violation of individuals, communities and relationships. By definition, it entails harm to others. Substance abuse is first and foremost a form of self-harm, although it may lead to criminal behavior or other behavior that puts others at risk. With serious substance abuse, families and communities are inevitably harmed. Nevertheless, harm to others is secondary in substance abuse.

Although their central orientations are divergent, it is clear that substance abuse and criminal behavior are closely linked. In many cases, people have co-occurring problems – committing crimes and abusing drugs. A 1995 study by the U.S. Department of Justice showed that more than half of

male defendants and 40 percent of female defendants were under the influence of at least one drug at the time of their arrest (Join Together, 1998). We also know that many individuals are under the influence of drugs when they commit crimes, and that some crimes are committed simply to pay for drugs or to obtain them. Because drug abuse and criminal behavior go together so often, it is not surprising that offenders with drug problems make up a substantial percentage of the burgeoning prison population in this country.

Many young people in the juvenile justice system are in need of substance abuse treatment. Without this treatment, rehabilitation is incomplete and justice cannot be restored. In this article, we discuss an approach to substance abuse treatment and a particular model, The Seven

Challenges that is highly compatible with the restorative justice approach to juvenile justice.

Restorative Justice

The restorative justice approach is one of the most promising models for juvenile corrections because its mission is defined as repairing the harm, rather than "treating" or "punishing" the offender (Zehr, 1990). Instead of focusing on the offender alone, it offers a balanced approach, including a focus on harm to the community and reparation of that harm. Restorative justice equally incorporates the needs of victims, offenders and the community — and identifies the strategies necessary to identify and repair the harm.

The restorative justice movement has grown enormously. Pennsylvania has led the way by incorporating it into law, requiring a "balanced and restorative response" by the juvenile justice system to deal with juvenile crime. One example of the success of this model is the New Castle Youth Development Center where youth are involved in running a small business that manufactures hauling pallets. The profits are applied to payments of restitution and other court sanctions. Residents at this facility also make community speeches to youthful first offenders against crime, drugs and violence.

In Florida, the establishment of a Bureau of Victim Services brought with it 12 victim specialists assigned to cover the 20 judicial circuits. Their energies are dedicated to facilitating the Department of Juvenile Justice's (DJJ) efforts in the area of restorative justice. Working closely with staff from the Florida Department of Corrections, the DJJ is developing a plan to pilot victim awareness curricula in residential programs, which is based on the one developed by the California Youth Authority, in concert with Mothers Against Drunk Driving (MADD).

Giving back to the community is an important aspect of restorative justice. The Okaloosa Youth Academy, a program run by Ramsay Youth Services in Crestview, Florida, has had youth from the facility manage and maintain local little league fields. In partnership with the town, youth at the facility also have built sidewalks, park benches and retaining walls; created public signs; installed drinking fountains; and decorated the town for holidays. A partnership with Okaloosa School district has yielded a greenhouse to produce shrubs, fruits and vegetables, which are donated to the town. The youth also receive school credit for their efforts. The idea is that the community is owed a debt by youth who have caused harm. The harm was physical (property defacement), emotional (tension and fear) and economic (the cost of treatment to victims).

Vermont continues to use Reparative Boards. These are composed of small groups of citizens, trained in the principles of restorative justice, who conduct face-to-face meetings with offenders to decide how they can best address the harm they have caused the victim and community. Goals of the process include:

- Citizen ownership of the criminal/juvenile justice systems;
- Providing opportunities for victims to confront offenders;
- Providing opportunities for offenders to take responsibility for the harm they have caused; and
- Generating meaningful, community-driven consequences to address the harm.

Problems with Traditional Models of Drug Treatment

For years, restorative justice proponents have viewed treatment as part of the problem because traditional models focus predominantly on the individual; and make delinquent youth the passive recipient of services, rather than active participants in the process of restoring justice. However, it

is clear to those who design and/or implement services for delinquents that large numbers of delinquent youth have mental health and substance abuse problems that must be addressed, or these individual will, at best, flounder in the juvenile and criminal justice systems. The programs that address mental health and substance abuse issues must be effective. The manner in which these problems are addressed in a restorative justice program must also be consistent with the philosophy of this approach.

Unfortunately, much of what has been done in adolescent drug treatment is quite contrary to the fundamental principles of restorative justice. Traditional programs have tended to involve adults dictating behavior to young people, trying to gain compliant behavior, without in anyway teaching skills or engaging young people in meaningful dialogue.

Just as professionals in restorative justice are engaged in new and distinctive conversations about how to respond to crime (Bazemore, 2000), professionals in substance abuse need to be doing the same about how to respond to drug abuse. Traditional approaches to adolescent substance abuse treatment could well be characterized as a "mad rush for abstinence." Caring adults, working with young people who abuse alcohol or other drugs, can clearly see the harm and potential harm from drug use. They fear for the health and well-being of young, drug abusing individuals and want to take strong, decisive, corrective actions. This instinct is reinforced by enormous social and political pressure for immediate abstinence. Parents want drug free kids, as do schools, communities and courts. Treatment facilities often compete by promising that they will deliver drug free youth.

Working in this climate, treatment professionals generally devote a great deal of energy either trying to convince or coerce young people to become abstinent. The professionals feel the pressure to produce instant, drug-free youth.

In clinical practice, the rush for abstinence is evident when counselors hammer away about the harm from drugs. When clients raise one concern about drugs, clinicians generally react by outlining several other ways their clients have been harmed. Even when counselors attempt to be understanding and hold back a bit, they generally find it hard to resist the temptation to press for abstinence.

Treatment plans usually start with immediate abstinence as one of the initial goals. Program rules often reinforce the pressure to quit. Inpatient units do not grant certain privileges until level status has been attained. Generally, this requires the decision to quit.

Ironically, one of the easiest goals to attain in drug treatment is to get a young person to say that he or she will quit using drugs. The much bigger challenge is to get young people to say the truth. Most young people, who enter drug treatment, and certainly those who enter through the juvenile justice system, did not come looking for help with their drug problems. Most do not think they have a problem with drugs or would be far from ready to honestly concede that they have problems, or be willing to work on them. Yet, they are bombarded with pressures to quit. Usually there is one of three bad outcomes. They become "fakers," telling the adult what they want to hear. They also become "fighters," determined to maintain their own autonomy and not willing to give in to external pressure. (Eventually many of these individuals become fakers in order to find a way out of treatment). Some young people become "followers." That is, they are talked into quitting drugs, but because of the mad rush to abstinence, they make a commitment to being drug-free before they have been adequately prepared to succeed. Too often, these young people fail in their efforts to quit, and have exactly what they do not need: another failure experience.

Drug treatment with young people has put the horse before the cart. Young people are taught how to be drug-free before they have actually made the decision to be drug-free. We believe that this is one of the main

reasons that the outcomes have not been what we would like to see.

The pressure to quit defies what we know about adolescent development. Adolescents are faced with the developmental task of defining their own identity. They are supposed to find their own answers about themselves. In this drug-filled culture of ours, this means young people have to figure out their own identity in relationship to drugs. Adult professionals should not be in the business of dictating to youth what to do about drugs. It is developmentally inappropriate. Instead, we should help youth figure it out for themselves. Most professionals, when not working on drug related issues, recognize that adults mainly generate resistance when they tell adolescents how to behave. Teens and adolescents often will defiantly do the opposite.

The pressure to quit also fails to take account of important research findings by psychologists Prochaska, DiClemente and Norcross (1992) about the stages of change. We would conservatively estimate that more than 90 percent of youth in treatment or juvenile justice settings present in the early stages of changes (pre-contemplation or contemplation). They are not in the action stage. In the action stage, it makes sense to teach the behavior of being drug free. In the earlier stage, we should raise consciousness of clients. In other words, we need to help them decide to quit abusing drugs, through consciousness-raising, before we get in the business of teaching them the behavior of abstinence.

Traditional juvenile justice programs and interventions, much like traditional drug treatment programs, have relied heavily on the belief that the best way to influence youth is by controlling their behavior. That is, adults will use their power to make youth do what they want them to do. Restorative justice has moved away from this notion. So, too, must adolescent drug treatment. We need a "buy in" from youth. For meaningful change to occur, young people must look at their lives and reach their own conclusions about the necessity of change.

Good drug treatment will stop the mad rush for abstinence. It will have to undo the expectations of young people that they will be forced or coerced, and that if they tell the truth about what they like, or how they feel, about drugs that they will get in even more trouble. The first challenge

is to create a climate in which young people feel they can talk openly and honestly about alcohol and other drugs. This is accomplished through therapeutic relationship building.

If treatment providers move from a control model to an educational one, then young people will have to look at their own lives and behavior. They will be faced with an important decision. They will have to weigh the costs versus the benefits of their drug use. This is part of the process of evaluating one's own life. Instead of adults pounding away at youth about the harm from drugs and insisting that young people immediately quit using, skilled professionals have to back off and allow young people to see things clearly for themselves. We have to start where young people are, not where we wish they would be. We have to help young people reach wise and healthy choices about their drug use before we teach them how to be successful in implementing the behavior of being drug-free. This is a substantial departure from traditional, adolescent drug treatment. The goal of good drug treatment is that young people overcome their problems of substance abuse and dependence. However, this should not be a prerequisite for treatment, as in the traditional model.

The Seven Challenges Program

The Seven Challenges Program (Schwebel, 2001a) is an example of a new type of drug treatment philosophically compatible with restorative justice – helping young people look at their behavior and do what is right. Like restorative justice, it facilitates cognitive change; helps youth look at their own behavior, including the harm they have caused to themselves and others; helps youth "get it," and provides an opportunity for giving back to the community. This model is consistent with the report of Long, Langvin and Weekes (1998) favoring cognitive behavioral models of substance abuse treatment for effectiveness in correctional settings.

The Seven Challenges is experientially based, meaning that the challenges are taught through cognitive/behavioral activities such as role-playing, active discussion and exercises that relate to young people's own lives. As with restorative justice, giving back is an important part of the program. One way youth give back is that young people who master the

"For meaningful change to occur, young people must look at their lives and reach their own conclusions about the necessity of change."



earlier challenges are asked to help new youth as they begin their work in the challenge program.

The Seven Challenges Program uses published material including a book of readings and nine journals (youth friendly term for workbooks) to help young people evaluate their lives, make wise decisions, and learn drug resistance skills (Schwebel 2001a, 2001b)). Advancing through the earlier challenges requires contemplation of life situations, problems and lifestyle choices. The latter challenges relate to decision-making, and developing and implementing plans for lifestyle changes and relapse prevention. The Seven Challenges are as follows.

- 1. We decided to open up and talk honestly about ourselves and about alcohol and other drugs.
- 2. We looked at what we liked about alcohol and other drugs and why we were using them.
- 3. We looked at our use of alcohol and other drugs to see if it had caused harm, or could cause harm.
- 4. We looked at our responsibility and the responsibility of others for our problems.
- 5. We thought about where we seemed to be headed, where we wanted to go, and what we wanted to accomplish.
- 6. We made thoughtful decisions about our lives and use of alcohol and other drugs.
- 7. We followed through on our decisions about our lives and drug use. If we saw problems, we went back to earlier challenges and mastered them

The compatibility with restorative justice principles is evident in the sweep of this system. With these challenges, young people are guided through a process of thinking about their lives and the impact of their behavior upon themselves and others.

Challenge One promotes an open and honest discussion about alcohol and other drugs. This is not possible when there is a mad rush for abstinence. Instead, youth generally tell adults what they want to hear or defiantly resist the people who pressure them to quit. Adolescents are accustomed to lying – and to getting in more trouble when they tell the truth. As with restorative justice, The Seven Challenges calls for honest self-appraisal.

Challenge Two continues the theme of honesty by giving young people an opportunity to identify and talk honestly about what they like about drugs. This allows clients and counselors to identify the social and emotional needs that youth are satisfying through their use of drugs. Instead of banning discussion of this reality, counselors show empathy by listening to what young people really feel and understanding their motivation for drug use. Empathy is also an important skill in restorative justice.

Challenge Three gives young people a chance to see the harm they have caused themselves and others by their drug use. As with restorative justice, identifying harm is the central issue.

Challenge Four helps young people understand the context of their own behavior. Many young people who abuse drugs have themselves been victimized in one way or another. They also have had other situational factors that may have contributed to their drug abuse. By the same token, they need to be self-critical and see the harm they have done to others. As with restorative justice, The Seven Challenges is not blame oriented. Rather it helps young people develop a fair and balanced perspective on their lives.

Challenge Five helps young people look ahead to the future, just as restorative justice seeks to prevent future victimization. Harm from substance abuse tends to increase as time passes on. In evaluating the impact of their drug use upon their lives, young people must not only look at the present, but also anticipate the future.

Challenge Six is the action stage when young people must put together all their thinking, in particular about the benefits of their drug use (Challenge 2) and the harm (Challenges 3 and 5) and make their own wise decisions about behavior. This challenge is about decision making and preparing for success. Most current adolescent drug treatment program skip or gloss over the previous challenges and go right to decision-making. Unlike traditional program, young people are not told to be abstinent. They must make their own choices.

Challenge Seven is about follow through and evaluation. This is where most young people hone their skills of living a drug-free lifestyle. If they felt they could keep using drugs, here is where they have an opportunity to see again, how their drug use is affecting their lives.

This overall approach is important because once young people know what needs they meet through their drug use, they can learn new social and coping skills to meet those same needs in healthier ways. Counselors in the Seven Challenges program do not present themselves as control agents, there to make young people stop using drugs. Rather counselors teach skills, increase competencies, and empower young people so they will be in a position to meet their needs without drugs. Then young people can make their own, sincere, internally motivated, decision to quit drinking and using drugs. This is the competency/skill building aspect of the program, entirely compatible with the restorative justice approach.

The Seven Challenges Program is based on honesty and relationship building. Listening and mutual support are built into the process. Instead of dishonest or oppositional relationships, the Seven Challenges creates strong adult/adolescent bonds. This is how to build respectful relationships and communities.

Holistic Drug Treatment/ Secondary Treatment Modalities

Using a holistic treatment approach for substance abusing adolescents involves components that address factors affecting domains other than drug use. This includes social skills development, cognitive processing, anger management, pre-vocational and vocational training, and problem-solving techniques (Long, et al, 1998).

The Seven Challenges is a holistic model of drug treatment which is skill and competency based. Young people identify the underlying social, emotional and psychological motivation for their drug use. The focus is on empowering them to learn to meet their needs in drug-free ways. The treatment program necessarily involves working on a variety of related problems that lead to drug abuse and those that are exacerbated or caused by drug abuse. Ancillary treatment includes work on social skills development, cognitive processing, anger management, problem-solving techniques, and pre-vocational and vocational training.

In Florida, Ramsay Youth Services uses this The Seven Challenges and restorative justice model in its juvenile justice facilities. A variety of ancillary components have been integrated in the program including Cognitive Processing, based on the research of Robert Ross, Ph.D. (Ross, Fabiano & Ewles, 1988). He found that juvenile offenders often suffer from "developmental delays in the acquisition of cognitive skills," including those which lead to problems in self-control and impulsiveness. Concepts taught in cognitive processing sessions include: self-control, self-cognition, the skill of thinking, empathy, critical reasoning, pro-social values, anger management, victim awareness and the skills for becoming a peer assistant counselor.

Also included in the model is anger management training. Such programs teach young people that anger is a normal emotion, but aggressive or violent expression of anger is inappropriate. Individuals learn to recognize their own physiological cues for anger and learn responsible ways of handling

this powerful emotion. Some residential programs use the EQUIP anger management program developed by Arnold Goldstein and colleagues (Gibbs, 1995). It has ten components, including ones on evaluating and re-labeling anger/aggression; monitoring and correcting thinking errors; relaxation and other techniques for reducing anger; and self-talk techniques.

As youth abandon drug abuse, harmful lifestyles and negative support systems, the process of developing pro-social lifestyles hinges on their opportunities to enter satisfying and productive career paths. They need to acquire academic and vocational skills. Programming of this sort is part of holistic drug treatment.

Seven Challenges Research

An independent evaluation of the effectiveness of the Seven Challenges model with adolescent males and females was conducted by at the University of Arizona (Stevens, 1999). The sample included 83 culturally diverse males and females, with a median age of 15.6 years of age. Participants were enrolled in an intensive outpatient program. The Seven Challenges program was found to result in a statistically significant reduction in drug use, along with gains in all ten life domains that were tested. The reduction of aggressive behavior was also statistically significant. There was a 38 percent decrease in the number of adolescents stealing alcohol, 23 percent decrease in selling drugs, 20 percent decrease in retail theft and a 15 percent decrease in stealing cigarettes. The study showed that level of honesty heightened among youth; and relationship and communication with family members and adults improved.

Seven Challenges and 12-Step Programs

Until now, traditional adolescent drug treatment has revolved around 12-Step approaches, which were originally designed for adults who had reached rock bottom. The 12-Step model has important facets that are compatible with restorative justice principles, especially the idea of community involvement, mutual support, making amends, the use of mentors, the acceptance of faith and giving back to the community (Bazemore, 2000). However, the 12-Step model is really designed for people who are committed to changing their lifestyle. The biggest problem, in our view, is that most youth enter treatment far from ready to make an honest, sincere commitment to being drug-free.

Because The Seven Challenges is a new model, some have assumed it stands in opposition to the 12-Step model. It is true that there are certain theoretical differences, as one would expect between any two programs. The Seven Challenges differs from 12-Step model in that it is designed for adolescents. It focuses as much on the underlying causes as it does on the actual use of drugs. It is based more on empowerment with skill-building and education than on a spiritual approach requiring surrender to a Higher Power; and strives to reduce harm and eliminate drug abuse in any form, as opposed to calling for lifelong abstinence. However, the two programs also have strong compatibility. In particular, when teens have reached the decision to become straight and sober, the 12-Step model offers a powerful tool for those who are spiritually oriented and can make changes in their own lives by surrendering to a Higher Power. Even for others, 12-Step support of abstinence is important because it is available in virtually every community.

Conclusions

There can be no doubt that successful juvenile justice practices include effective substance abuse treatment – to help the youth, for public safety and to restore justice to the community. Restoration of justice is central to juvenile justice, whereas restoration of health promoting choices is central to substance abuse treatment. Restorative justice programs attempt to right a

wrong, and ideally lead to personal growth and better health decisions as well. Effective substance abuse treatment is dedicated to personal growth and better health decisions, and ideally leads to individuals righting their wrongs as well as learning to function as a contributing community member.

We know that effective drug treatment, compatible with the practices of balanced and restorative justice, will build competencies, build relationships, involve the client in an active learning process, involve instilling a sense of personal responsibility, and teach empathy. It also will focus on repairing harm, giving back and providing mutual support. Restorative justice and The Seven Challenges utilize a cognitive/ behavioral approach to changing thinking and behavior. The Seven Challenges is an example of new thinking about substance abuse treatment that is compatible with the new thinking of restorative justice. Both are predicated on relationship building, honesty and youth involvement. Together they can reduce harm to the individual and the community.

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The More Things Change, the More They Stay the Same

BY TIMOTHY A. HUGHES, DORIS JAMES WILSON AND ALAN J. BECK, Ph.D

AT YEAR-END 2000 more than 652,000 adults were under state parole supervision, up from 509,700 ten years earlier. During the year 441,600 adults entered parole supervision and 432,200 exited. Although prison release rates dropped sharply early in the decade, the number under parole supervision grew exponentially (averaging ten percent per year) before peaking in 1992. At the same time, despite a decade of reform and change, including enhancements in sentencing, added restrictions on prison releases and experimentation with community supervision and monitoring, parolee success rates remained unchanged. Among state parole discharges, 42 percent successfully completed their term of supervision in 2000, 45 percent successfully completed their term in 1990.

These findings and others appeared in *Trends in State Parole*, 1990-2000, a special report issued by the Bureau of Justice Statistics in October 2001. The report not only documents the nature and extent of growth of state parole populations but presents statistics on parole success and failure. The report, updated specially for *Perspectives*, underscores the complex interaction between incarceration and post-release supervision policies.

Growth in parole linked to incarceration trends

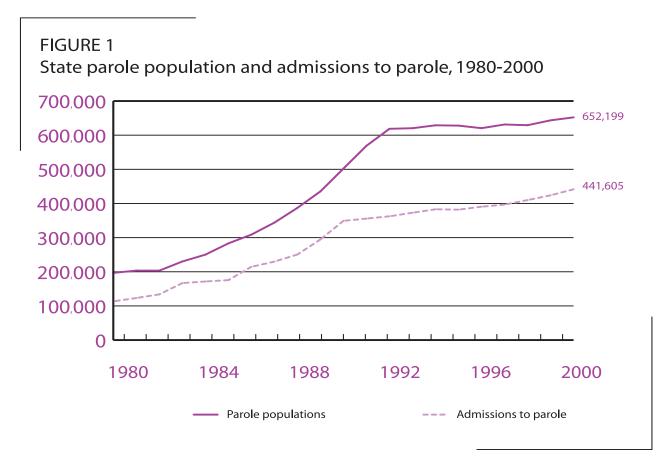
Changes in sentencing laws and prison release policies, as well as the increased likelihood of a conviction and incarceration if arrested, spurred the growth of the prison population in the 1980s and early 1990s. Since 1980 incarceration rates have soared but are now beginning to stabilize. At mid-year 2001, the rate of incarceration in federal or state prisons and local jails was 690 inmates per 100,000 adult U.S. residents up from 458 in 1990. However, the 1.1 percent growth in the number of prison inmates for the 12 months ending June 30, 2001 was significantly lower than the 5.8 percent average annual increase since 1990. It was also the lowest

annual rate recorded since 1972.

A consequence of the growth in imprisonment is a corresponding change over time in the number of people under community supervision. Of the people who are admitted to prison, most return to the community at some point—either released from prison by completing their sentence, by discretionary parole or by mandatory parole. In general, parole is a period of conditional supervision after serving time in prison. Discretionary parole exists when a parole board has authority to conditionally release prisoners based on a statutory or administrative determination of eligibility. Mandatory parole generally occurs in jurisdictions using determinate sentencing statutes in which inmates are conditionally released from prison after serving a specified portion of their original sentence minus any good time earned. About 95 percent of all inmates currently in state prison will be released, and 80 percent will have a period of parole or post-custody supervision.

The number of adults under state parole supervision more than tripled between 1980 and 2000 (from 196,786 to 652,199). While growth in the state parole population had nearly stabilized by yearend 2000, the largest increase occurred between 1980 and 1992. During this period, the number of adults on parole grew ten percent annually. After 1992, following more than a decade of rapid growth, annual increases in the number of adults on state parole slowed dramatically, increasing at an average annual rate of 0.7 percent (Figure 1).

From 1990 to 2000, the state parole population grew at a slower rate than the state prison population. During this period, parolees increased 30 percent, compared to a 75 percent increase in state prisoners. On average, the parole population increased 2.6 percent per year, while the prison population rose 5.7 percent per year. The lower rate of growth in parole supervision reflects changes in sentencing and parole release policies that



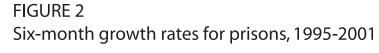
have resulted in increasing lengths of stay in prison and declining prison release rates. However, growth in the prison population has slowed since 1995 and recent data suggest that the population has stabilized. Underlying the dramatic slow down in the rate of growth in state prison populations has been a rise in the number of prison releases. In the last six months of 2000, the state prison population actually dropped by 0.1 percent, the first measured decline since 1972. In the last 12 months ending June 30, 2001, the number under state jurisdiction increased 0.4 percent. (Figure 2).

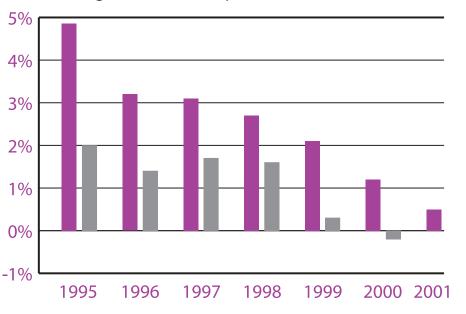
States reduced the discretion of parole boards

Trends in state parole populations have been affected by a movement from discretionary release toward mandatory parole release and by the enactment of truth-in-sentencing legislation. Historically, most state inmates were released to parole supervision after serving a portion of an indeterminate sentence based on a parole board decision. In 1977, 69 percent of offenders released from state prison were released by a parole

board. Good time reduction and other earned time incentives permitted officials to individualize the amount of punishment or leniency an offender received and provided a means to manage the prison population.

This discretion led to criticism that some offenders were punished





more harshly than others for similar offenses and to complaints that overall sentencing and release laws were lenient on crime. By 1989, eight states (California, Florida, Illinois, Indiana, Maine, Minnesota, Oregon and Washington) had abolished discretionary parole and in 20 others, the majority

TABLE 1
Method of release from state prison, for selected years, 1980-2000

YEAR	All Releases	Discretionary Parole	Mandatory Parole Parole	Other conditional	Expiration of sentence
1980	143,543	78,602	26,735	9,363	20,460
1985	206,988	88,069	62,851	15,371	34,489
1990	405,374	159,731	116,857	62,851	51,288
1992	430,198	170,095	126,836	60,800	48,971
1995	455,140	147,139	177,402	46,195	66,017
2000	570,966	136,130	221,414	66,958	110,441

Note: Based on prisoners with a sentence of more than one year who were released from state prison. Counts are for December 31 of each year.



STORY

of prison releases were through expiration of sentence or mandatory parole release.

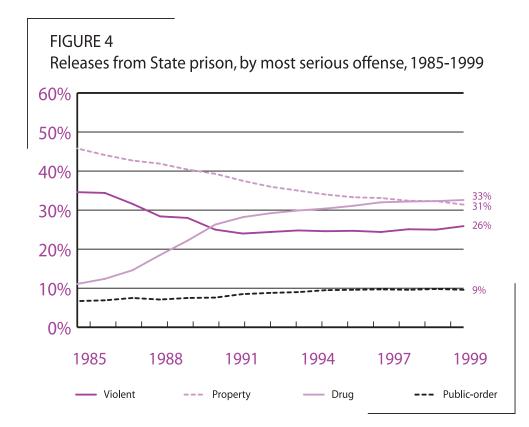
Continuing the shift away from release by a parole board, an additional eight states (Arizona, Delaware, Kansas, Mississippi, North Carolina, Ohio, Virginia and Wisconsin) abolished discretionary parole in the 1990s. Most of the remaining states further restricted parole by setting specific standards offenders must meet to be eligible for release. As a result, parole boards are no longer the dominant mechanism by which inmates are released from state prison. More inmates are now released by state statutes that mandate release after inmates serve a specified portion of their sentence. After 1980, mandatory parole increased from 19 percent of releases from prison to 39 percent in 2000, while discretionary parole decreased from 55 percent to 24 percent (Figure 3).

In absolute numbers, releases by state parole boards peaked in 1992 (at 170,095), dropping to 136,130 in 2000 (Table 1). Mandatory parole releases steadily increased, from 26,735 in 1980 to 116,857 in 1990. By 1995 the number of mandatory releases exceeded the number of discretionary releases. In 2000, 221,414 state prisoners were released by mandatory parole, an 89 percent increase from 1990. The number of annual releases via mandatory parole is expected to continue to grow over the next several years. Instead of entering prison faced with an uncertain sentence suggestive of a rehabilitative model of criminal justice, more and more inmates are virtually guaranteed a release date upon admission to prison.

Growth in releases expected as inmates complete enhanced sentences

Several factors influenced the flow of offenders from prison to parole supervision, such as fluctuations in prison release rates, an increase in elapsed time served by offenders, and changes in release policies. Prison release rates declined from 37 percent in 1990 to 32 percent in 2000. Though this is a modest percentage difference, when applied to the growing number of inmates in prison at some time during the year, the drop implies at least 90,000 fewer releases in 2000 as a result of the five percent drop in the annual release rate since 1990. Nevertheless, the number of prisoners released from state prison has grown from 405,400 in 1990 to an expected 595,000 in 2001.

State Prison			
Year	Releases*		
1990	405,400		
1995	455,100		
1999	543,000		
2000	571,000		
2001 (projected)	595,000		
*Excluding escapees, AWOL's and transfers.			



While violent offenders accounted for most of the growth among those in prison, drug offenders comprised an increasing percentage of prison releases as well as entries to parole. Nearly 33 percent of state prison releases in 1999 were drug offenders (up from 26 percent in 1990 and 11 percent in 1985) (Figure 4). In contrast to drug offenders, the release of violent offenders has remained stable, while property offenders have dropped sharply. Approximately 24 percent of releases were violent offenders in 1999 (compared to 26 percent in 1990), and 31 percent were property offenders (down from 39 percent).

Drug law violators increasing among parole entries

Between 1990 and 1999, annual releases from state prison to parole supervision grew by an estimated 78,900 inmates. Drug offenders accounted for 61 percent of that increase, followed by violent offenders (23 percent), and public-order offenders (15 percent). The number of property offenders

COVER



STORY

released to parole declined from 1990 to 1999. Among the nearly 424,000 entries to parole in 1999, drug offenders accounted for 35 percent, followed by property offenders (31 percent), violent offenders (24 percent) and public-order offenders (9 percent).

Offenders serve more time and a greater portion of their sentence before release

Reflecting statutory and policy changes that required offenders to serve a larger portion of their sentence before release, all offenders released for the first time in 1999 served on average 49 percent of their sentence, up from 38 percent in 1990. Among all state inmates released from prison for their first time on their current offense (first releases), the average time served in prison increased from 22 months in 1990 to 29 months in 1999. Released inmates had also served an average of five months in local jails prior to their admission to prison. Overall, released inmates had served a total of 34 months in 1999, compared to 28 months in 1990. Of the four major offense categories, violent offenders served the highest percentage of their sentence (55 percent) in 1999, followed by public-order (51 percent), property (46 percent) and drug offenders (43 percent).

Much of the increase in time served is likely due to the enactment of the truth-in-sentencing standards that in general specify a portion of the sentence an offender must serve in prison. By the end of 2000, the federal truth-in-sentencing standard that requires that Part 1 violent offenders to serve not less than 85 percent of their sentence in prison before becoming eligible for release had been adopted by 29 states and the District of Columbia. Part 1 violent offenses, as defined by the Federal Bureau of Investigation's Uniform Crime Reports, include murder, non-negligent manslaughter, rape, robbery and aggravated assault.

By adopting this standard, states could receive truth-insentencing funds under the Violent Offender Incarceration and Truth-in-Sentencing (VOITIS) incentive grant program as established by the 1994 Crime Act. VOITIS grants can be used by states to build or expand prison capacity. States not adopting the federal standard may have other truth-in-sentencing policies that specify a certain percentage of the sentence to be served prior to release.

At year-end 2000, nearly three-quarters of the parole population was in states that met the federal 85 percent standard. Nine of the ten states with the largest parole populations in 2000 met the federal truth-in-sentencing standard for violent offenders. Texas, with the second largest parole population, required violent offenders to serve 50 percent of their sentence before becoming eligible for release.

The result of longer lengths of stay due to truth-in-sentencing (in combination with the increased average age of prison admissions) has been an aging of the parole population. The average age of prisoners released to parole increased from 31 years in 1990 to 34 years in 1999. An estimated 109,300 state prisoners paroled in 1999 (26 percent of all entries to parole) were age 40 or older. This was more than double the number of prisoners age 40 or older who entered parole in 1990.

Inmates released by a parole board serve longer than mandatory parolees

Contrary to the widespread perception that reliance on parole board discretion implies early release, data from 30 states participating in BJS's National Corrections Reporting Program reveal that offenders released by parole boards actually serve more time in prison than other parolees. Overall, prisoners released in 1999 by discretionary parole for the first time on the current sentence had served an average of 35 months in prison and jail, while those released through mandatory parole had served 33 months (Table 2). In 1990, and in every other year during the 1990s, the average time served by discretionary releases exceeded the time served by mandatory parole releases. The largest disparities appear among violent prisoners released in 1999 – those released through discretionary parole served an average 59 months, those release through mandatory parole served 47 months.

Though time served by discretionary releases exceed the time served by mandatory releases, discretionary releases served a smaller percentage of their prison sentences before release. In 1999 discretionary releases served 37 percent of their total prison sentence (up from 34 percent in 1990); mandatory releases served 61 percent of their sentence (up from 55 percent).

TABLE 2

Time served in prison and jail for first releases from State prison, by method of release, 1990 and 1999

Type of release	Mean time served	
and offense	1990	1999
Discretionary release	29 months	35 months
Violent	49 months	59 months
Property	25 months	31 months
Drug	20 months	28 months
Public-order	18 months	21 months
Mandatory release	27 months	33 months
Violent	41 months	47 months
Property	23 months	30 months
Drug	20 months	27 months
Public-order	19 months	25 months
Expiration of sentence	31 months	36 months
Violent	44 months	52 months
Property	27 months	30 months
Drug	21 months	29 months
Public-order	28 months	25 months

Note: Based on prisoners with a sentence of more than one year. Excludes persons released from prison by escape, death, transfer, appeal or detainer.

Re-releases an increasing portion of parole entries

Among all parole entries, the percentage that had been re-released rose between 1990 and 1999. Re-releases are persons leaving prison after having served time either for a violation of parole or other conditional release or for a new offense committed while under parole supervision. In 1990, 27 percent of entries to parole were re-releases; in 1999, 45 percent were re-releases. During 1999 an estimated 192,400 re-releases entered parole, more than double the 94,900 re-releases in 1990.

These data highlight the significant number of individuals cycling through our nation's prisons. Underlying the dramatic growth in state prison populations has been a rise in parole violators returned to prison. Between 1990 and 2000, the number of returned parole violators increased 52 percent (from 133,900 to 203,600), while the number of new court commitments increased 8 percent (from 323,100 to 350,400). As percent of all admissions to prison, parole violators totaled 35 percent in 2000. As a consequence, these previously released

offenders, who have failed under parole supervision in the past, represent a growing portion of subsequent parole entries.

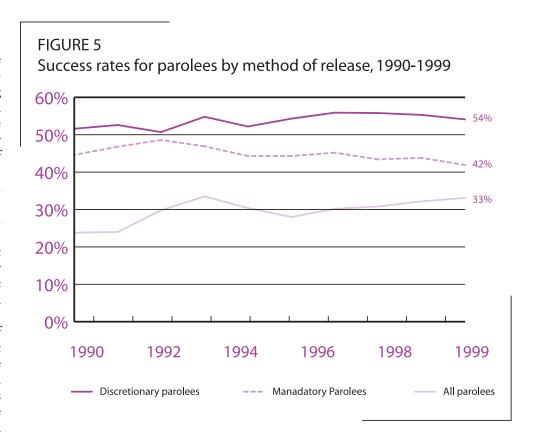
After having been returned to prison for a parole or conditional release violation, re-releases served on average 13 months in prison in 1999. From 1990 to 1999 their average time served in prison following re-admission increased by two months.

Success rates stable despite changes in release policies

A comparison of the rates of success on parole reveals a complex relationship between the methods of parole (discretionary or mandatory), the type of offender (first release or re-release) and the length of time served. Success rates also vary by other risk factors, including age, gender and type of offense.

Despite dramatic changes in the criminal justice system over the last decade, the outcomes of parole supervision remained relatively consistent with the levels observed in 1990. Of the 410,613 discharges from State parole in 1999, 42 percent successfully completed their term of supervision, 43 percent were returned to prison or jail, and ten percent absconded (**Figure 5**). In 1990, 45 percent of state parole discharges were successful. Between 1990 and 1999 the percent successful among state parole discharges has ranged from 42 percent to 49 percent, without any distinct trend.

A successful discharge occurs when the offender is released by the parole authority after completing the term of conditional supervision.



Unsuccessful discharges include revocations of parole, returns to prison or jail and absconders. Parolees who are transferred to other jurisdictions and those who die while under supervision are not included in the calculation of success/failure rates.

Success rates highest among parole board releases and first releases

In every year between 1990 and 1999, state prisoners released by a parole board had higher success rates than those released through mandatory parole. Among parole discharges in 1999, 54 percent of discretionary parolees were successful compared to 33 percent of those who had received mandatory parole. Between 1990 and 1999 the percent successful among discretionary parolees varied between 50 and 56 percent, while the percent successful among mandatory parolees ranged between 24 and 33 percent.

Success rates also varied by type of release. In every year during the 1990s, first releases to state parole were much more likely to have been successful than re-releases. Among state parole discharges in 1990, 56 percent of first releases successfully completed their supervision, compared to 15 percent of re-releases. Of offenders exiting parole in 1999, 63 percent of first releases were successful, compared to 21 percent of re-releases.

Among parole discharges in 1999 that had been released from prison for the first time on their current offense, mandatory parolees had a higher success rate (79 percent) than discretionary parolees (61 percent). Discretionary parolees in 1999 who had been re-released from prison were



STORY

more likely to be successful (37 percent) than mandatory parolees (17 percent).

Success rates higher if California is excluded

The size and make-up of California's parole population, combined with the low percent of successful terminations (25 percent in 1999), affect the national rate of success for parole discharges (Table 3). When data from California are removed from the analysis, the comparative rates of success for discretionary and mandatory parole change dramatically.

Overall, California accounted for nearly 30 percent of all state parole discharges during 1999. Discretionary parole, though available as a method of release, is rarely used in California. In 1999 more than 99 percent of California's parole discharges had received mandatory parole. When California data are excluded, the success rate for all parole discharges rises to 53 percent (from 42 percent), and the rate for mandatory parolees increases to 64 percent (from 33 percent) in 1999. In states other than California, success rates are found to be higher among prisoners released through mandatory parole than by a parole board.

Nevertheless, the differences in outcomes vary by type of release. Parole boards achieve significantly higher success rates when releasing offenders who have previously violated parole. In 1999 37 percent of discretionary parolees who had been re-released were successful, compared to 17 percent

of mandatory releases. Throughout the decade, success rates among discretionary re-releases were at least twice those of mandatory re-releases.

Half of all revoked parolees returned for technical violations

During 2000 more than 203,000 offenders were returned to prison for parole violations.

Based on interviews of inmates in state prison in 1997, approximately half of those returned annually are technical violators without a new sentence. Among technical violators, seven percent had an arrest for a new offense, 36 percent had a drug violation (including a positive test, possession, or failure to participate in treatment), 50 percent had absconded or failed to report to a parole office, and 40 percent had some other violation of parole (including failure to maintain employment, to pay fines, fees or restitution, having contact with known felons, or possessing a gun). Since violators often have more than one reason for revocation, the total of all reasons exceeded 100 percent

As a consequence of the growing number of admissions for parole violations and the longer length of stay for the most serious of these violators, nearly a quarter of all state inmates in 1997 reported having been on parole at the time of the offense for which they were serving time. Nearly 70 percent of these violators reported having been arrested or convicted of a

new offense. The percent with new offenses was higher among inmates in prison than among those returned each year, due to the longer time served by violators with new offenses.

Findings have implications for prison and paroling authorities

The changing characteristics of offenders entering parole may have important implications for developing policies and programs to adequately assist offenders when they return to the community. Such changes underscore the need to have pre-release treatment programs and adequate follow-up for drug offenders who represent the largest portion of the growth in parole entries. Though the largest source of growth in state prison populations has been the increased numbers of violent offenders entering prison and staying longer once incarcerated, drug offenders represent a major portion of those inmates cycling through prisons annually.

Other changes, including the aging of parole entries, increased

TABLE 3
Percent successful among parole discharges in California and all other states, 1995-1999

YEAR	California	Parole in all other States		
	All Parole	All	Mandatory	Dicretionary
1995	22.7%	52.8%	64.0%	54.2%
1996	23.8%	56.6%	71.6%	55.8%
1997	22.8%	55.9%	67.2%	55.8%
1998	24.3%	54.5%	65.7%	55.2%
1999	25.2%	53.3%	63.9%	53.9%

Note: Based on prisoners with a sentence of more than one year who were released from State prison.

COVER



STORY

length of time in prison, and statutorily-mandated release, have implications for strategies to transition offenders from prison to community supervision. A growing proportion of offenders both in prison and on parole are middle aged. In part, the aging of the prison and parole populations is due to longer lengths of stay in prison combined with higher numbers of returns to prison.

The expected reductions in recidivism due to age are offset by the growing percent of older inmates who previously violated parole. Since mandatory release policies may not permit an assessment of risk when inmates who previously failed are re-released, the risk of failure would be significantly higher for this new group of older inmates. The opportunity to conduct adequate risk assessments is undercut by statutory release requirements that replace the judgments of parole boards.

Regardless of the amount of discretion to determine who gets released and when, parole failure rates remain high and unchanged for nearly a decade. Correctional authorities have relatively little time to address the often complex array of problems inmates bring with them to prison and on to parole. A third of all released prisoners serve 12 months or less. On average, inmates released from prison spend nearly three years incarcerated and about two years on parole. Along with their criminal records, many

have extensive histories of drug and alcohol abuse, mental illness, homelessness, illiteracy, joblessness and domestic violence. These factors are strongly related to success or failure following prison release and must be addressed if parole success rates are to be improved.

Despite efforts to improve public safety through incapacitation and enhanced punishment, the vast majority (95 percent) of today's inmates will be released. While a sudden wave of prison releases is not expected, the number of inmates released annually will continue to grow. Without new efforts and added resources directed to community supervision, the flow back to prison will likely remain steady and troubling.

The report from which this article was derived, *Trends in State Parole*, 1990-2000 (October 2001, NCJ 184735), can be viewed online at: http://www.ojp.usdoj.gov/bjs/. □

Timothy A. Hughes and Doris James Wilson are statisticians at the Bureau of Justice Statistic and work in the Corrections Statistics Program Unit. Allen J. Beck, Ph.D. is the chief of the unit, which is responsible for the collection and analysis of all national-level data on incarcerated and community-based populations.

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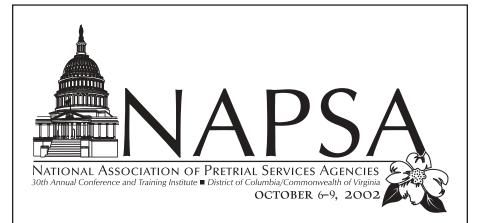
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The National Association of Pretrial Services Agencies' Annual Conference will be held at the Doubletree Hotel in Crystal City, conveniently located near Reagan National Airport.

The conference will offer the opportunity for pretrial service professionals to participate in a variety of educational sessions for all levels of experience. The conference event will be an evening with the comedy troupe *The Capitol Steps*.

Hotel accommodations may be made by calling Doubletree directly at (703) 416-4100 and are \$135 per night. Please be sure to identify yourself as a NAPSA Conference Attendee to receive this rate. The Registration fee for the NAPSA Conference is \$365.

Call Marilyn Walczak with the National Association of Pretrial Services Agencies at (414) 297-9161 or e-mail at marilynwalc@earthlink.net for more information.



THE TERM "COMMUNITY" is finding its way into an everincreasing number of areas of the criminal justice system. Community
corrections, long a staple, has been joined by community probation,
community policing, community prosecution, community courts and
community justice. But while the term may be cropping up with growing
frequency, the concept has yet to be comfortably imbedded in practice.
The community part of community corrections is all too often absent. In
fact, as many practitioners have described these efforts in training sessions
across this country, the experience of trying to include community can
be downright painful. This is not surprising — the term itself is vague.
Criminal justice leadership often feels ambivalent at best, more often
dismissive of the value of including community outreach in the work of
an agency. And neither academic instruction nor professional practice
prepares the probation or parole officer for the experience.

Why bother with community? Because, whether we like it or not, the work of community corrections, in any of its many forms, is becoming virtually impossible to carry out without it. Communities, either directly, or indirectly through their elected representatives, provide the funding and the support that allow successful outcomes. Public understanding and support in an era of tight monies can make the difference between adequate and inadequate operating budgets. Volunteers and collaborations with civic, religious and social service organizations can help stretch shrinking resources. Whether comfortable or not, valued or not, creating linkages with the community is the path to the public's understanding and support, and to the resources so badly needed. The community needs to be part of community corrections.

Mindful of the discomfort that developing those linkages can create, the Center for Community Corrections, with support from the Bureau of Justice Assistance (BJA), has developed a training module designed to help practitioners engage the community in dialogue and collaborative actions. The Center was created in 1987 to promote the overall concept of community-based sanctions, as well as specific program options. The Center is a broad coalition of citizens, researchers, correctional professionals and former public officials representing local, state and federal concerns.

The three authors of the module each bring a different

New Jersey courts (where probation is part of the courts) and ended up as Director of Volunteers, managing the 6,000 members of the public who work as an integral part of the state's justice system. Jude Del Preore became a probation officer, then a Chief Probation Officer, and most recently a Trial Court Administrator in New Jersey. And Margot Lindsay, a former political organizer and member of countless civic boards, became fascinated by the criminal justice system and now helps courts and correctional agencies fashion outreach strategies. All three of us have consulted with a sufficient number of states to see common threads of obstacle and opportunity that appear when engaging the community, threads which we have woven into the training module.

set of experiences. Dianne Robinson volunteered in the

We have come across too many instances of successful collaborations not to believe that the benefits of involvement, despite the time and resources required, outweigh the obstacles. To cite a few examples:

- Businessmen in Texas engage in job fairs for inmates about to be released.
- Social service agency staff in New York State train law enforcement and probation officers in how best to deal with the mentally ill and women offenders.
- Owners of dry cleaning establishments in Alabama contribute unclaimed clothes to a local drug program for offenders to wear to job interviews.
- Volunteers in Washington state, with training and support from the Department of Corrections, help monitor and mentor parolees.

The individuals involved in these efforts come to appreciate the issues surrounding corrections, and turn into effective advocates with the broader public and funding sources.

The training module and the accompanying materials are available without cost to anyone interested. The purpose of this article is to let corrections professionals know of their availability, describe both the elements of the training and the reactions and responses of the participants to the two pilot sessions. The module and materials (as well as monographs on many facets of community corrections) may be obtained either through the Center for Community Corrections' website: community correctionsworks.org., or directly from the Center's office, at 1615 L Street, NW, Suite 1200, Washington, D.C. 20036, where there is a limited supply of hard copies.

The Content of the Training

The four goals of the training are:

- To identify and assess the participants' issues and concerns about community outreach;
- To examine six steps to building successful agency/community relationships;
- To review elements of successful collaborative efforts; and
- To develop individualized plans for a community outreach project.

The hope is that by the end of the session the participants will have seen the usefulness of creating community linkages, will have become comfortable with the idea of pursuing such connections, and will have outlined at least the initial steps they might take to implement their plan upon returning home.

The training takes an entire day, in a room with round tables for six or eight to provide a setting conducive to the highly interactive exercises and discussions of the day. If more than one agency is involved in the training, two or more participants from an agency will make the experience easier to share with colleagues when they return home.

After initial introductions to each other and to the workshop, the participants engage in the following activities:

An analysis of "the community"

"Community" is a vague and amorphous term. By breaking the community into its various component parts – business, education, civic, religious, neighborhood, etc. – the concept becomes clearer and more manageable. By further identifying those segments of the community most relevant to one's particular work, a participant begins to see where linkages might be created that would work to one's advantage.

Many corrections centers, for instance, need job readiness classes. Human resource directors within the business community provide a promising pool of volunteers. Or perhaps the need is for greater access to services, in which case local neighborhood associations, United Ways or board members of service agencies can be useful.

A look at attitudes

A candid admission that community outreach is not everyone's favorite topic sets the stage for this exercise. Through some self analysis and creative imaging, the participants face both their own feelings about working with the community and those of their agency colleagues and leadership. Without an understanding of these dynamics, creating a viable outreach will be difficult.

By drawing pictures of various means of transportation, participants portray the status of their agencies relative to community involvement. In the course of the pilot workshops, one person used a chariot with square wheels to show that efforts were still in the dark ages and going nowhere. Another participant drew a fire truck to show that the community was only engaged to help put out fires symbolic of community issues. One participant used the image of divergent roads to show that program coordinators and agency directors had different goals for community involvement. And yet another participant used the image and description of a bicycle without a seat, indicating that community involvement can be a pain in the rear if done improperly.

Six steps involved in creating successful community relationships

Participants are asked to think of a project involving the community, no matter how modest, which they might undertake. It could be meeting with a neighborhood association on their crime problems or with the director of the Chamber of Commerce to discuss job possibilities. The participants then keep that project in mind as they proceed through a discussion of the following steps:

- 1. Determining the project and its purpose (Defining);
- 2. Preparing one's own organization for the outreach (Selling);
- 3. Selecting and engaging the appropriate segment of the community (*Targeting*);
- 4. Maintaining the interest and participation of all involved in the activity *(Forming)*
- 5. Respecting the process agreed to by the participants as one proceeds *(Norming)*; and
- 6. Developing preventive strategies to minimize barriers (Shaping).

At each step, participants consider how to take their project through that particular phase.

Successful collaboration and plan preparation

The remainder of the training consists of a discussion of likely obstacles in creating connections with the community and brainstorming how to deal with them, a creative exercise in bridge building, a discussion of some successful examples of community collaborations, and, through following a series of questions, the development of at least the first three or four steps of a plan to involve a segment of the community which can be undertaken on returning home.

The plans were designed not only to develop outreach to the community, but also to overcome obstacles likely to be encountered within the agency itself. The plans ranged from creating focus groups to determine community expectations and perceived gaps in services, to broadening existing public education strategies. All the plans emphasized getting out of the office and into face-to-face meetings with the community.

Handouts

Handouts include "A Guide to Productive Partnerships" and a manual entitled *Creating the Community Connection*. The training module and the handouts are available through the Center for Community Corrections either at the website and address mentioned above, or by telephone, 202-778-0770, or fax, 202-463-0078.

Reaction of Participants at the Two Pilot Workshops

The training module was tested in two different states in order to make sure the content was responsive to the needs of potential participants.

...to the content

We received a number of requests for more time to be devoted to two items:

- the obstacles likely to be encountered both within one's own agency and from the public, and
- more examples or models of successful community collaborations or dialogues from around the country which could be replicated.

Participants described very similar barriers that they encountered in their efforts to involve the community in the work of their agency. Some of the more common included:

- Competing and conflicting agency approaches to involvement.
- Lack of funding to support community involvement efforts.
- Agencies too isolated from their communities.
- Too many interagency "turf" issues AKA tribal warfare.
- Expectations for community involvement too broad or unachievable.
- Poor history of following up on community suggestions.

In hindsight, we should have realized the need for more attention to this topic, and we immediately added additional time at our second session for discussion of strategies to deal with the obstacles.

As to the request for models, we are in the process of compiling a list of possibilities. We do have some concern about including too many examples in the training for fear participants will simply take a model or two to try without going through the necessary analysis to ensure a successful adaptation to the particular setting. In the meantime we recommend American Probation and Parole Association's (APPA) splendid book entitled *Restoring Hope through Community Partnerships: The Real Deal in Crime Control.*

Most of the participants had had relatively little exposure to developing community outreach. For them, the level of the content seemed really appropriate. For the handful who had had considerable experience, it seemed somewhat too basic. However, it has been our experience that the frustrations of those who find the content overly simplistic can be overcome by calling on their experiences to help the other participants.

..to the process

Virtually everyone applauded the highly interactive aspect of the workshop. We feel the dialogue is critical to establishing a climate which allows participants to express their true feelings and inhibitions about the subject matter. And apparently it works. When asked the strong features of the training, almost everyone mentioned the interaction. "Felt at ease to comment," "approachable," and "interaction with participants" were typical comments.

..to the concept of community involvement

The workshops and evaluations produced some interesting reactions:

 Several agencies felt this course and its step process should be taught to staff and administrators as a way to overcome staff anxiety and make administrators more realistic regarding community involvement and the length of time required to solidify the commitment.

- Several participants felt brutal honesty was needed. Community members should be briefed upfront regarding their exact roles and the process to be followed.
- Programs should start small and celebrate the small wins.
- When interagency problems occur the steering committee or coordinating council approach should be utilized.
- Lastly, all felt that community outreach was not a quick fix. All felt their agencies needed to be in it for the long run.

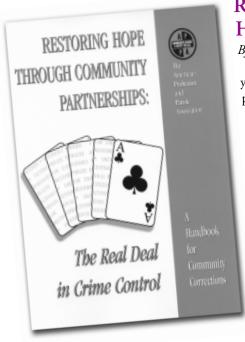
A final suggestion to those who might use the training: There were several requests for handouts of ALL the slides. That might be excessive, but some key ones could be duplicated.

Again, the module is available to anyone interested. And we would welcome examples to add to our store of potential models that could be adapted to the needs of others. Please send them to m-lindsay@worldnet.att.net.

Jude Del Preore is a Court Administrator with the Superior Court of New Jersey. Diane Robinson is a Community Relations Consultant. Margot Lindsay is a Board Member of the National Center for Citizen Participation, U. S. Administration of Justice.



PUBLICATION ANNOUNCEMENT



Restoring Hope Through Community Partnerships: A Handbook for Community Corrections

By Betsy A. Fulton, Ph.D.

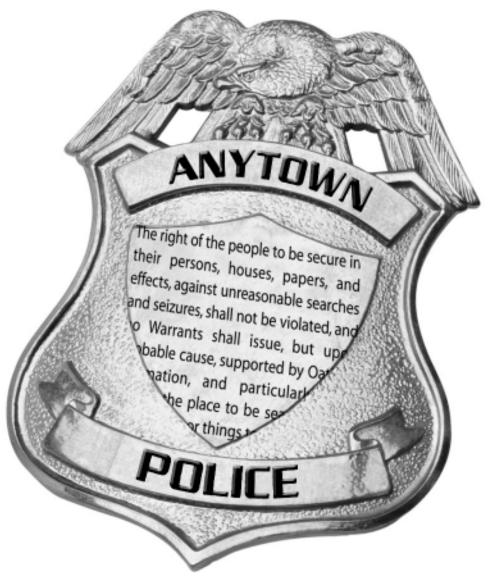
Are you seeking guidance in your community involvement efforts? This handbook will provide you with practical information from agencies and professionals who have successfully achieved a partnership beyond departmental boundaries and into the community.

You will be provided with examples of innovative programs and sample policies and practices that can be adapted to meet your agencies specific needs.

The book is presented in five key sections to help you put your ideas into action:

- Guiding principles provide a conceptual framework for program development and implementation that will lead to successful and long lasting relationships.
- Community involvement as an organizational value examines the Infrastructure necessary for successful community partnerships.
- Effective use of volunteers discusses key processes for recruiting and retaining volunteers and provides examples of various roles volunteers can fulfill within a community corrections agency.
- Program highlights include articles written by community corrections practitioners about programs
 operating in their jurisdictions. These programs were identified through a national search and
 include both traditional and innovative methods for involving the community in community
 corrections.
- Community involvement resources conclude with a listing of organizations that can offer support and guidance to your community involvement efforts.

PUBLICATION ORDER FORM Name: Email: Title: _____ State: _____ Zip Code: ____ Phone: APPA Membership Number: Non-Member Publication Quantity Member Total Restoring Hope Through Community Partnerships: A Handbook \$15.00 \$12.00 for Community Corrections Subtotal Shipping & Handling Charges Shipping & Handling Cost of Order Please Add up to \$15.00..... \$ 5.25 TOTAL \$15.01 to \$30.00...... \$ 7.00 \$30.01 to \$50.00...... \$ 8.50 PAYMENT: \$50.01 to \$75.00...... \$10.00 ____Money Order Cash/Traveler's Checks Personal Check \$75.01 to \$100.00..... \$11.50 Charge to: ____Visa \$100.01 to \$200.00..... \$13.00 ____Master Card ____American Express over \$200.00..... Call Exp. Date Card Number ____ Please mail order form (with payment) to: Signature _____ Date American Probation and Parole Association c/o The Council of State Governments P.O. Box 11910 Checks must be in US dollars and made payable to the American Probation and Parole Lexington, KY 40578-1910 Association FAX at (859) 244-8001



U.S. W. KKIGHTS

Supreme Court Rules on Searches of Probationers by Police

Introduction

The United States Supreme Court has recently upheld the constitutionality of a warrantless search of a probationer's apartment by a police detective, where the search was based on the detective's "reasonable suspicion" that the probationer was engaging in criminal activity. In *U.S. v. Knights*, the Supreme Court reaffirmed that probationers do not enjoy the same degree of constitutional protection against searches or seizures that other citizens do.

This article will first review the rights, in general, of probationers in comparison both to the rights of citizens in the "free world" who are not

under probation supervision and to those of persons in penal incarceration. The article will then review the *Knights* decision and its implications concerning the powers of law enforcement officers to search (or seize) probationers and parolees. The article will conclude by discussing probation searches in the dual contexts of revocation proceedings and prosecutions for new criminal charges. It is the author's view that the *Knights* decision, in addition to furnishing helpful clarification and guidance to law enforcement officers, also reaffirms the message that probation and parole professionals have long been trying to get across to the public at large – that probation and parole enhance public safety by their ability to investigate suspected

general, rules of probation and conditions of supervision may restrict the liberty of probationers to the extent necessary to further the dual purposes of probation supervision assisting the rehabilitation of the probationer on the one hand and monitoring and enforcing the conditions of probation (if necessary through the sanction of probation revocation) on the other.

unlawful behavior and take action against violators, quickly and with relative informality.

The Rights of Probationers in General and with Regard to Search and Seizure in Particular

A. In general

Just as prisoners do not leave all their rights at the prison gate when they begin serving a sentence of imprisonment, probationers similarly do not forfeit all their constitutional rights merely by virtue of their probation status. Probationers (and parolees, whose constitutional rights are virtually identical to those of probationers) occupy an intermediate status, somewhere between the much greater freedom and rights enjoyed by free world citizens and the greatly reduced measure of freedom and constitutional rights for prisoners.

At one time, prisoners incarcerated for commission of a felony were regarded as "slaves of the state," who retained only those few rights that the state, in its grace, saw fit to afford them. Historically, prisoners forfeited their property and the right to sue, thus becoming virtual legal non-persons. The only limitations on the treatment of prisoners were under the Eighth Amendment prohibition against Cruel and Unusual Punishment.

In recent decades, however, the courts came to recognize that prisoners retain certain constitutional rights during incarceration, although necessarily in greatly diminished form. For example, prisoners retain certain First Amendment rights of free speech and exercise of religion, although correctional officials may greatly limit the exercise of these rights in the interest of institutional security. To that end, officials may inspect mail for contraband or escape plans and may regulate or limit prison religious exercises.

In the area of probation and parole, recent decades have seen a number of court cases that similarly flesh out the scope of various constitutional rights of probationers. As one might intuitively expect, probationers have a diminished expectation of privacy in comparison to ordinary citizens, but still a much greater expectation of privacy than do prisoners in the penal environment. Courts have held that the rights of prisoners in most all of their daily activities are necessarily greatly diminished in the penal setting. Probationers and parolees, in contrast, do not retain "the absolute liberty to which every citizen is entitled," but still retain liberty that "includes many of the core values of unqualified liberty" (*Morrissey v. Brewer*, 408 U.S. 471 (1972)). In general, rules of probation and conditions of supervision may restrict the liberty of probationers to the extent necessary to further the dual purposes of probation supervision — assisting the rehabilitation of the probationer on the one hand and monitoring and enforcing the conditions of probation (if necessary through the sanction of probation revocation) on the other.

B. Probationers' Fourth Amendment search and seizure rights.

Two significant United States Supreme Court decisions, *Griffin v. Wisconsin*, 483 U.S. 868 (1987), and now the ruling in *U.S. v. Knights*, go a long way toward defining the extent (or the limitations) of probationers' Fourth Amendment rights. The Fourth Amendment to the United States Constitution prohibits unreasonable searches and seizures. The kinds of searches and seizures courts have found to be reasonable have been different in both the prison setting and in the probation setting, in comparison to searches of free citizens.

To be considered reasonable, and therefore constitutional under the Fourth Amendment, a search of a free citizen's home or property, must usually be justified by probable cause – a strong reason to believe that the search will turn up evidence of criminal activity – and in many situations must also be authorized in advance by a search warrant issued by a judicial officer.

Neither the probable cause requirement nor the warrant requirement, however, applies to searches of prisoners or probationers. Prisoners' cells may be searched without probable cause to believe that they are in violation of prison rules, or even without any lesser degree of individualized suspicion (see, *Hudson v. Palmer*, 468 U.S. 517 (1984)). A typical prison cell "shakedown" may entail a thorough search of a prisoner's cell and belongings for purely preventative purposes, without any personalized suspicion at all. Similarly, prisoners may be subjected to highly intrusive bodily searches without any individualized suspicion.

C. Griffin v. Wisconsin

Probationers, while not subject to such extensive suspicionless searches, do not have the protections of the probable cause and warrant requirements that free citizens enjoy. In

Griffin, probation officers accompanied by police officers, searched a probationer's apartment after receiving information from a police detective that the probationer might have guns in the apartment. The search turned up a gun, which led to both revocation of probation and the probationer's conviction of a new criminal charge of possession of a firearm by a convicted felon.

The Supreme Court affirmed the conviction, rejecting Griffin's contention that the search was unreasonable because it was not based on probable cause or supported by a search warrant. The court determined that a warrant requirement "would interfere to an appreciable degree with the probation system, setting up a magistrate rather than the probation officer as the judge of how close a supervision the probationer requires." In the same vein, the court considered that "the probation regime would also be unduly disrupted by a requirement of probable cause," especially with regard to the probation agency's ability to respond quickly to evidence or suspicion of misconduct by the probationer. Therefore, the court concluded:

In some cases – especially those involving drugs or illegal weapons – the probation agency must be able to act based upon a lesser degree of certainty than the Fourth Amendment would otherwise require in order to intervene before a probationer does damage to himself or society.

The search in *Griffin* was conducted pursuant to a Wisconsin probation regulation that permitted "any probation officer to search a probationer's home without a warrant as long as his supervisor approves and as long as there are *reasonable grounds* to believe the presence of contraband." Compared to a requirement of "probable cause," a much lesser degree of certainty, or probability, will satisfy the requirement of "reasonable grounds" or "reasonable suspicion." The tip from the police detective to the PO in *Griffin* is a good illustration of the kind of information that does not rise to the level of "probable cause" but still furnishes "reasonable suspicion" to search a probationer's residence. It is less than certainty or strong probability, but more than a mere hunch.

Although the *Griffin* case clearly established the authority of *probation officers* to search probationers and their property without a warrant and without full probable cause, later cases in the lower courts were divided as to whether or not a probation condition authorizing *police officers* to search probationers without warrant or probable cause would be constitutionally valid. That issue has now been resolved in the court's recent decision in the *Knights* case.

D. U.S. v. Knights

Mark Knights was on probation in California for a drug offense. The sentencing judge's probation order contained a condition that Knights would submit his "person, property, place of residence, vehicle, personal effects, to search at anytime, with or without a search warrant, warrant of arrest or reasonable cause by any probation officer or law enforcement officer." This condition theoretically amounted to a complete waiver of all of Knights' Fourth Amendment rights to probation and police officers.

Three days after Knights was placed on probation, a power company transformer and adjacent telephone company communications vault were pried open and set on fire, causing over a million dollars in damage. Suspicion for this and other similar recent acts of vandalism fell on Knights because the power company had filed a theft-of-services complaint against Knights for failure to pay his bill, the acts of vandalism had coincided with Knights' court appearance dates on the theft charges, and a sheriff's deputy had stopped Knights and his friend a week earlier near a power company gas line and observed pipes and gasoline in the friend's pickup truck.

After the arson of the power company's transformer, a police detective set up surveillance outside of Knights' apartment. At 3:10 AM, police saw

the friend leave Knights' apartment building carrying three cylindrical items (which police believed to be pipe bombs) and walk across the street to a river bank. The detective then heard three splashes and saw the friend return to his truck without the cylinders. After approaching the truck and observing a Molotov cocktail, explosive items, a gas can and padlocks that had been taken from the transformer vault, the detective decided to search Knights' apartment. The detective was aware of both Knights' probation status and the search condition in Knights' probation order. The search revealed arson materials, ammunition, manuals on chemistry and electrical circuitry, bolt cutters, drug paraphernalia and a brass padlock belonging to the power company.

Knights was arrested and subsequently indicted for conspiracy to commit arson, possession of an unregistered destructive device and for being a felon in possession of ammunition. A Federal District Court judge granted Knights' motion to suppress all the evidence obtained during the search on the ground that the search was for investigatory rather than probationary purposes. The judge's reasoning, which had been shared by some state and federal courts, was that the *Griffin* decision only applied to probation searches but not to investigatory searches by police for evidence of new crimes. After the Ninth Circuit Court of Appeals affirmed the suppression order, the case went to the Supreme Court on the issue of the constitutionality of searches made pursuant to the California probation condition.

In a unanimous opinion written by Chief Justice Rehnquist, the Supreme Court reversed the suppression order, characterizing the reasoning of the lower courts – that a warrantless search of a probationer satisfies the Fourth Amendment only if it is conducted to monitor whether the probationer is complying with probation conditions – as "dubious logic." The court, "examining the totality of the circumstances," determined that the search of Knights' apartment was reasonable under the Fourth Amendment.

Following well established principles from prior Fourth Amendment cases, the court balanced the degree to which the search intruded on Knights' privacy against the degree to which it was "needed for the promotion of legitimate governmental interests." The court acknowledged, "just as other punishments for criminal convictions curtail an offender's freedoms, a court granting probation may impose reasonable conditions that deprive the offender of some freedoms enjoyed by law-abiding citizens." The court found that probationers such as Knights have a diminished expectation of privacy in light of "the very assumption of the institution of probation . . . that the probationer is more likely than the ordinary citizen to violate the law." In support of this conclusion, the court cited statistics from the U.S. Department of Justice Bureau of Justice Statistics to the effect that the recidivism rate of probationers is significantly higher than the general crime rate, and that 43 percent of felons on probation in 17 states were rearrested for a new felony within three years while still on probation.

The Supreme Court stated its rationale for upholding Knights' search condition in terms that should be familiar to any experienced probation or parole officer:

The state has a dual concern with the probationer. On the one hand is the hope that he will successfully complete probation and be integrated back into the community. On the other is the concern, quite justified, that he will be more likely to engage in criminal conduct than an ordinary member of the community. The view of the Court of Appeals in this case would require the state to shut its eyes to the latter concern and concentrate only on the former. But we hold that the Fourth Amendment does not put the state to such a choice. Its interest in apprehending violators of the

probationer who commits a new criminal act is subject to two separate possible sources of criminal jeopardy: possible revocation and incarceration on his original conviction and possible conviction and incarceration on new criminal charges, or both.

criminal law, thereby protecting potential victims of criminal enterprise, may therefore justifiably focus on probationers in a way that it does not on the ordinary citizen.

We hold that the balance of these considerations requires no more than reasonable suspicion to conduct a search of this probationer's house.... Although the Fourth Amendment ordinarily requires the degree of probability embodied in the term "probable cause," a lesser degree satisfies the Constitution when the balance of governmental and private interests makes such a standard reasonable.... When an officer has reasonable suspicion that a probationer subject to a search condition is engaged in criminal activity, there is enough likelihood that criminal conduct is occurring that an intrusion on the probationer's significantly diminished privacy interests is reasonable.

E. Unresolved questions and issues – May probation officers and/or police officers search probationers without any individualized suspicion at all?

The *Knights* and *Griffin* decisions, read together, make clear that a warrantless search of a probationer or his property, pursuant to a rule or condition of probation, need not be based on full probable cause, regardless of whether the search is conducted by the probation officer who supervises the probationer, or by a police officer who is aware of the probationer's status and of the rule or condition requiring the probationer to consent to searches by law enforcement officers. Rather, a search of a probationer will be upheld if there are reasonable grounds to justify it, which is a much less demanding standard than the test of probable cause.

Since it was undisputed in the *Knights* case that the search was supported by reasonable suspicion (it could even be argued that the information known to the detective rose to the higher level of probable cause), the Supreme Court did not need to review every aspect of the broad ranging search-consent condition of Knight's probation. Courts decide cases on the basis of the facts presented, and therefore it was not necessary for the Supreme Court to decide whether or not a search of a probationer by his probation officer or by a police officer based on no individualized suspicion at all would be valid under the Fourth Amendment.

This unresolved question is of importance to probation officials, police officers and probationers alike. Probation and parole officers may routinely perform such acts as inspecting arms for needle tracks, directing probationers to empty their pockets to see if they are carrying a weapon or drugs, and inspecting probationers' residences to see if they are suitable environs for the probationer to live. It remains to be seen whether the courts would impose any requirement of individualized suspicion before such a probation officer may undertake such monitoring actions. In the author's opinion, a court would most likely uphold such actions because they are taken in furtherance of the legitimate purposes of probation supervision, and because probationers' privacy interests are not only diminished in comparison to free citizens, they are outweighed by the interest of the probation department in preventing and detecting violations of probation conditions.

Also unresolved by Knights and Griffin is the question of whether police, knowing that a person is on probation, may search the probationer or his property without any level of probable cause or reasonable suspicion at all.² The court concluded in *Knights* that under the Fourth Amendment, the detective needed "no more than reasonable suspicion to conduct a search of this probationer's house." But would the courts, after Knights, uphold a search based on less than reasonable suspicion? In other words, may a probationer constitutionally be required to waive all Fourth Amendment rights and protections against any law enforcement search, however intrusive or suspicionless that search might be? A police officer's search of a probationer's apartment without reasonable suspicion might present a tougher and closer case to the courts, despite the seemingly all-inclusive language of Knights' "search by any law enforcement officer, with or warrant or without reasonable cause" probation condition. I suspect courts would hold that even though a probationer's expectation of privacy is diminished, it is not extinguished altogether. Therefore, police might still have to meet the requirement of reasonable suspicion before searching a probationer, even though a probation officer might not need any level of individualized suspicion at all before performing routine monitoring functions like those discussed above.

F.Searches and seizures of computers and computer files, documents, hard drives and disks.

The subject of law enforcement searches of computer hardware and software is a hot topic these days. To the extent that a probationer's computer hardware or software may

contain evidence of violation of probation conditions or evidence of new crimes, searches of such items by probation or police officers, based on reasonable suspicion, would seem to be proper under the rationale of the *Griffin* and *Knights* cases. The only way in which such searches might arguably differ from, say, a search of a probationer's car or pants pockets, is the possibility that such searches might impinge on a probationer's First Amendment right of free speech.

Documents containing child pornography (which is clearly illegal), plans to commit terroristic acts, or admissions to the commission of crimes, would not be protected by the First Amendment. However, documents that merely express political or religious views, or are communications to family and friends, and which do not contain any evidence of criminal acts or plans, would be entitled to some First Amendment protection. Lines between protected and unprotected speech may sometimes be difficult to draw, but suffice it to say that in the context of probation searches, the medium in which data is contained (be it computerized or not) should make no difference. Child pornography on a computer disk or downloaded from an internet website is just as unlawful (and subject to search and seizure by probation or police officers) as it is in a magazine.

Probationers, however, do not forfeit all their First Amendment rights, even though like Fourth Amendment rights they may be limited to the extent necessary to carry out the rehabilitative and community protection purposes of probation supervision. What is a reasonable limitation on First Amendment rights may vary considerably from case to case. In the case of a convicted pedophile or child pornography peddler, routine surveillance of the probationer's computer and software, even without suspicion or direct evidence that the probationer has reoffended, would probably be found reasonable and constitutional. Surveillance of a probationer's letters to family and friends, however, might not be found constitutional in the absence of at least some reasonable suspicion that they might contain evidence of a crime or of violation of probation conditions. Once again, it would be the content of the document and the purpose of the search, not the medium in which the document is produced or stored, that would be the critical factor.

Probation Searches, Probation Revocation Proceedings, and Prosecutions for New Crimes

A probationer who commits a new criminal act is subject to two separate possible sources of criminal jeopardy: possible revocation and incarceration on his original conviction and possible conviction and incarceration on new criminal charges, or both. Unlike a criminal trial, where guilt must be proven beyond a reasonable doubt, probation may be revoked on a lower standard of proof, usually "a preponderance of the evidence" (i.e., proof only that it is slightly more likely than not that the probationer violated the conditions of probation – a much less stringent standard than the test of proof beyond a reasonable doubt).

The same evidence obtained from a search or seizure of a probationer may be used in both a probation revocation hearing and a new criminal trial. What if a court were to determine in a new criminal trial that the evidence had been unlawfully seized (for example, if the court were to determine that police or probation officers did not even have reasonable suspicion to search)? In such a situation, the probation revocation proceedings would provide the officers with greater leeway than a criminal trial would. Evidence offered at a criminal trial is subject to the Exclusionary Rule: evidence seized illegally may generally (subject to several exceptions) be excluded from evidence and therefore may not be considered in determining a defendant's guilt or innocence. In the case of *Pennsylvania Board of Probation and Parole v. Scott*, 524 U.S. 357 (1998), however, a

closely divided Supreme Court ruled that the exclusionary rule does not apply in parole revocation hearings. Since constitutional standards governing probation and parole revocation are virtually identical, (see, *Gagnon v. Scarpelli*, 411 U.S. 778 (1973)) evidence that may be excluded in a criminal trial may still be presented at a probation revocation hearing and serve as the basis for revocation. Probation revocation proceedings may thus serve as a safety net to enforce the conditions of probation even in cases where, for whatever reason, the evidence is insufficient to prove the probationer guilty of new criminal charges beyond a reasonable doubt.

Conclusion

The *Knights* decision has brought a greater degree of clarity than previously existed to the subject of searches of probationers. Either a probation officer or a police officer who is aware of a person's status as a probationer and of a condition of supervision that authorizes search by any law enforcement officer, may constitutionally search the probationer or his property based on reasonable suspicion rather than on the more stringent requirement of probable cause.

Given some of the uncertainties that still remain even after *Knights*, however, probation and parole staff should seek advance legal guidance from prosecutors or from agency counsel where possible in situations where they have doubts as to the legality of an intended search.

The Knights decision, in addition to clarifying the law governing search and seizure of probationers, is an affirmation of the public protection role of community supervision. The Supreme Court's opinion acknowledges that probation exists not only to rehabilitate but also to "protect society from future criminal violations." As discussed above, the outcome of this case was based in no small measure on the court's concern that in order for the state effectively apprehend violators of the criminal law, and thereby protecting potential victims of criminal enterprise, it may "justifiably focus on probationers in a way that it does not on the ordinary citizen." What the court is saying (whether it realizes it or not) is that effective community supervision is effective public safety. Through the imposition and enforcement of reasonable conditions of supervision, and through its ability to impose sanctions for misconduct without having to wait for all other the wheels of the criminal justice system to turn, probation (and parole) supervision enhances public protection. It behooves the leaders of our often besieged profession to get this message out to the public, and in this effort, the *Knights* decision cannot but help.

Endnotes

¹ Some courts had held that police officers may not use probation or parole as a "stalking horse," to enable them to conduct a search of a probationer or parolee, without probable cause or warrant, that would have been unlawful if the subject of the search had not been on probation or parole.

 2 The court specifically stated in a footnote, "We do not decide whether the probation condition so diminished, or completely extinguished, Knights's reasonable expectation of privacy (or constituted consent \ldots) that a search by a law enforcement officer without any individualized suspicion would have satisfied the reasonableness requirement of the Fourth Amendment." \Box

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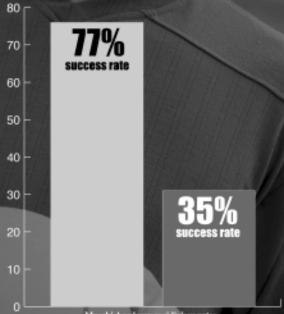
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CALENDAR OF EVENTS

2002-2003

2002		Nov. 3-6	International Community Corrections Association 2002 Annual Conference and Training, "What's New in the New Millennium? What We Know After a Decade of
Sep. 8-11	Annual National Conference on Addiction & Criminal Behavior, St. Louis Marriott Pavilion Hotel, St. Louis,		Research Conferences." Park Plaza Hotel, Boston, MA. Contact (608) 785-0200 or e-mail icca@execpc.com.
	MO. Contact (800) 851-5406 or visit www.gwcinc.com/ncacbmainpg.htm.	Nov. 3-6	Probation Officers Association of Ontario Symposium 2002, Best Western Lamplighter, London, ON. Contact Sue Carey at (519) 337-2365, Gino Franche at (519) 352-
Sep. 9-13	Advanced Crime Mapping and Analysis Course, offered through the National Law Enforcement and Corrections Technology Center and the National Institute of Justice.	Nov. 6-7	5040 or visit www.poao.org. APPA Professional Development Training, "Survival Skills
Sep. 15-16	Contact Danelle DiGiosio at (800) 416-8086. APPA Professional Development Training, "Basic Officer	1107. 0-7	for Middle Managers: <i>Out of the Frying Pan and Into the Fire</i> ," Wichita, KS. Contact Alan Werner, NCTI at (800) 622-1644 ext. 5505.
	Safety," Richmond, VA Contact Karen Dunlap at (850) 244-8211 or visit www.appa-net.org.	Nov. 17-20	New England Council on Crime and Delinquency 63 rd
Sep. 17-19	2002 Restorative Community Justice Conference, Keystone, CO. Contact (720) 904-2322 or visit www.coloradorestorativejustice.org.		Annual Training Institute, Newport Marriott Hotel, Newport, RI. Contact Susan Ellis Sweet at (401) 462-2143 or visit http://neccd.doc.state.vt.us.
Sep. 23-24	APPA Professional Development Training, "Survival Skills for Middle Management: <i>Out of the Frying Pan and Into the Fire</i> ," Austin, TX. Contact Alan Werner, NCTI at (800) 622-1644 ext. 5505.	Nov. 20-22	Advanced Crime Mapping and Analysis Course, offered through the National Law Enforcement and Corrections Technology Center and the National Institute of Justice. Contact Danelle DiGiosio at (800) 416-8086.
Sep. 24-28	7th International Conference on Family Violence, Town & Country Hotel and Convention Center, San Diego, CA. Contact (585) 623-2777, ext. 427 or visit www.fvsai.org.	Nov. 21	Alston Wilkes Society 40 th Annual Meeting and Awards Luncheon, Seawell's Restaurant, Columbia, SC. Contact Betty Mills (803) 799-2490 for tickets or additional information.
Oct. 1-2	APPA Professional Development Training, "Strength-Based Practices for Community Corrections Pratitioners," Phoenix Inn, Bend, OR. Contact Karen Dunlap at (859) 244-8211 or visit www.appa-net.org.	Nov. 22-24	Federation of Families for Children's Mental Health 14 th Annual Conference, Renaissance Hotel, Washington, DC. Contact (919) 477-3677 or e-mail bcfamily@mindspring.com.
Oct. 3-5	National Institute of Justice Fourth Annual National Conference on Science and the Law, Biscayne Bay Marriott Hotel, Miami, FL. Contact (703) 684-5300, e-mail nijpcs@ilj.org or visit www.nijpcs.org/upcoming.htm.	Dec. 8-11	National Institute of Justice Sixth Annual International Crime Mapping Research Conference, Marriott City Center, Denver, CO. Contact (703) 684-5300, e-mail nijpcs@ilj.org or visit www.nijpcs.org/upcoming.htm.
Oct. 6-9	National Association of Pre-trial Services Agencies 13 th Annual Conference and Training Institute, Doubletree Hotel, Arlington, VA. Contact Marilyn Walczak at (414)	Dec. 9-10	APPA Professional Development Training, "Managing Sex Offenders Computer Use," Golden, CO. Contact Karen Dunlap at (859) 244-8211 or e-mail kdunlap@csg.org.
Oct. 7-8	297-9161 or e-mail marilynwalc@earthlink.net. "Treating Addictions in Special Populations: Research Confronts Reality," Binghamton University, Binghamton, NY. Call for proposals and contact information on-line at	Dec. 9-10	APPA Professional Development Training, "Strength-Based Practices for Community Corrections Practitioners," Olathe, KS. Contact Karen Dunlap at (859) 244-8211 or e-mail kdunlap@csg.org.
Oct. 7-12	http://sehd.binghamton.edu/pdr/index.htm. Victims of Severe Violence Meet the Offender, National Restorative Justice Training Institute, University of Minnesota, St. Paul, MN. Visit http://ssw.che.umn.edu/ rjp.	Dec. 11-12	APPA Professional Development Training, "Strength-Based Training II: Motivation and Movement Becoming Change-Focused," Olathe, KS. Contact Karen Dunlap at (859) 244-8211 or e-mail kdunlap@csg.org.
Oct. 15-16	APPA Professional Development Training, "Managing Sex Offenders Computer Use," Golden, CO. Contact Karen Dunlap at (859) 244-8211 or e-mail kdunlap@csg.org.	2003	
Oct. 20-25	International Corrections and Prisons Association 4 th Annual Conference, "Transitions: People, Policies and Practices," NH Golden Tulip Conference Hotel Leewenhorst, Noordwijkerhout, Netherlands. Contact (613) 943-3058 or visit www.icpa.ca.	Jan. 5-8 To	place American Probation and Parole Association, 2003 Winter Training Institute, Grand America Hotel, Salt Lake City Universition (America Hotel), Salt Lake City University (1996), 244-8204 for more information in the Association American Probation and Parole Association PO National Youth Symmitton Preventing Violence, Anaheim
Oct. 28-30	GAINS Center National Conference 2002, San Francisco, CA. Contact (800) 311-GAIN, e-mail gains@prainc.com or visit www.gainsctr.com.	Infor Apr. 3-4 API	P.O. National Youth Summit on Preventing Violence, Anaheim Marriott, Anaheim, E.A. Contact (202) 261-4165 or e- mai Pyotath Som Marriotte, 2020 1 rmation needs to be received no later than four months PA Professional Development Training "Managing Sex Offenders Computer Use, Golden, C.O. Contact Karen Dunlap a
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Apr. 12-15

American Probation and Parole Association 45
Clinical Updates in Correctional Health Care, Anaheim
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Activities at a Clance

Saturday, August 24

9:00 a.m. - 12:00 p.m. APPA Executive Committee Meeting 12:00 p.m. - 5:00 p.m. Institute Registration

Sunday August 25

Suriday, August 2	J
8:00 a.m 9:00 p.m.	Institute Registration
8:30 a.m 5:00 p.m.	Intensive Sessions
8:30 a.m 5:15 p.m.	Special Training – Center for Sex
	Offender Management
1:00 p.m 5:00 p.m.	APPA Board of Directors Meeting
5:00 p.m 6:45 p.m.	Resource Expo Viewing
6:45 p.m 8:30 p.m.	Opening Session
8:30 p.m 10:00 p.m.	Opening Reception in the
-	Resource Expo

Monday, August 26

7:30 a.m 5:00 p.m.	Institute Registration
8:30 a.m 10:00 a.m.	Plenary Session Exclusive
10:00 a.m 11:00 a.m.	Resource ExpoViewing Hours!
11:00 a.m 12:30 p.m.	Workshops
12:30 p.m 1:45 p.m.	Lunch in the Resource Expo
1:45 p.m 3:15 p.m.	Workshops
3:30 p.m 5:00 p.m.	Workshops
4:00 p.m 6:00 p.m.	Resource Expo Viewing
5:00 p.m 6:00 p.m.	Reception in Resource Expo
7:00 p.m 11:00 p.m.	APPA Gala Event, "A Mile High
- *	Experience"

Tuesday August 27

racoday, August E	
8:30 a.m 10:00 a.m.	Workshops
10:00 a.m 12:00 p.m.	Resource Expo Viewing
10:30 a.m 12:00 p.m.	Workshops
12:00 p.m 1:30 p.m.	APPA Membership Luncheon
-	and Meeting
1:45 p.m 3:15 p.m.	Workshops
3:30 p.m 5:00 p.m.	Workshops
4:00 p.m 6:30 p.m.	Resource Expo Viewing
5:00 p.m 6:30 p.m.	Reception in Resource Expo

Wednesday, August 28

9:00 a.m. - 10:30 a.m. Closing Session

Agenda is subject to change.

Intensive Sessions

1. Management Development for Women and Minorities: An Overview

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

2. Community/Faith Based Justice – Volunteers of America Style

Time: 9:00 a.m. – 5:00 p.m.

3. A Community Response to Animal Cruelty, Firesetting and Violence

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

4. Reducing Racial Disparity in the Criminal Justice System: Resources and Tools for Practitioners and Policymakers

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

5. The Interstate Compact – A Whole New Look

Time: 1:00 p.m. – 5:00 p.m.

6. Millennium Training for the Volunteer Coordinator and Manager

Time: 1:00 p.m. – 5:00 p.m.

7. International Experiences in Community Re-entry and in Prison Pastoral Care Development

Time: 1:00 p.m. - 5:00 p.m.

8. Addressing Staff Sexual Misconduct: Prevention and Investigation

Time: 1:00 p.m. - 5:00 p.m.

Featured Sessions

Opening Session

Sunday, August 25, 6:45 p.m.-8:30 p.m.

Speaker

Ed Barlow, Jr.

Aligning Probation and Parole With a Continuum of Change

Plenary Session

Monday, August 26, 8:30 a.m. - 10:00 a.m.

Speaker

William O'Neil

Thinking Outside the Locked Box: A Judicial Perspective

Closing Session

Wednesday, August 28, 9:00 a.m.-10:30 a.m.

Speaker

Alexis Artwohl, PhD

Creating Options in a Crazy World

Registration Information



Your Ticket of Savings!

Delta Air Lines and United Airlines have been selected as the official carriers for the APPA 27th Annual Training Institute in Denver. Both airlines offer *bonus* meeting discounts. To receive the discount, be sure to note the file number for Delta or United when making the reservation.

▲ Delta Air Lines Bonus Discounts!

Discount for tickets purchased more than 60 days in advance: 10% off non-refundable tickets

15% off regular coach tickets

Discount for tickets purchased less than 60 days in advance: 5% off non-refundable tickets

10% off regular coach tickets

Delta Airlines: 1-800-241-6760 Refer to file number: **DMN** 179197A

If confirming reservations directly with your travel agency, please instruct your agent to call Delta to register the reservation under the meeting name of American Probation and Parole Association and refer to file # DMN 179197A to guarantee your discount.

W UNITED Bonus Discounts!

Discount for tickets purchased more than 60 days in advance: 10% off non-refundable tickets

15% off regular coach tickets

Discount for tickets purchased less than 60 days in advance:

5% off non-refundable tickets 10% off regular coach tickets

United Airlines Meeting Plus: 1-800-521-4041.

Refer to ID code: 500LT.



Carlson Wagonlit Travel

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

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

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

Registration Information Payment

Payment in full for all Institute activities must accompany your registration form. Check, money order, VISA, Master Card or American Express are accepted as payment for the Institute's registration fees. Sorry, credit cards or purchase orders will not be accepted as payment for the Gala Event—checks only please. Checks must be made out to the American Probation and Parole Association and payable in U.S. dollars. Payments received in Canadian dollars will be invoiced for the conversion difference plus a \$10 service fee. Registrations postmarked on July 27, 2002 or later are not eligible for the early registration fee and must include the regular registration fee. Agencies required to use a purchase order should submit the registration form with the purchase order in lieu of a check. Invoicing will be processed immediately upon receipt of the purchase order and, in all cases, payment will be due immediately.

Workshops at a Glance

Monday, August 26, 2002

11:00 a.m. – 12:30 p.m.	1:45 p.m. – 3:15 p.m.	3:30 p.m. – 5:00 p.m.
Creative Probation Tactics: What Works and What's Legal	Trail'm Nail'm Jail'm !! Release'm ? Do We Need Police Parole Partnerships?	Community Supervision: Does Culture Matter?
Special Emphasis Training for Probation and Parole Officers: Indicat ors of Elder Abuse	Officer Stress: Critical Incidents and the Impact of 9/11	Identification and Prevention of Community Corrections Officer Stress: Improving Effectiveness and Quality of Work Life
Juvenile Offending and Animal Abuse: Implications for Assessment and Planning (Part 1)	Juvenile Offending and Animal Abuse: Implications for Assessment and Planning (Part 2)	Pretrial Risk: Predicting Defendant Success and Failure
Does Parole Decision Making Really Matter?	Victim Rights: Is it a Good Thing or Just More Work for You?	Releasing the Addicted Offender: Building Community Collaborations
Reducing Minority Youth Over-Representa- tion and Improving Transition Outcomes Through Delivery of Culturally Competent Services	The Harlem Re-Entry Court: Effective Partnerships and Intensive Supervision Still Work	Domestic Violence Supervision: An Integrated Approach
When Prison is Not an Option: Preliminary Results of a Drug Offender Study	What Are They Thinking? Addressing the Risk Factors with Offenders	Psychopaths: Supervising High Risk Predatory Violent Offenders (Part 2)
Collaborative Strategies for Offenders With Mental Illness	Psychopaths: Supervising High Risk Predatory Violent Offenders (Part 1)	An Emphasis on the Hand that Turns the Screw: Assessment Quality Assurance
OxyContin: When A Good Drug Goes Bad	Reach Out Reaches In: Changing the Way Probationers Advance from Jail to Treatment	Developing and Managing Specialized Caseloads
Know Thy Self: Today's Leadership Research in Corrections	The Magic of Creative Training	Seeing Through the Eyes of a Victim
There is a Better Mouse Trap! Can You Learn a New Trick?	Why Do We Need to Know About <i>Ophelia</i> in a Hip-Hop Generation?	

Visit APPA's website at www.appa-net.org for complete workshop and general session descriptions, travel and further information on Institute activities.

48

Workshops at a Glance

Tuesday, August 28, 2002

Tuesday, August 28, 200) 2		
8:30 a.m. – 10:00 a.m.	10:30 a.m. to 12:00 p.m.	1:45 p.m. to 3:15 p.m.	3:30 p.m. to 5:00 p.m.
New Census and Survey of Juvenile Probation	Focused Leadership: The Planning Edge	Developing Learning Organizations in Corrections	Strength-Based Practice: Raising Motivation and Inducing Behavior Change
Best Practices in Officer Safety: Training, Standards and Out- comes (Part 1)	Best Practices in Officer Safety: Training, Standards and Out- comes (Part 2)	It Works! Public/Private Collaboration for Effective Aftercare in the Juvenile Justice System	Developing Research-Based Strategy for Returning Offenders
Project Spotlight: Focusing Resources to Prevent Crime in Texas Neighborhoods	Mother-Child Community Corrections Programming	Restorative Retelling—A Pathway For Recovery (Part 1)	Restorative Retelling—A Pathway For Recovery (Part 2)
Understanding Latino Victims of Crime—Breaking Down the Barriers	Recent Findings From the Bureau of Justice Statistics, Prevalence of Persons Under Supervision	Supervision of Mentally Ill Offenders	An Integrated Approach to Juvenile Justice: Virginia's Model
The Evolution of Sex Offender Treatment (Part 1)	The Evolution of Sex Offender Treatment (Part 2)	Predicting Success and Failure for Sex Offenders	Multi-Systemic Therapy in Indian Country
What's Happening at APPA: Grant Update	Therapeutic Justice: Robes and Rehabilitation	Offender Typologies as an Alternative Classification Approach	It's Not Just Traffic Offense
As Others See Us—Connecting with the Community	Please Wait While I Get a Translator	Psychiatric Assessment and Intervention in Juvenile Justice Settings	Where Were You on September 11? A Parole Agency's Response to the World Trade Center Disaster
Bridging the Gap Between the Mental Health and Juvenile Justice System	Measuring Impact: The Next Challenge for Restorative Justice and Community Justice Initia- tives	A Collaborative Leadership Model for Community and Restorative Justice	Managing Bureaucratic Politics and Organizational Direction Through Leadership
Is Your Department Producing Quality Work? How Do You Know? (Part 1)	Is Your Department Producing Quality Work? How Do You Know? (Part 2)	From Contacts to Results Oriented Processes: Implement- ing a What Works Approach to Community Corrections	Making Sense of Statistics and Program Evaluation Results
	Protective Factors as Predictors of Recidivism	A New Interstate Compact: How Will It Impact Parole and Probation Supervision?	

Lodging Information

Adam's Mark Denver

1550 Court Place Denver, CO 80202 Ph: (303) 893-3333 or 800-444-ADAM (2326)

The Adam's Mark Denver is conveniently located on the 16th Street Pedestrian Mall, with free shuttle service to all downtown shopping, dining and entertainment. All rooms include phones with data ports, voice mail, iron/iron board, hair dryer, oversized work desk, in-room movies, 24-hour room service and more. Guest parking rates start at \$15 per day, and rates are subject to change without notification.

In Denver, the Adam's Mark is your headquarters for 'round-theclock excitement, combining more dining and entertainment choices under one roof than anywhere else in town. At Bravo! Ristorante, enjoy festive Italian cuisine served by professional singers performing Broadway show tunes and opera nightly. Trattoria Colorado invites you to grand buffets, informal dining and a cheerful atmosphere for breakfast, lunch and dinner. For further information, visit their website at www.adamsmark.com.

To Make Reservations

Mail the completed lodging reservation form along with your deposit to the Adam's Mark Denver. Due to the high-anticipated attendance, you are encouraged to make lodging reservations early. All reservations are confirmed on a space-available basis. Check-in time is 3:00 p.m. Check-out time is 12:00 p.m. Room occupancy is not guaranteed for early arrivals.

Note: Questions about accommodations should be directed to the hotel directly. APPA is not responsible for lodging reservations and cannot ensure availability.

Lodging Reservations Form - APPA 27th Annual Training Institute, August 25-28, 2002

In order to receive the special lodging rate for the APPA 27th Annual Training Institute, reservations must be made by July 26, 2002.

3 Ways to Register!



Phone (303) 893-3333 or (800) 444-ADAM (2326) Please state that you are attending the APPA Institute to receive these rates.

Room for person who is vision impaired Room close to elevator, mobility impairment



Fax this form with credit card information to (303) 626-2544



Other Needs:

Mail this form with deposit to: Adam's Mark Denver 1550 Court Place Denver, CO 80202

								Denver,	CO 00202
Lo	\$135 double \$145 triple		Rates Deluxe Double \$125 single \$135 double \$145 triple \$155 quad		Deluxe King \$125 single \$135 double \$145 triple \$155 quad		ncorde Double * \$160 single \$170 double \$180 triple \$190 quad		oncorde King* \$160 single \$170 double \$180 triple \$190 quad
Roon cancellatio may be ch desk upon	Room rates are subject to applicable state and local taxes in effect at the time of check-in. Deposits are refundable if notice of cancellation is received by the Adam's Mark Denver at least 72 hours prior to the date of expected arrival. An early departure fee of \$50 may be charged to guests who check out of the hotel earlier than their scheduled departure. To avoid this charge, please notify the front desk upon check-in of any change in your scheduled departure. *Concorde Club is a concierge level featuring upgraded amenities and services.								
Name:	Last				First				
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Sharing Ro	om with:								
Arrival Dat	re:				Time:		(C	heck in ti	ime is 3:00 p.m.)
Departure	Date:				Time:		(C	heck out	time is 12:00 p.m.)
One night's room deposit is required in order to guarantee your reservation. Hotel will not hold any reservation unless accompanied by a deposit. Charge my: Amer. Express Diners Club VISA MasterCard CarteBlanche Discover									
Credit card	number:						Exp. D	ate:	
Signature:									
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Registration Form

APPA 27th Annual Training Institute • August 25-28, 2002

Please use a photocopy of this form for each registrant. Please print clearly.

t Name: First Name:						
Title:						
Agency/Organization:						
Business Telephone:	Βυ	siness Fax:				
Address: (location where confirmation should be	cont)					
City:State:		:	Zip:			
Email Addresss:						
Registration Fees						
Includes general sessions, exhibit receptions and workshops. (All fees are per person.)	Early Rate Before July 26	On or After July 27	Amo	unt		
Member of APPA or co-sponsoring Assn. \$275 \$320 \$ To qualify for this rate you must be a member of one of the following (please mark those that you hold current membership in) APPA Member - Please indicate your membership category and your membership number. Individual member Agency member Membership #						
Non-member If you are not a member of APPA or or the co-spregistration fee. Memberships will be verified.		\$365 lions, you are re		y the regular		
Intensive Sessions Available only to registrants of Institute. Attended Specify Intensive Session #		\$30 sessions only is	\$ not permitte	d.		
Family Registration This rate is available to immediate family membinto general sessions, exhibit receptions and was Specify Family member's name	ers not employed orkshops. Luncheo	\$50 in the correctio n is not include	ns field. Allov	vs entry		
Luncheon Ticket (August 27) One luncheon ticket is included in full registration a luncheon ticket	\$35 n. Registration fee	\$35 e for family mer		not include		
APPA Membership	\$35 ew Member	\$35 ☐ Renewal	\$	000 4000		
One year of individual membership.	Grand Total		61-16-00-1	000-4020		
	Grana lore	ii Eliciosea	61-16-00-2	2062-4401		
Is this your first attendance at the APF	A Institute?		☐ Yes	□ No		
Please indicate the number of years in community corrections	worked	9 or less	□ 10-24	25 or more		
Payment						
☐ Check Enclosed ☐ Government Purchase	Order Enclosed; PC) # _				
Charge to: ☐ VISA ☐ MasterCard ☐ America						
Card Number:		Expiration Dat	te:			
Signature:		Date:				
 Special Assistance □ Please check if you require special provisions to of needs. 	o fully participate i	n this Institute.	Attach a writt	en description		
Confirmation/Refund Policy A full refund, less a \$50 processing fee, is available	e until August 2, 2	2001. No refun c	ds are availa	ble after		

August 2. In order to receive a refund, written requests must be sent to the APPA Institute, c/o The Council of State Governments, P.O. Box 11910, Lexington, KY 40578-1910 or faxed to (859) 244-8001. All requests for

refunds must be postmarked or faxed by August 3.



Mail this form to: APPA Institute c/o The Council of State Governments P.O. Box 11910 Lexington, KY 40578

or Fax to: (859) 244-8001

To better plan Institution activities, please so following information	itute workshops and supply us with the n.
Job Jurisdiction Federal State County City Private firm/busir Academic Instituti Province Nonprofit organiz Other	on
Primary Work Area Adult Probation & Adult Probation o Adult Parole only Juvenile Probation Juvenile Probation Juvenile Parole/Afi Residential Non-Residential Treatment Provide Academia Other	nly & Parole tercare
Length of Experience Less than 2 years 2-5 years 6-10 years 11-15 years	
Highest Level of Edu Graduate Equivale High School Dipl Associate's Degree Bachelor's Degree Master's Degree Doctorate	ency Diploma(GED)
Geographical Area Urban (population Rural (population	n over 50,000) a under 50,000)
Gender Male Professional Category Line Personnel Commissioner/ Director/Chief Administrator Consultant Trainer Trainer Parole Board Member	☐ Female ☐ Judge ☐ Attorney ☐ Educator/ Researcher ☐ Private Sector/ Corporate ☐ Retired ☐ Student ☐ Other
Race/Ethnicity African American Caucasian Hispanic Mark all Expenses th Registration	☐ Asian ☐ Other at are Reimbursed
☐ Travel-Air Mark Past Attendance	☐ Travel-Ground ☐ Meals e at APPA Annual
Institute ☐ First Time ☐ 2-4 ☐ 5-6	☐ 7-9 ☐ 10 or more

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