

# PERSPECTIVES

the journal of the American Probation and Parole Association

Volume 27

Number 3

Summer 2003



## OPERATION DRUG TEST!

FINDINGS AND IMPLICATIONS FOR PRETRIAL DRUG TESTING

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# PRESIDENT'S MESSAGE

Before beginning to write this message, I reviewed previous messages. As I had hoped in the beginning of my presidency, an underlying theme emerged in each writing: leadership. I have recently been preparing for two separate presentations specifically on leadership. In doing so, I stopped to reflect on my own career and my own views of the styles of leadership I have worked with, and also made a list of how these impacted my career and contributed to my success.

I think the most prevalent aspect of the leaders I have known are those who allow people to succeed by giving them the support they need while allowing them the flexibility and space to create, design and implement ideas. They are allowed to conduct business in the way they thought would contribute to and achieve certain goals and objectives.

Sometimes administrators do not provide their employees the opportunity to demonstrate all of their abilities because they feel the need to micro-manage and interfere regardless of the knowledge and expertise of the individual. What a disservice this person is to an organization. As the author Jim Lundy says in his book, "Lead, Follow or Get out of the Way."

Leaders must recognize and allow employees the opportunity to be creative and be utilized to the fullest extent of their capabilities. By doing so, you have contributed to the success of the individual and the organization. I have been blessed throughout my life and career to have had leaders and mentors who believed in me, supported me and provided me the latitude and flexibility to be successful. These leaders are confident enough in themselves that they allow others to be successful too, understanding this will return to them even greater success.

There are two different types of leaders who love their jobs for different reasons. There are those who love power, control, title and the money; and the other type who chose to be leaders because they love their job, they love doing the right thing and they love themselves and others.

Those of us who have been around for a while have seen the changes over the years in regards to philosophy, laws and policy that is usually driven by money, politics and an ever growing bureaucratic process. What will it take for community corrections to survive?

Many times, as administrations change, so does the focus on priorities. Anxiety runs high, meetings are held, mission statements might be changed, politics are satisfied, and then everyone settles into old or new routines, depending on the environment of the organization.

My hope is that probation and parole and community corrections administrators, through strong leadership, have instilled the core values and ideals in the future leaders of this profession to continue to cultivate success. We must not allow the changes and circumstances of time to prevent our values to deteriorate. We must not allow diminished resources and personnel to cause frustration in our organizations to the point of cynicism and bitterness towards the organization, business and, far worse, the offenders we are responsible for.

To quote a 23-year veteran of probation, whose retirement I recently attended, "The history and mission of probation is to remind the criminal justice system that individual human beings are the recipients of its law, enforcement and sanctions." Hopefully, as leaders, we are all reminded of the very reason we chose this profession. We must maintain all we believe in throughout the most difficult periods of our careers. We must stay focused on doing the right thing each day and meeting the mission of our agencies. By doing this, we are all the strongest of leaders and we will survive.



Kathy Waters

A handwritten signature in cursive script that reads "Kathy Waters".



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## FEATURES



### 22 THE FIRST NATIONAL CENSUS ON JUVENILE PROBATION

*by Stephanie Hancock*

### 24 OPERATION DRUG TEST: FINDINGS AND IMPLICATIONS FOR PRETRIAL DRUG TESTING

*by Susan Turner, Douglas Longshore, Faye Taxman, Adele Harrell, Terry Fayne, James Byrne and Bruce Taylor*

### 36 DWI SYSTEM IMPROVEMENTS FOR DEALING WITH HARD CORE DRINKING DRIVERS: A REPORT ON ADJUDICATION AND SANCTIONING

*by Robyn Robertson and Herb Simpson*

## DEPARTMENTS

### 3 PRESIDENT'S MESSAGE

### 7 EDITOR'S NOTES

### 8 APPA NEWS

### 10 NIC UPDATE

### 12 TECHNOLOGY UPDATE

### 16 SPOTLIGHT ON SAFETY

### 18 COMMITTEE CORNER

### 46 CALENDAR OF EVENTS

## PLUS!

### 9 APPA Professional Development

### 14 Publication Announcement

### 15 Probation, Parole and Community Supervision Officers' Week

### 17 Employment Opportunity

### 21 APPA Corporate Member Roster

### 46 APPA 28th Annual Training Institute – Cleveland, Ohio

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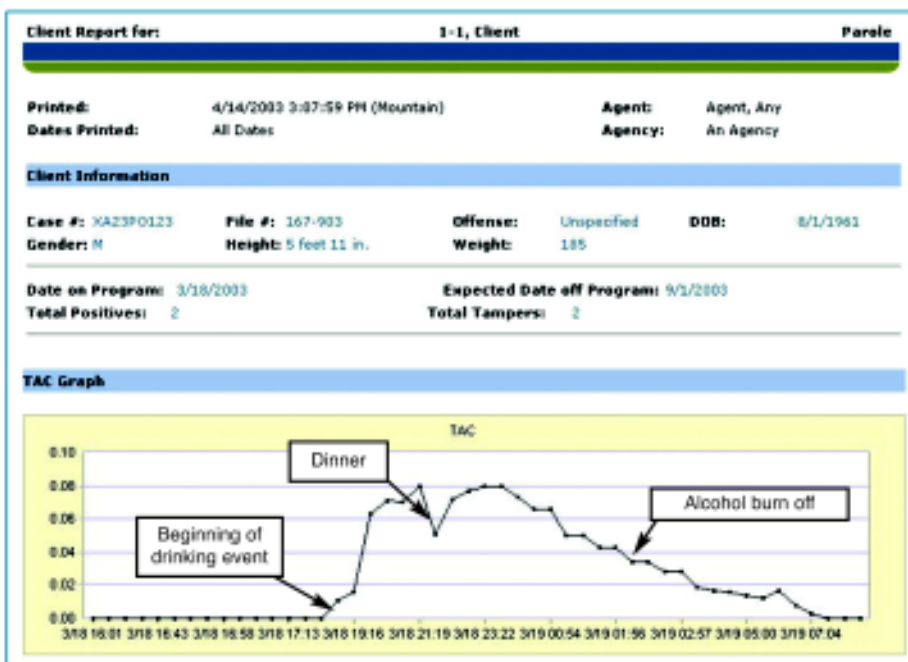
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### *Communications should be addressed to:*

American Probation and Parole Association

c/o The Council of State Governments

P.O. Box 11910, Lexington, KY 40578-1910

Fax: (859) 244-8001, E-mail: [appa@csg.org](mailto:appa@csg.org)

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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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# EDITOR'S NOTES

Welcome to the Summer issue of *Perspectives*. In this issue, we continue to cover a variety of subjects in our field. While this may not qualify as your typical summer beach reading, we hope you find it interesting and informative.

Our lead article describes an innovative drug testing experiment conducted in the pretrial services offices of the federal courts. In probation and parole, we spend an enormous amount of time and money on drug testing. Much of that testing is done at the discretion of the individual officers, with no coherent strategy for who to test, when to test and what to test for. We could certainly be "testing smarter" and this research has some important information for us. After all, if testing can either deter drug use or provide the opportunity to get an offender into treatment (or both), it can be a powerful tool to reduce drug use, and ultimately crime.

Robertson and Simpson's article on dealing with the hard core DUI offender looks at another challenging substance abuse issue, but this time from the perspective of the judges. The survey conducted for this project revealed that the judges ranked the monitoring of sentences as their top priority problem for this type of case. This means where probation is involved with DUI cases, we have a problem! The judges recognized the challenges and limitations of inadequate resources and large caseloads for probation, and called for more contact and better communication between judges and probation officers. I'll second that motion! Reading the article gives you a glimpse behind the bench and provides some sense of the incredibly tough job that judges face when dealing with hard core DUI offenders.

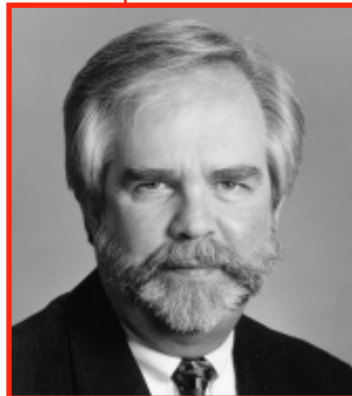
The judicial perspective is also explored by Judge Steve Teske in his report on the work of APPA's Judicial Committee. They are working to accomplish the same goals as are recommended by the judges in the previous article -- communication with judges and education about the theories, models and concepts that support our work. The report discusses two examples of the power of judicial leadership to accomplish good things for probation. I'm sure some of you are aware of other examples of judicial leadership-- be sure to share them with the Committee.

For many years, there has been a huge gap in the national statistical data about probation. There has been no regular collection and reporting of juvenile probation information. That is about to change, and the article on the first national juvenile probation census tells you how. This project will provide a fuller picture of the scale and complexity of our work by describing this key component. Both parts of the project rely on you, the juvenile probation practitioners, to provide the data. I know what a pain surveys are, but this is critical and we need your help.

With this issue, you will note several changes on the list of the Editorial Committee. First, we note with regret the departure of Kermit Humphries from the Committee. With the pressures of his many projects at NIC, Kermit did not feel he was able to fully participate. We will miss him and his insights.

I also have made a change in my professional life. I have retired from New Jersey probation services, and have joined Temple University's Department of Criminal Justice as an Associate Professor and Director of their new Executive Master of Arts Program. This is a very exciting opportunity and I am looking forward to it. I will continue to be active with APPA and *Perspectives*.

As always, we on the Editorial Committee welcome your feedback on *Perspectives*. We hope to see you at the Institute in Cleveland!



**William Burrell**

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Chicago, IL 60611  
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## Resolution on Functional Standards for Automated Case Management Systems for Probation

Whereas, Probation provides a means for promoting public safety by supervising offenders while they live and work in their communities; and

Whereas, Probation agencies across the country gather, compile, analyze, and use massive amounts of data daily to 1) Track offenders' compliance with court ordered conditions, 2) Obtain information on past court appearances for each person on probation and schedule future court activities, 3) Maintain records of payment of offenders' financial obligations, 4) Select interventions appropriate for each offender, and 5) Obtain and share information with other agencies such as police, courts, schools, and treatment providers; and

Whereas, Agency administrators need to quickly retrieve information that helps them assess workloads, measure outcomes, secure funding, make expenditure decisions, and produce reports from aggregate data; and

Whereas, Increased workload and increased record keeping requirements have prompted probation agencies to automate case management systems; and

Whereas, There have been no guidelines or standards to assist probation agencies in the development, implementation, maintenance, or enhancement of automated case management systems with the result that limited availability of shared information among agencies has forced each agency to struggle through an expensive independent development process that included identifying its organizational needs, translating those needs into functional requirements for a case management system, and communicating those needs appropriately to a systems architect.

Now therefore be it resolved that the American Probation and Parole Association hereby endorses and recommends the *Functional Standards for Automated Case Management Systems for Probation* to alleviate the burden faced by probation agencies for individual system development; facilitate dialogue between probation agencies and case management system providers; and encourage conformity in probation automated case management systems.



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### Strength-Based Training Part II: Strength-Based Assessments: Increasing the Resources for Positive Behavior Change

Olathe, KS  
August 6-7, 2003

Bend, OR  
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### Survival Skills For Middle Managers: *Out of the Frying Pan and Into the Fire*

Reno, NV  
February 11-12, 2004

### Results-Driven Management in the Public Sector

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## New Approaches to Staff Safety – Second Edition

The National Institute of Corrections (NIC) has just published the Second Edition of its publication, *New Approaches to Staff Safety*. The document was written by Robert L. Thornton, M.Ed., and its development was coordinated by Project Manager Rick Faulkner of NIC's Community Corrections Division.<sup>1</sup> Critical review was provided by a Project Advisory Committee chaired by Dan Richard Beto, Executive Director of the Correctional Management Institute of Texas.

Recent conversations with Bob Thornton and Rick Faulkner highlighted the document's emphasis on key training issues in the area of staff

safety. The paper is not intended to provide a model curriculum or policy, but to help agencies evaluate the quality of their staff safety training programs and identify training issues that need to be addressed. The publication lists key topics related to staff safety and provides issue-specific discussions focused on each problem.

To supplement the information, the author made site visits and training program contacts in various parts of the country. Information was gathered on the quality of the training provided, the effectiveness of the curriculum in relation to the agency's expressed needs, skill retention and

any training improvements or enhancements that were indicated. The final monograph addresses issues related to legal concerns, the importance of dynamic versus static training, approaches that apply to staff in a variety of field, office and personal environments, the ability to meet agency needs through training, the development of programs with limited resources, and program evaluation.<sup>2</sup>

According to Bob Thornton, the impetus behind the development of a second staff safety training edition was primarily the necessity to address the effects of new resources and technology on the field. Equipment and communication devices have advanced through the years, necessitating different safety-related practices and policies.


While some training and design enhancements have a cost, Bob asserts that most of the issues are connected to a person's mental awareness. Much of an effective safety training program needs to address the ongoing vigilance or alertness of those staff who have been "lulled into complacency." Both Bob and Rick point out that most incidents actually happen during everyday offender contacts; not during special supervision activities. For some of the more costly safety enhancements, it may be possible to reallocate resources by simply reorganizing procedures and conducting everyday office business more efficiently. In addition, partnerships with other agencies, including law enforcement, may lead to resource sharing and efficiencies in case processing and system communication.

Rick and Bob also stress the importance of maintaining a balance in safety-related policy, ensuring the ability to adjust to the requirements of individual situations as they occur. The overall therapeutic role does not need to be compromised, Bob says, in order to preserve staff safety. Staff need to know the backgrounds and profiles of the offenders on their caseloads, however, and need to be aware of the environments surrounding any offender contacts they'll be making – whether the settings are in the field, the home or the office.

Final comments from Bob and Rick emphasize the importance of including real life simulations in any staff training program, the


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BY DOT FAUST

necessity to determine staff job descriptions before policy and training can be addressed, and the effectiveness of training community corrections and law enforcement staff together as a team.

Please note that this publication, along with other safety-related information, can be obtained from NIC's Information Center by checking the web site at [www.nicic.org](http://www.nicic.org) or by contacting Corrections Specialist David Shellner at (800) 877-1461.

## Endotes

<sup>1</sup> Bob Thornton is a retired Supervising U.S. Probation Officer, Western District of Washington. He has served the Institute for the past fifteen years, providing technical assistance in the areas of Officer Safety and Management Development. He is the current chair of the APPA Health & Safety Committee. He is president of his own private consulting company in Tacoma, Washington.

Rick Faulkner is a former U.S. Probation Officer, Eastern District of Virginia, and for the past sixteen years has been a Correctional Program Specialist at NIC, Washington D.C., where he has managed the Institute's programs of Officer and Staff Safety, Executive Orientation for New Chiefs and Networks.

<sup>2</sup> *New Approaches to Staff Safety, Second Edition*, Thornton, Robert L., NIC Accession No. 011356, March 2003, Chapter 1, pp. 2-3. □

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*Dot Faust is a Correction Program Specialist with the NIC Community Corrections Division in Washington, DC.*

# Staff Safety: Additional Comments on the Role of Administration

by Robert L. Thornton, M.Ed.<sup>1</sup>

## RE: Administration's Role

One of the primary challenges is educating administrators regarding the safety issues confronting their officers today. Many administrators have risen through the ranks of a department that has been fortunate enough not to have experienced any serious hazardous duty situations. Thus, coupled with the fact that no central repository exists for hazardous duty information or statistics, they feel there are no real threats to their officers and therefore, considering the numerous fiscal demands of the agency, give safety training and equipment a low priority.

NIC and APPA are working to fill this informational void by researching a means to collect and provide accurate statistical information regarding hazardous duty situations that are experienced by parole and probation and community corrections officers.

## How far have we come?

NIC has played an integral part in providing safety training to numerous agencies across the country, through the Officer Safety Training of Trainers and through individual TA's to requesting agencies.

As a result, numerous agencies have taken a proactive approach to issues of officer safety. They have completed safety audits of the offices and made improvements to increase the safety of all staff. They have formed safety committees to continually evaluate safety issues within the agency and provide needed safety training. The agencies have also taken steps to obtain various types of safety equipment for officers, many times through cooperative efforts with law enforcement and through programs offered by the Department of Justice and other state and local agencies.

## The future of safety training.

Administration and staff need to continue to work together to evaluate the safety needs of their agency and then move toward meeting those training and equipment goals. The first step is to provide safety awareness training to officers and staff. Then, evaluate the equipment needs of staff and provide dynamic safety training regarding the appropriate use of that equipment. Once those steps have been taken, continued safety simulation training, that is, scenario training that puts officers in situations they are likely to encounter in the performance of their duties, needs to be established and conducted on a continuing basis.

As new officers and staff are brought on, they must be provided safety training before being given a full caseload. There have been numerous situations across the country where officers have assumed their duties without first receiving safety training and have gotten into situations where their safety was put in jeopardy, and some have even been physically injured. In reviewing those situations it is apparent that, had the officers had safety training before assuming their duties, they would quite likely have not gotten into those situations and/or been injured.

As agencies enter into "partnership" with law enforcement and other corrections agencies, we must look at the safety issues and training needs. While policies and procedures may be established, only through dynamic team training will all officers learn to function as a team in tactical and high stress situations. All team members must realize the effect the action of one team member has on another. If one member puts himself or herself in an unsafe situation, or commits to a high risk task such as making an arrest or chasing a fleeing offender, his or her actions impact all officers present.

## For those agencies that have Safety Programs in place, what do they need to do?

Those agencies that are fortunate to have progressive safety programs need to share their training and ideas with other agencies. Also, their instructors must continue to stay informed regarding the latest training theories, methods and equipment. Each day, new devices and weapons are uncovered which can be easily concealed and used to harm officers.

Administrators and training instructors must also be "educated consumers" when it comes to selecting training and equipment. Most parole, probation, and community corrections agencies are comprised of diverse staff of varying age, training and physical ability. Training techniques, especially in the area of defensive tactics, must take into consideration the diverse makeup of the officers and provide training that is relevant to the officers and their job tasks.

All agencies and administrators must work to assure that policies and procedures in the safety area are well thought out and do not set up the agency or officer for unnecessary adverse legal or departmental action. Policies and procedures must not create a "critical hesitation" on the part of the officer. When policies conflict with good practices, officers tend to ignore policy. Such a situation does not need to exist. Through continued safety education and training of administrators and instructors, policies, procedures and training can be developed that are concurrently in the best interest of the officer, the agency and the community they serve. In the long term, good training doesn't cost money, it saves money.

## New York City's VOPDAS Program

The role of technology in community corrections is a subject of perspective. Technology can surely help us to better monitor, track and locate offenders in the community, but the work of community corrections is particularly defined by human interaction. As such, one of the best applications of technology, in my mind, is when it allows agencies to handle business processes more efficiently and effectively thereby freeing up staff to work on intervention and effecting change.

The New York City Department of Probation has recently implemented one such innovative application worthy of mention. Violation of Probation Document Assembly System (VOPDAS) is a computer program that produces a violation of probation report. VOPDAS ensures that the up to 11,000 VOP's submitted each year are fully documented, legally sufficient, and ready to be presented in court.

### The Problem

Over the years the departmental process for filing a violation of probation had evolved into a veritable case study in inefficiency. The process was entirely manual, involving several layers of managerial and legal reviews and approvals. All violation specifications, for example, were reviewed and approved by department attorneys regardless of how routine or straightforward the matter was. Including side trips to and from the typing pool, the process could take up to six weeks to complete from writing the violation to filing it in court. Imagine the cumulative time required of probation staff to process 11,000 violations per year. The challenge to the department was to simplify and then automate the business process.

### The Solution

The VOPDAS program was developed by two supervisors from adult supervision and a staff analyst in the Management Analysis and Planning Unit. The project had a stated goal: to produce a legally sufficient Violation of Probation (VOP) document that would capture the expertise of VOP makers in a short time.

Program developers determined that a document assembly system with a complementary expert system was required to meet the goal. The

expert system was built from a variety of sources, but none more important than the experience and expertise of the practitioners in the field. Developers conducted exhaustive interviews with officers, supervisors and attorneys to accumulate the agency's collective knowledge regarding the numerous steps in the violation of probation process. Questions emerged such as "How do you determine if a VOP is appropriate in a particular case?" "What documentation is required?" "What determines legal sufficiency?" "Who decides if the VOP is ready for Court?" "Does the review process vary depending of the violation specification?" All of these questions and many more were asked to gather data on how the work is done and how it can be streamlined. The results of these interviews represented the collective knowledge of the agency and combined with departmental policy and penal law account for much of the data behind the expert system. The knowledge and expertise of department attorneys was captured as well. Working with the attorneys, developers drafted legally sufficient violation specification language templates for each possible type of violation eliminating, in most cases, the need for legal review later in the process.

Using VOPDAS, probation officers in New York City are now guided through the process of creating the violation of probation via a series of questions about the violation, documentation in the case records, probationer and officer actions, departmental policies as applicable to the law in question and so on. Officers are required to answer these questions in a variety of formats such as:

- Data entry, as in "Enter probation case number"
- "Yes/No" as in "Are the Conditions of Probation from a New York State Court?"
- Multiple choice (mutually exclusive) as in "Which borough has jurisdiction?"
- Multiple choice (inclusive) as in "What is the reason for this violation of probation? Check all that apply."
- And, finally, open field narrative as in "What is the probationer's response to the allegations of misconduct?"

VOPDAS then uses "If/Then" logic, and based on the responses, the program displays the appropriate text on the VOP template. Along the way the program provides helpful advice and reminders which may prompt an officer to include additional specifications that he would not have otherwise thought of.

The document assembly element of VOPDAS creates the necessary forms by automatically taking the required information from department documents, penal law and standard technical violation language resulting in quick, uniform report.

### Challenges

Developers report that one of the biggest challenges in creating VOPDAS was dealing with the inevitable differences between the written policies and legal requirements and the actual practices and realities of probation work. To do this, it was necessary to review all departmental policies and procedures and the forms currently in use, integrate all this with the applicable laws, the different conditions of probation which exist in the five boroughs of the city, the knowledge of the experts and present this information in a coherent series of questions. By designing the program in this way, it not only produced VOP's but served as a teaching guide to all the department's supervision policies.

### The Bottom Line

The agency spent approximately \$104,000 for the document assembly system software and license. The design, implementation, training and maintenance were done by the three Department of Probation employees. The impact of the VOPDAS program has been enormous. Close to 500 staff members have been trained and are using VOPDAS. Using the program, an officer can complete a violation of probation in 20 minutes which is a tremendous improvement over the cumbersome procedure of the past that could take up to six weeks. The document is fully formatted, eliminating the need for typists. With few exceptions, there is no need for legal review which frees up attorneys for other work. The violations are stronger and more uniform. In addition, each violation is likely to contain more

BY JOE RUSSO




specifications than before because the expert system is prompting and guiding the officer to include charges that might not have otherwise been considered. Probation supervisors and managers have welcomed VOPDAS enthusiastically.

### Future directions

Developers hope to work on a new version of VOPDAS as a web based system capable of producing reports and retrieve statistics. For example, the number of VOPs, the type of specification used most often, and the category of probationer who is most likely to be violated could be used for planning future case management priorities and policies. Additions and revisions of the penal law and changes of policy and procedures in the department may be added by a simple cut and paste method by any staff member, instead of coding this information manually as is done today by programmers.

For more information about VOPDAS, contact the developers at the New York City Department of Probation who contributed greatly to this article: Andy Jachimczyk (ajachimc@probation.nyc.gov), Bronwen Job

(bjob@probation.nyc.gov) and Ray Lee (leer@hra.nyc.gov).

To learn more 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. 

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*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.*

## Officers Wanted in Iraq

On behalf of the United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, DynCorp Aerospace Operations (UK) Ltd. (DOAL), a CSC Company, is seeking individuals with appropriate experience and expertise to participate in an international effort to re-establish police, justice and prison functions in post-conflict Iraq. Interested applicants must be active duty, retired or recently separated sworn police officers, correctional officers, or experienced judicial experts. U.S. citizenship is required.

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# PUBLICATION ANNOUNCEMENT



## SIN2 OF THE FATHERS

*A Look at the Relationship Between  
Child Abuse and Delinquency*

and treatment, and the promising interventions the author has developed in his day-to-day work with delinquents.  
Published 2003, 230 pages.

### CHALLENGE YOUR ASSUMPTIONS ABOUT THE PATHWAYS TO DELINQUENCY AND LEARN NEW WAYS OF IDENTIFYING AND WORKING WITH ABUSED DELINQUENTS.

Dane Elmar Petersen shares his thirty years of experience working with delinquent youth in *Sins of the Fathers: A Look at the Relationship Between Child Abuse and Delinquency*. This book presents a unique perspective on the pathways to delinquency. *Sins of the Fathers* is a must for correctional staff, probation and parole practitioners, social service providers, educators and treatment professionals working with juveniles, and is certainly relevant to how we intervene with adults as well. It presents the reader with new typologies, observations on interventions

*"As a juvenile justice practitioner and in my work with victims of crime, I have always found it heart-wrenching to listen to memories of abuse. The pain of child abuse is simply beyond words - except when it is the child's words. As a practitioner, I have always found it difficult to balance the harm that a juvenile offender has caused by his or her acts and the harm that may have been done to him or her as a victim of abuse. Dane Petersen brings a new perspective to juvenile justice practitioners who face this dilemma. His perspective, though, is from the youth involved in the abuse. And, the reader should be warned, it is difficult to read their stories describing that abuse. This information, when coupled with information we have about normal adolescent development, provides insights that can improve the work of juvenile justice practitioners in both correctional and community settings."*

— Cherlyn (Cherie) K. Townsend, Juvenile Justice Committee Chair, American Probation and Parole Association

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# Probation, Parole and Community Supervision Officers' Week

## July 13-19, 2003

### Making a Difference for our Communities!

The American Probation and Parole Association (APPA) proudly promotes the 4th anniversary of Probation, Parole & Community Supervision Offices' Week. This year's observance will be July 13-19, 2003. APPA began this week to elevate the recognition these officers need and deserve as key partners in ensuring public safety.

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.

The work performed by these officers has become multifaceted over the years. Their work goes beyond the supervision and surveillance of offenders. It has expanded to: working with victims in a much more involved capacity to ensure restorative justice principles are addressed, they work with treatment providers, they are involved with community and neighborhood groups, collaboration with faith-based organizations, participating in crime prevention initiatives, mentoring programs and facilitating internal programs and services. All this is done to ensure the highest level of public safety.

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, cookouts, and proclamations from governors and mayors.

Each year APPA provides a free online media kit and this year is no exception. The kit includes 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 agency's website, history articles on probation and parole, posters, brochures "Probation 101" and "Parole 101." These brochures can be given out to civic groups, the media, at community events, businesses, schools, and libraries. They are an excellent way to educate and increase your community's awareness of the officers in your community. New additions to this year's media kit are bookmarks, postcards, bumper stickers, letterhead and a power point presentation.


You can access the media kit from APPA's website at [www.appa-net.org](http://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](mailto: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, M.S.W., is the Public Relations and Information Coordinator at the American Probation and Parole Association in Lexington, Kentucky.*


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BY KAREN FULLER

# SPOTLIGHT ON SAFETY

## New Types of Clandestine Labs Hard to Detect but Dangerous When Found

Increasingly, officers are discovering clandestine drug production laboratories during home contacts and during searches. Two new types of easily hidden and potentially dangerous labs are being found with greater frequency. These new labs are referred to as "Nazi Cold Labs" and "G.H.B. Kitchen Optimized Synthesis Labs."

Nazi Cold Labs (also called the Nazi Method or the Cold Method) use a technique for methamphetamine production that is hard to detect. The method is relatively simple and in an attempt to disguise the lab, offenders use seemingly innocuous household items to replace the standard chemical glassware, storage containers and other laboratory equipment. Once the synthesis is

initiated, the reaction is completed in approximately ten minutes and the entire process takes between two and three hours. This method has proven effective in producing 90 percent pure methamphetamine. The technique utilizes ephedrine reduction, and officers should consider the presence of the following substances as red-flag indicators of a Nazi type lab.

- Ephedrine/pseudo-ephedrine
- Solvents (denatured alcohol, Coleman fuel)
- Anhydrous ammonia
- Sodium or lithium metal
- Hydrogen chloride gas (table salt and sulfuric acid)

Officers should be aware of the following dangers associated with this type of methamphetamine production:

- Fire and explosion (solvents)
- Inhalation of dangerous fumes (perhaps while opening normal-appearing or mislabeled containers)
- Spontaneous combustion of sodium and/or lithium metal when exposed to water.

Of special interest to those that supervise sex offenders is the GHB (Gamma-hydroxybutyrate) Kitchen Optimized Synthesis Laboratory. GHB is a powerful central nervous system depressant that has become very popular in today's culture.

BY ROBERT L. THORNTON

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GHB is usually found in liquid form and can produce a highly intoxicated state. Death as a result of overdose can occur. The drug is popular as a chemical utilized by sexual predators to incapacitate their victims. The production is simple, requiring only minutes to successfully complete. Officers should be aware of the following substances in conjunction with this type of clandestine laboratory:

- GBL (gamma-butyrolactone)
- Sodium hydroxide (drain cleaner)
- Citric acid
- Charcoal
- Ph paper

The dangers posed by this type of drug production include site contamination as a result of improper chemical management, chemical fire and burns related to chemicals.

Clandestine labs always present a significant danger to officers. These two types of labs are especially dangerous as they are easily concealed and use items easily obtained and seemingly innocuous when found individually. Officers must continue to be observant and immediately request assistance from law enforcement when items associated with clandestine laboratories are discovered. □

*Robert L. Thornton is the Director of the Community Corrections Institute in Eatonville, WA and chair of the APPA Health and Safety Committee.*

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Date	Action	Begin	End	Duration	Mileage	Miles (Total)	Location
04/23/2003	Power On	08:57:30	-	-	-	-	-
04/23/2003	Stop	09:07:00	11:00:00	00:53:00	-	-	10700 - 8700 STEWARTS DR
04/23/2003	Ignition	11:11:00	1:00:00	00:49:00	9.3	45.0	-
04/23/2003	Stop	1:00:00	1:00:00	00:00:00	-	-	10800 - 8800 STEWARTS DR 10000 - 8800 STEWARTS DR
04/23/2003	Ignition	1:00:00	1:00:00	00:00:00	-	-	-
04/23/2003	Stop	1:00:00	1:00:00	00:00:00	-	-	-

**Summary Statistics:**

Total stop time (minutes)	00:00:00
Number of stops	3
Average stop time (minutes)	01:00
Maximum stop time (minutes)	01:00
Minimum stop time (minutes)	00:00
Total duration of all stops (minutes)	00:00:00
Number of ignitions	2
Average in-ignition time (minutes)	00:00
Maximum in-ignition time (minutes)	00:00
Minimum in-ignition time (minutes)	00:00
Total distance traveled (miles)	9.3
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## JOB ANNOUNCEMENT

### CHIEF ADULT PROBATION OFFICER

### BEXAR COUNTY, TEXAS

The Criminal District Court Judges of Bexar County are soliciting applications for Chief of the Community Supervision and Corrections Department, responsible for the operation of the county adult probation department and supervision of 400+ employees.

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## The APPA Judicial Committee: Bridging the Gap

It is not uncommon to hear probation staff describe a judicial philosophy of offender sentencing and treatment that is incongruent with the approach to sanctioning and treatment adopted by the probation agency. I heard this concern expressed by many line staff while attending a judicial forum sponsored by the APPA's Judicial Committee at the 26th Annual Training Institute in St. Paul, Minnesota. The forum was well attended by judges and probation officers from many states and served as a neutral setting to discuss, among other items of interest, the intricate and multifarious reasons for the schism often experienced between the judiciary and community correction agencies in the approach to offender treatment. Despite the considerable influence of the judiciary to bring about change in the sentencing and treatment of offenders, community corrections practitioners often express dismay in the failure of the judiciary to effect change that is grounded in the "what works" literature in corrections.

It became apparent to me during the forum in St. Paul, and has been confirmed by my discussions with judicial colleagues and probation staff from around the country, that it is not a lack of judicial desire to engage a "best practices" approach to sentencing and supervision, but rather a lack of knowledge among many in the judiciary of the "what works" literature. Notwithstanding the political forces that occasionally impact policy-making within the judiciary, judges are very serious about imposing sentences that will produce positive change in a probationer. Here lies the challenge! How do we bring the "what works" literature in community corrections to the judiciary in a manner that it will be received and utilized, promoting the type of change that equips probation staff with the tools and resources to protect the community and combat recidivism?

This article will explore those characteristics of the judicial culture that may contribute to this gap and suggest how it may be overcome using strategies to bring the "what works" information to judges. Finally, this article will discuss how judicial awareness of the "what works" literature can empower judicial leadership to improve probation supervision.

### The Critical Role of Judges

APPA's vision statement that seeks "to create a system of Community Justice where ... partnerships with stakeholders lead to shared ownership of our vision."<sup>1</sup> Judges are clearly stakeholders in the system of community justice and share a common goal with probation to reduce recidivism. However, the means employed by each stakeholder to achieve this common goal may lead down different paths that may, at times, conflict. For example, many judges who subscribe to an unadulterated retributive or "just desserts" model of sentencing are sincere in their belief that a punitive approach to probation supervision will reduce recidivism. Given their background, why should judges consider a different approach? After all, judges are indoctrinated with legal principles beginning in law school and continuing throughout their legal career with minimal, if any, exposure to studies on effective correctional or community justice strategies. Consequently, most judges take the bench without having ever heard of the terms "risk classification," "needs assessment," "responsivity," "balance approach," "restorative justice," "intermediate sanctions," and other principles included in the "what works" literature.

Alan T. Harland and Wayne N. Welsh, in addressing the gap between possessing the "what works" knowledge and implementing it, observe that the task of processing the information is "obviously an interdisciplinary one." Yet a significant role is being played by professionals with very much a single discipline background—the law. The irony of this situation is that the varied facets of the "what works" information, which require an understanding "... of research methods, statistics, psychology and psychiatry, and system and community program resources, are generally topics on which law school and continuing education courses for lawyers rarely focus."<sup>2</sup> Harland and Welsh rightly conclude that "it is obviously unreasonable for a sentencing judge, or any other individual to possess complete mastery of all of the other various disciplines and issue areas. As a result, it should be apparent to all but the most omniscient of judges and other sentencing officials that they need and deserve all the help and guidance they can muster, from each

other and from all other relevant information sources."<sup>3</sup> Judicial perspectives toward sentencing of offenders or the supervision of probationers will not change until judges are introduced to the body of research found in the "what works" literature and exposed to the exchange of ideas between all stakeholders of community justice.

### The Role of the APPA Judicial Committee

The Judicial Committee's role is to act as liaison between the judicial and probation communities and develop a partnership between the two that advances the shared vision of community protection through "humane, effective and individualized sentences for offenders, and support and protection for victims."<sup>4</sup> Recognizing that judges and probation officers should share a common vision of community protection, the Judicial Committee has developed varied strategies to bridge the gap between the two groups on how to accomplish the vision.

The primary objective of these strategies is to educate judges on effective community supervision techniques that include the discussion of the "Broken Windows" model of probation<sup>5</sup> and the "what works" literature. Judges expect their probation departments to supervise and treat offenders in a manner that will ensure community protection. But judges can do more for their departments if they understand what supervision strategies are the most effective in accomplishing this vision. Judges have a legal, ethical and moral obligation to the community to support their probation departments in obtaining the resources that will enable them to implement the strategies necessary to accomplish community protection. This will not occur unless judges gain a working knowledge of the state-of-the-art information.

To accomplish this objective, the committee has begun work on a bench book for judges that include an "Effective Probation Strategies" section. The bench book will expose judges to valid supervision and treatment strategies that will aid in community protection. Once complete, the bench book will be made available on APPA's website for wider distribution. In addition to the bench book, the committee is developing training workshops that bring together the judicial and

BY STEVEN TESKE

probation perspectives. Whether it involves family violence, creative sentencing for adults and youth, or the use of detention assessments and risk classification systems, the judges will be afforded an opportunity to receive continuing judicial credits in accordance with the rules of their respective administrative judicial agency. More judicial forums will be planned to provide probation officers and judges the opportunity to discuss their perspectives and work on bridging the gap.

### The Impact of Judicial Leadership in Community Justice: Some Examples

Fortunately, there are several examples of judges and court systems embracing the state-of-the-art information about probation and community justice, with positive results. These examples (and there may well be others) will help to support efforts to bring more judges into the dialogue which can help initiate this critical change.

Colorado is one of several examples of how a judiciary informed about the "best practices" in community supervision can support a probation department that stays on the cutting edge of supervision strategies and techniques. The Colorado Division of Probation Services provides for "effective evaluation and offender assessment assisting the court in sentencing offenders to the most appropriate sanction and treatment program" and "services that directly address the reduction in criminal behavior."<sup>6</sup> The probation division prescribes a system of risk classification and needs assessment as well as offender treatment and programming that has been shown to reduce recidivism. The implementation of these strategies is easier and more likely to be successful when the judicial leadership is informed and supportive, as in Colorado. In 1999, the Chief Justice of the Colorado Supreme Court issued a directive creating a probation advisory committee to facilitate communications between judges and probation administrators. The directive further required that probationers be supervised in accordance with the principle of risk of re-offending.<sup>7</sup> The lives of community justice practitioners would be much easier if their judiciary subscribed to the "what works" literature as in Colorado.


Bringing the "what works" strategies to my jurisdiction has proven delightful with the open-mindedness of my colleagues on the bench. Unlike me, they did not have a community justice practitioner background. However, their exposure to the "what works" literature was a catalyst in the decision that our court had to reinvent the way we made detention decisions and provided probation supervision. With the development and application of a detention screening

instrument, identification of alternative detention resources, and the creation of a community board to assist in detention decision-making, we have reduced our daily juvenile detention population from over 100 to approximately 25 without sacrificing community protection. Our probation services have been transformed from "fortress" to "neighborhood" style of supervision with the advent of a risk classification system, satellite offices and expanded collaboration with neighborhoods, schools and community groups and agencies. Probationers are assessed and matched with programs based on the principles of risk, need and responsivity as described in the "what works" literature. The judges have imposed a system of graduated sanctions to provide for an immediate and proportionate response to technical violations.

Through grant funding, the court has added surveillance officers to conduct nighttime contacts with probationers to ensure strict enforcement of probation conditions. The exposure of the judges to the "what works" literature as well as the common sense strategies of the "Broken Windows" Model has resulted in myriad changes improving the effectiveness of sentencing and probation in the community. Without judicial support, these innovative crime reduction and community protection techniques would not have occurred.

### Summary and Conclusions

Judges are stakeholders in the community justice system, and they can make or break the effectiveness of probation, especially in jurisdictions where probation is under the control



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Although the name of our association may suggest that we represent only probation and parole practitioners, we must remember that our vision addresses all stakeholders in community justice.

## Endnotes

<sup>2</sup>Harland, A.T. and Welsh, W.N.. 1999. "Toward the Strategic Management of Correctional Innovation" Putting 'What Works' Information to Work." in *Research to Results: Effective Community Corrections.*, edited by P.M. Harris. Lanham, MD: ACA and ICCA. Pg 115. Date?

<sup>5</sup> *Reinventing Probation Council, Transforming*

<sup>8</sup> Arthur, L.G. "Punishment Doesn't Work!" in *Juvenile and Family Court Journal*, (Summer, 2000). Pp. 37 

For more information about the committee, please contact the co-chairs: Judge Larry Gist at 409-835-8506 or Janis Bane at 713-220-8910.

For information about APPA's assistance in processing continuing judicial education credit, please call Karen Dunlap at 859-244-8000.

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Email: monica.hook@bi.com  
Website: www.bi.com



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President  
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Phoenix, AZ 85004-1534  
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Fax: (602) 252-4736  
Email: gbushkin@NCTI.org  
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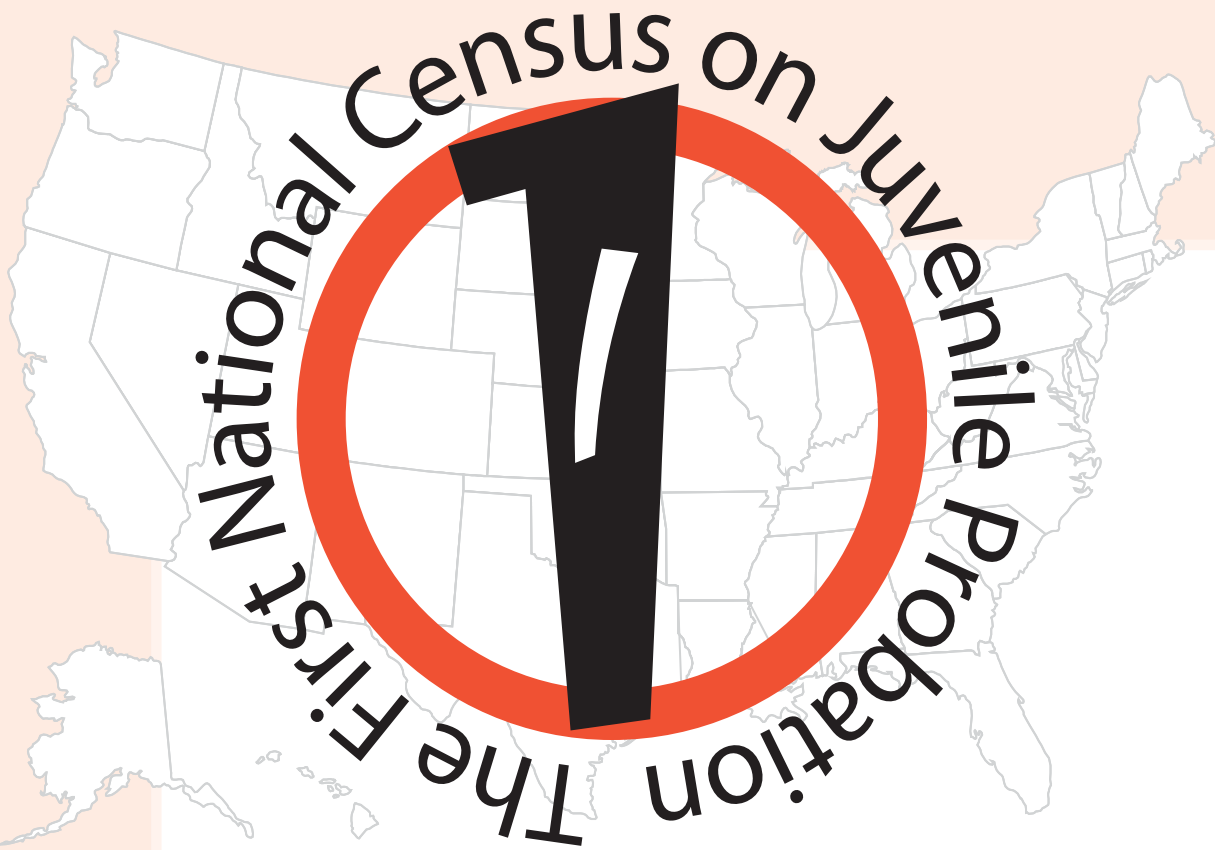


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Email: smeeks@csg.org



# The First National Census on Juvenile Probation

Since 1982, national statistics on adult probation and parole have been available from the annual bulletin from the Bureau of Justice Statistics (BJS). Periodically, descriptions of the structure and organization of adult probation agencies have been published by the National Institute of Corrections. However, there is no comparable information on juvenile probation. Neither the statistical or organizational information has been regularly available for juvenile probation. This represents a critical gap in our understanding of the dimensions of probation and the juvenile justice systems of the states.

## OJJDP Addresses Gap in Juvenile Probation Statistics

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is initiating a new dimension of study by collecting national data on juvenile probation. Since probation offices handle the majority of juveniles in the justice system, it is imperative that we learn more about this population. OJJDP and researchers from George Mason University are developing two new censuses: the Census of Juvenile Probation Supervision Offices and the Census of Juveniles on Probation.

Why is it important to conduct this type of census? And why should probation practitioners care? First, the role of juvenile probation is very complex and differs greatly from one jurisdiction to the next. Of all of the populations and agencies in the justice system, the one that is the least studied is juvenile probation. Currently, we do not have the data to provide a national description of juvenile probation, to properly account for the size of the juvenile probation population, or to make comparisons from one probation office to another. Practitioners, policy makers and researchers alike will benefit from a better understanding of juvenile probation. The census will provide insight into the types of services that are available across the country to juveniles on probation, the processing options that are available for certain types of crimes, the size of caseloads and how they differ from one jurisdiction to another, the types of juveniles in the system, and the community partnerships and prevention programming that are offered by probation agencies.

From this data collection effort, OJJDP plans to meet its goal of having reliable and accessible data that would describe juvenile probation nationally, allow for comparisons among juvenile probation offices, and allow for self-evaluation of probation offices. The censuses will be an on-going data collection effort, and with the help of respondents like you, it will be possible to track the trends in juvenile probation over time.

BY STEPHANIE HANCOCK

## Project Background

Recognizing the gap in juvenile justice statistics, OJJDP explored the feasibility of a national data collection on juveniles and sought information to determine which topics were most relevant and beneficial to study. We have completed the first three phases of study and are currently planning the initial data collection of the Census of Juvenile Probation Supervision Offices. In order to get to this stage of the census development, we have relied on the help of probation offices around the country to gain information regarding how probation offices operate, the different types of issues and challenges that probation offices face, and the different services that probation offices provide in order to best serve the juvenile population and the communities within which these juveniles reside. After the initial gathering of information, we have identified many issues that are important to policy makers and practitioners, and have used these issues to draft questionnaires that we will mail out to a randomly selected group of probation offices this summer.

In August 2002, we presented our current findings at the APPA's 27th Training Institute in Denver, Colorado to bring awareness to our study and its purpose and to gain more insight from potential respondents. The reaction to the presentation was positive, and we have gained more practical knowledge from the experience. We have made additions and alterations based on the responses from those individuals in attendance.

## Two Censuses


Our data collection effort is composed of two parts, one being the Census of Juvenile Probation Supervision Offices and the other being the Census of Juveniles on Probation. The Census of Juvenile Probation Supervision Offices will ultimately be mailed to every probation office in the country. Our initial data collection is scheduled for the summer of 2003, as we completed a successful round of localized testing of the form in the spring. The topics included in this census are: the size of the juvenile probation population, including both the number of juveniles on formal and informal probation; the number and the name of the geographic area served; the non-court and court-ordered processing options available for given scenarios; the monitoring, sanctioning and treatment options available for informal, formal and intensive supervision probation; the methods used for formulating probation plans

for the juveniles; and the partnerships that the probation agency is involved in with the community and other governmental agencies.

The Census of Juveniles on Probation will ask probation offices to provide a listing of all juveniles on formal probation on a specified reference day. This will also ask for the juveniles' age, race, sex and most serious offense. This census will be very helpful in allowing probation offices to compare populations and will provide an accurate description of juveniles on probation across the nation. This data collection effort is more difficult, and we understand the size of the task. However, the diversification of the juvenile probation system makes it difficult to compare across agencies and jurisdictions. A standardized method of data collection will help determine if agencies are handling the same type of populations, regardless of the terminology they use to describe it.

## We Need Your Help

We hope that you can visualize the end result that we have in mind. The ability to describe juvenile probation accurately across the nation will open doors to new methods of comparison and evaluation and will provide the basis for further studies into the juvenile probation population. We appreciate all of the help that our respondents have given us and are looking forward to seeing the results of our initial data collection this summer. OJJDP will be continuing to provide updates regarding our research and will be attending upcoming APPA institutes to present the most recent results and to receive feedback based on your experiences with our census forms. The Census of Juvenile Probation Supervision Offices (CJPSO) will be in the field this summer (2003). The Census Bureau will be collecting and disseminating the data. For this initial data collection, not all probation offices will receive the CJPSO as respondents will be randomly selected. We expect the CJPSO to be in field to all offices by April 2004. The initial data collection of the Census of Juveniles on Probation will likely be in the summer of 2005 and will be in the field in 2006.

If you have any questions, comments, or concerns you may contact the George Mason University Researchers at (703) 993-4707. 

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*Stephanie Hancock is a Researcher at George Mason University in Fairfax, Virginia.*



The background of the entire page is a dense, out-of-focus field of various pills and capsules in shades of red, pink, and white, creating a bokeh effect.

# OPERATION DRUG TEST!

FINDINGS AND IMPLICATIONS FOR PRETRIAL DRUG TESTING

BY SUSAN TURNER, PH.D, DOUGLAS LONGSHORE, PH.D, FAYE TAXMAN, ADELE HARRELL,  
TERRY FAYNE, JAMES BYRNE AND BRUCE TAYLOR



## INTRODUCTION

Though not necessarily responsible for initiating criminal careers, use of illegal drugs is a crime “multiplier” (Lurigio & Swartz, 1999; Murray, 1992; Speckart & Anglin, 1986). It tends to “freeze users into patterns of criminality that are more acute, dynamic, unremitting and enduring than those of other offenders” (Inciardi, Lockwood, & Quinlan, 1993). Cognizant of the close link between crime and drug use, criminal justice agencies place high priority on interventions designed to combat drug use among persons under their supervision. Such interventions are often a “carrot and stick” blend of monitoring via drug testing, sanctions for drug use, and mandated treatment if necessary.

Operation Drug Test (ODT) is an intervention featuring drug testing; sanctions for drug use; and treatment, as needed, for defendants under pretrial supervision. (We employ the term commonly used, “defendants,” to refer to persons at the pretrial stage, even though some are not later charged with an offense.) Implementation of ODT began in fiscal 1997 in 25 of the 94 federal judicial districts in the United States. ODT’s most distinctive feature is the initial test. In most but not all districts, pretrial staff are to collect a urine specimen from each defendant who voluntarily provides it, perform an immediate drug test, and report the test result to the court in time for the defendant’s first court appearance. ODT also supports surveillance tests of defendants released with a requirement to submit to further drug testing while under pretrial supervision. In our evaluation of ODT, we examined drug testing, sanctioning and treatment patterns in 24 of the original ODT districts. (One of the original 25 dropped out of ODT soon after our evaluation began.) We also drew conclusions regarding further program development in ODT and derived implications for pretrial drug testing.

## BACKGROUND

### *Drug Testing*

Drug testing — alone or in combination with treatment — may serve several purposes related to supervision of persons in the community (i.e., those on pretrial release, probation or parole). First, drug testing enables criminal justice to monitor a behavior often associated with greater risk of re-offending. Second, drug test results can, under some circumstances, be used in court as evidence. Third, compared to the alternative of relying on other information by which to detect drug use (e.g., offender self-reports, observation of symptoms or informant reports), drug testing reduces ambiguity in supervising and sanctioning. Finally, drug test results can serve as part of needs assessment and service planning for persons referred to treatment.

### *Pretrial Drug Testing*

Pretrial drug testing is intended to detect drug use by defendants during the time between arrest and case disposition. In contrast, pre-sentence drug testing occurs between case disposition and sentencing (most often between a guilty plea and imposition of a sentence). This distinction is significant. Pretrial testing begins before a defendant has pled or been found guilty and sometimes begins even before a formal charge has been filed. Test results cannot be introduced as evidence against the defendant or considered at case disposition unless the defendant has agreed to enter a pre-plea diversion program in which prosecution is deferred pending successful completion of drug treatment or other intervention. Pre-sentencing testing, used in most drug court and diversion programs, occurs only after a guilty plea or finding and requires that defendants agree to submit to drug testing and to waive some rights in exchange for potential benefits.

### *Evaluations of Pretrial Drug Testing*

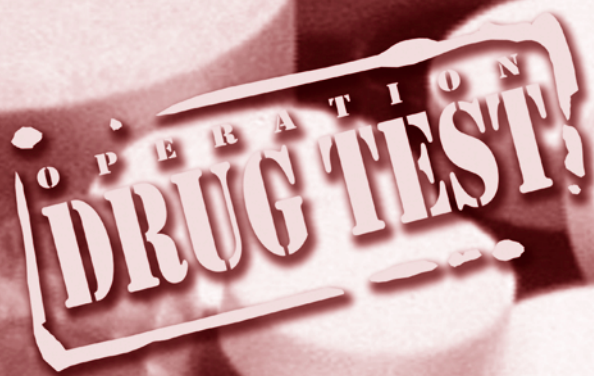
Because conditions of release prior to case disposition must be demonstrated to reduce the risk that defendants will fail to appear for a hearing and/or reduce the risk to public safety, early research on pretrial drug testing focused on whether a drug test taken at the time of arrest is valuable in predicting subsequent misconduct of defendants on pretrial release.

The District of Columbia was the first federal jurisdiction to conduct pretrial drug testing. Its demonstration program began in 1984. Evaluation of the program indicated that defendants testing positive at arrest and later placed on pretrial release were more likely than drug-negative defendants to be rearrested and to miss scheduled court appearances. After other background factors (e.g., employment status and prior convictions) were taken into account, test results showing continued drug use during pretrial release, especially polydrug use, added to the ability to predict rearrest and failure to appear (Toborg, Bellassal, Yezer, & Trost, 1989; Wish, Toborg, & Bellassal, 1988).

Replications of the District of Columbia program and evaluations of other pretrial testing programs have not produced consistent findings (see Belenko, Mara-Drita, & McElroy, 1992; Carver, 1986; Goldkamp, Gottfredson, & Weiland, 1990; Jones & Goldkamp, 1991; Smith, Wish, & Jarjora, 1989; Yezer, Trost, Toborg, Bellessal & Quintos, 1988). In studies of pretrial testing in Miami, Phoenix and New York City, positive test results at arrest predicted subsequent rearrest but not failure to appear. Positive tests, especially for cocaine and polydrug use, predicted misconduct among pretrial defendants in Milwaukee and Prince George’s County (Maryland) before, but not after, background factors were controlled. Similarly, in a recent re-analysis of data from several pretrial programs (Rhodes, Hyatt, & Scheiman, 1996), a positive test for any illicit drug was not a useful predictor of misconduct after background factors such as criminal history and community ties were controlled. However, a test positive specifically for heroin emerged as a consistent predictor of rearrest, and a test positive for cocaine was a consistent predictor of failure to appear.

Evidence is also mixed with respect to ongoing drug testing/sanctioning of pretrial defendants in the community. In an evaluation of two testing/sanctioning programs, Jones and Goldkamp (1992) found no deterrent effect on pretrial misconduct. They attributed this finding to poor implementation of sanctions. In Portland, Oregon, BOTEC (1995) found no effect of ongoing drug testing on rearrest rates among defendants on pretrial release. In this study too, evaluators noted a lack of sanctioning for positive drug tests (see also Toborg et al., 1989; Visser, 1992). More recently, the District of Columbia conducted an experimental evaluation of pretrial testing procedures by randomly assigning volunteer defendants to a “treatment” docket, a “graduated sanctions” docket (jury box on the first positive test to seven jail days on the fourth positive test), or “standard” docket. Defendants in all dockets were tested for drug use twice per week. Those participating in the “treatment” or “graduated sanctions” docket were more likely to be drug-free in the month before sentencing than defendants in the “standard” docket (Harrell, Cavanaugh, & Roman, 2000). This finding suggests that pretrial drug testing, when conducted frequently and when reliably linked with treatment and/or a specific sanctioning schedule, may have favorable effects on drug use by pretrial defendants.

The District of Columbia program has much in common with other pretrial drug testing programs, including TASC. For over 25 years, judges and correctional agencies have referred drug-involved cases to TASC programs. (The TASC acronym once stood for “Treatment Alternatives to Street Crime” and now has different meanings in different communities.) TASC programs conduct needs assessments, refer cases to appropriate



treatment, and monitor their progress. Those sent to TASC may include offenders on probation or parole as well as defendants on pretrial release. TASC and their affiliated treatment agencies use drug testing to reduce the ambiguity in sanctioning decisions and to provide information on continued drug use for treatment guidance. A recent evaluation of five TASC programs found favorable effects on drug use but no effect on re-arrests or technical violations (Anglin, Longshore & Turner, 1999). However, many cases referred to TASC programs do not actually report to them or to the treatment to which TASC refers them. Noncompliance is most likely when justice agencies do not monitor compliance with referrals or do not act on the results of positive drug tests (Falkin, 1993).

The mixed evidence on pretrial drug test programs may be due in part to differences in the studies (e.g., period of data collection, drug test procedures, choice of outcome measures, sampling frame, control variables included and analytic techniques) or to differences in program models. However, looming large as a factor limiting program effectiveness at any stage (pretrial or later) is poor implementation (see Britt, Gottfredson, & Goldkamp, 1992; Jones & Goldkamp, 1991; Kleiman, 1996; Visher, 1992). Any testing at the time of arrest must be voluntary. Many defendants may simply refuse to be tested (Cadigan, 1992), while others may fall through the cracks for various procedural reasons. In addition, pretrial testing programs may not be timely in conducting the test or relaying test results to the court. Finally, even when drug use is monitored via frequent testing, it may be difficult to apply sanctions or place drug-using defendants in treatment when detention space is tight, local treatment options are limited, and the defendant will not be under pretrial supervision long enough to complete treatment.

Another reason for mixed outcomes of pretrial drug test programs is the fact that most defendants who test positive are already known or suspected to be users on the basis of other information, e.g., self-report, current drug-related charge or prior drug-related conviction. A positive test result may not add new information likely to affect pretrial decision-making. Moreover, information other than the positive test result may be more important in predicting misconduct (Rhodes et al., 1996).

A third problem is that routine drug testing by itself does not distinguish heavy from casual use. Intensity of drug use may be more meaningful than a test result, for it is the chronic dependent user who is most likely to commit new crimes or fail to appear in court (DeJong & Wish, 2000).

In summary, drug testing at arrest has, in some programs, been a useful predictor of either re-arrest or failure to appear but has rarely been found to predict both forms of misconduct in the same defendant population (Henry & Clark, 1999; Rhodes et al., 1996; Visher, 1992). Results from programs monitoring drug use by defendants on pretrial release are similarly mixed. However, there is evidence to support the view that drug testing, when closely linked with sanctions and treatment placements in response to ongoing drug use, can reduce drug use among defendants on pretrial release.

## **OPERATION DRUG TEST**

In December 1995, President Clinton issued a memorandum directing Attorney General Reno to develop a plan for “a universal policy providing for drug testing of federal arrestees before decisions are made on whether to release them into the community pending trial” (December 18, 1995 Memorandum to the Attorney General). The rationale for this directive was explicitly the drugs-crime relationship. Criminal offenders “cycle through the court, corrections and probation systems still hooked on drugs and still committing crimes to support their habit.” One outcome of this initiative is Operation Drug Test (ODT).

ODT planners in the Department of Justice (DOJ) and the Administrative Office of the U.S. Courts (AOUSC) adopted three objectives pertaining to testing, sanctioning and treatment. The “Test” part of the program title is both a reference to testing and an acronym representing all three objectives. The first objective was universal Testing to identify drug-involved defendants before their first court appearance. The second objective was application of Effective Sanctions when defendants on release were found to be using drugs. The third objective was referral of drug-using defendants to Treatment as needed. Districts participating on ODT acquired resources for drug testing and were reimbursed for the added cost of treatment and other supervision.

During the early phase of implementation, program planners decided to allow districts to participate in ODT under either of two models. Model I was congruent with the ODT objective of initial tests of all defendants before the first court appearance. Model II departed from this objective in allowing districts to conduct the initial test as soon as possible after the defendant’s court appearance. Most districts (18 in fiscal 1998, 19 in fiscal 1999) followed Model I.

ODT also supports surveillance tests of defendants released with a test condition. Surveillance tests are typically required for defendants whose initial test is positive or for whom drug involvement was already known or suspected on the basis of other information available — the current charge was drug-related, prior drug charges were on record, the defendant self-reported drug use, symptoms of drug use were observable in the pretrial interview, or the pretrial investigation turned up some other sign of drug involvement.

## **METHODS**

This evaluation was based on independent analyses of the ODT database maintained by AOUSC and data collected during site visits to 24 ODT districts. Our purposes were limited to an examination of drug testing rates, sanctioning and treatment placements. We did not attempt an outcome evaluation comparing re-arrests, failure to appear or other outcomes because, in our judgment, none of the possible research designs was rigorous enough to lead to meaningful conclusions.

### **ODT Database**

AOUSC required districts to maintain records for monitoring purposes. However, at first, data entry was not automated. Districts were reporting

their data on hand-written forms, and missing data rates were high. The AOUSC made an automated data entry program available in December 1997. Our assessment of the database led us to conclude that the data for fiscal 1998 and 1999, but not 1997, are accurate enough for use. Elements in the ODT database include: was the defendant asked to submit a urine specimen for the initial test; did the defendant do so; for which drugs, if any, did the defendant test positive; what “other indications” (e.g., self-report or prior drug charge) were available on the defendant’s drug involvement; was the initial test result reported to the court before the release decision; was the defendant released; if the defendant was released, did the conditions of release include drug testing and/or treatment; how many surveillance tests were conducted while the defendant was on release; what were the date and result of each test; what action, if any, was taken (e.g., increased testing frequency, detention, or placement in drug abuse treatment).

## Site Visits

Between August 1997 and August 1998, we completed initial site visits to pretrial service agencies at each of the 24 districts. Agency representatives typically included the chief pretrial services officer, ODT program director, drug specialist and database manager. Our purposes were to review program operations, identify possible barriers to implementation, learn how pretrial policy and practice might be changing as a result of ODT, and identify possible system impacts. Roughly two years later, we contacted each district again in person or by phone. Our purposes were to

update information from the initial visits and to ask pretrial staff to review our preliminary analyses of the ODT database.

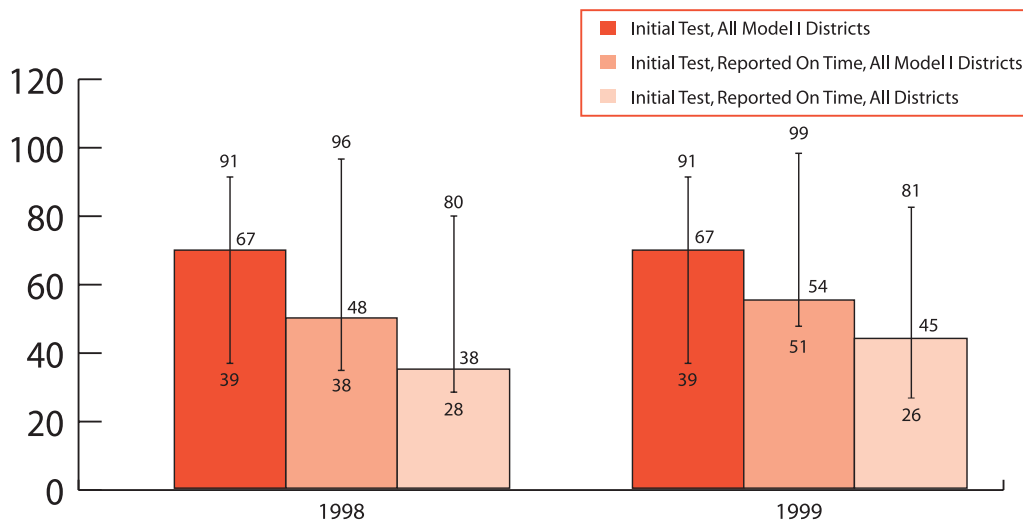
## FINDINGS

Evidence available to the evaluation team was sufficient to support clear findings on initial testing and ODT’s impact on placement of defendants in drug abuse treatment. The evidence was less clear, but still readable, regarding current (fiscal 1999) treatment and sanctioning patterns. The evidence was not clear enough to gauge the impact that ODT may have had on sanctioning patterns, but it did suggest that any such impact was probably nil. Here we review this evidence and read it in light of political and administrative aspects of program implementation.

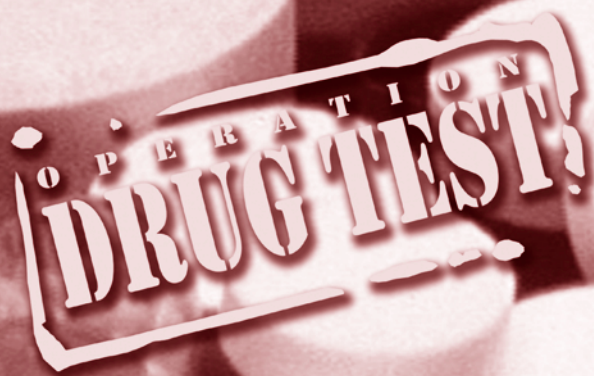
### Initial Testing

As explained above, program planners at DOJ and AOUSC decided to allow districts to participate in ODT under either of two models. Model I was congruent with the ODT objective of universal testing of defendants before their first court appearance; Model II departed from this objective in allowing districts to conduct the initial test as soon as possible after the defendant’s court appearance. In Model I districts, a urine specimen was collected, and the result reported to the court in time, for about half of the defendant population: 48 percent of the Model I defendant population (n = 8,227) in fiscal 1998 (districts ranged from = 38 to 96 percent) and 54 percent of the Model I defendant population (n = 8,996) in fiscal 1999 (range = 51 – 99 percent). See Figure 1.

Figure 1. Percent of ODT Defendants with Initial Test Reported on Time, 1998-1999







Reasons for no initial test included: defendant refused, defendant agreed to the test but stalled, and pretrial staff had no opportunity to test. (About 14 percent of the Model I defendant population, or 27 percent of those with no on-time test, refused to submit a urine specimen in each fiscal year.)

If all 24 districts (those following Model II as well as those following Model I) are counted in the assessment of ODT's success with respect to its original objective of universal initial testing, the essential findings do not change. About two in every five defendants in all districts combined had an initial test reported to the court in time: 38 percent of the combined Model I and Model II defendant population in fiscal 1998 (range = 28 – 80

percent) and 45 percent in fiscal 1999 (range = 26 – 81 percent). Thus ODT fell short of its first objective. Only about half of all defendants had a test result reported to the court in time, whether the Model II districts are counted or not.

The test battery included marijuana, cocaine, opiates, amphetamine and phencyclidine. On the initial test, about 29 percent of defendants were positive for one or more of these drugs in both 1998 and 1999. The lowest drug-positive rate in any district was 11 percent in fiscal 1998 and 15 percent in fiscal 1999; the highest rate was 47 percent in fiscal 1998 and 46 percent in fiscal 1999. Marijuana was the drug most commonly detected.

Figure 2. Defendants Testing Positive as a Percent of ODT Defendants with an Initial Test, all Districts Combined, 1998

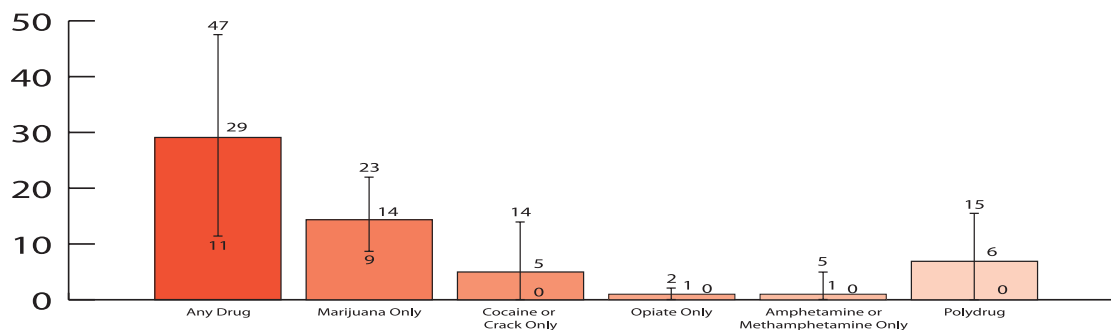
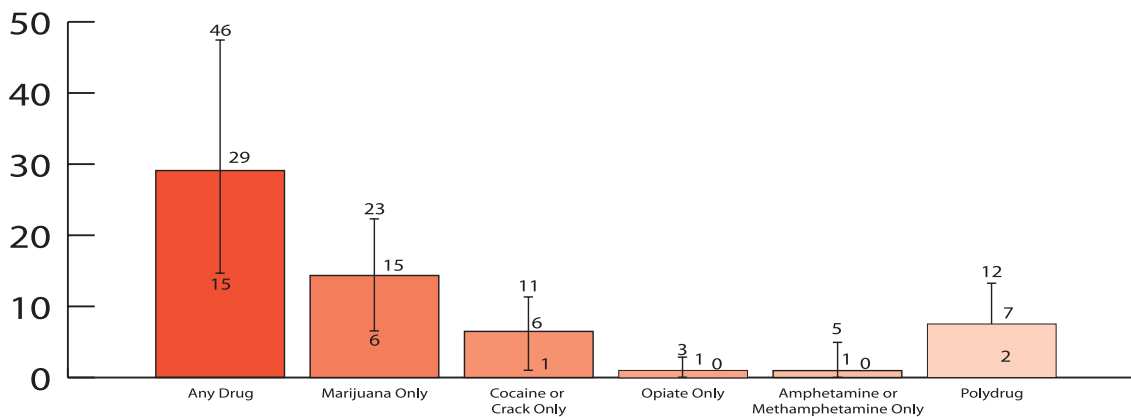


Figure 3. Defendants Testing Positive as a Percent of ODT Defendants with an Initial Test, all Districts Combined, 1999





Roughly 4 percent of all defendants tested in ODT were “hidden users.” That is, with no other indicator of possible drug involvement on record, the initial test was the sole indicator of a possible need for surveillance testing. These hidden users represent 13 percent of defendants found to be drug-positive on the initial test. Without the initial test, these defendants might not have been released on a “test condition,” i.e., required to submit to surveillance testing while under pretrial supervision.

## Sanctioning

Data were not adequate for gauging ODT’s impact on districts with respect to the program’s second objective — to support application of effective sanctions when defendants on release were found to be using drugs. However, the fiscal 1999 data appear adequate to provide a snapshot of current sanctioning patterns. In that year, 7 percent of defendants released under a test condition had no surveillance test on record, 52 percent had one to five, and 41 percent had at least six. See Figure 5.

Given an average pretrial-release duration of six months, it appears that almost half of defendants on release were tested at least once per month on average. Very few were not tested at least once. Moreover, about 21 percent of defendants who tested positive one or more times were sanctioned. Increased drug testing and bail revocation were the sanctions most often applied. See Figure 6. (Percentages for all sanction types combined exceed the total of 21 percent because some defendants were sanctioned more than once. We do not show minimum-maximum ranges in Figures 5 and 6 because the number of defendants on which percents are based was very low in many districts.)

## Treatment

The database was not adequate for gauging ODT’s impact on treatment. We can, however, use the AOUSC’s reimbursement records to see what percentage of ODT funding was used by districts to pay for treatment placements across years, and the fiscal 1999 database is adequate to describe current patterns in treatment placements. The amount spent on treatment/supervision was 45

Figure 4. Hidden Users Among ODT Defendants with a Positive Initial Test

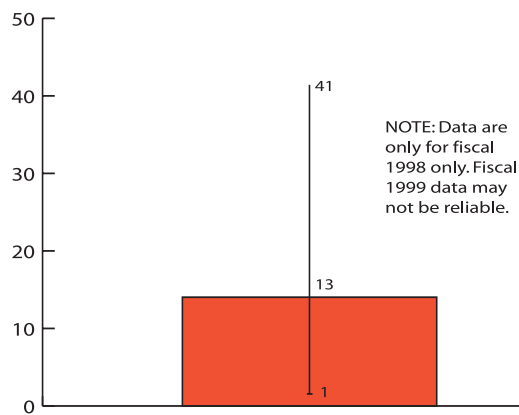


Figure 5. Number of Surveillance Tests Among Defendants Released with a Test Condition, All Districts Combined, 1999

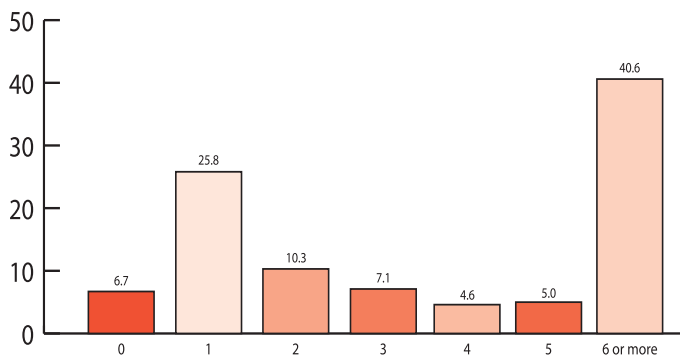
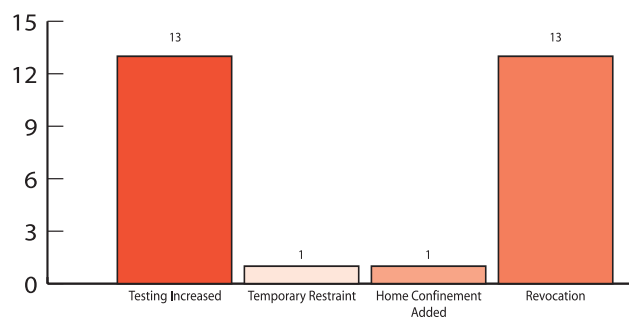


Figure 6. Percent of ODT Defendants with Each Sanction for Any Positive Surveillance Test, All Districts Combined, 1999



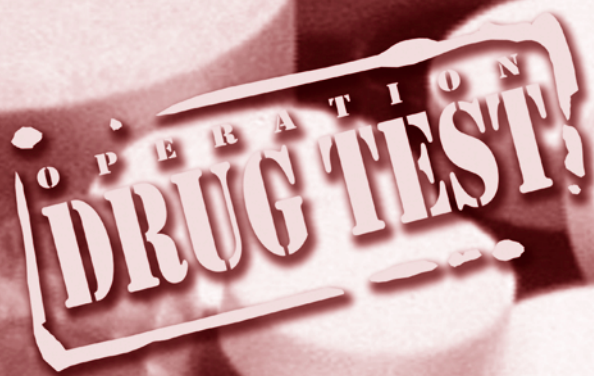


Figure 7. Treatment / Supervision Reimbursements as a Percent of Total ODT Reimbursements

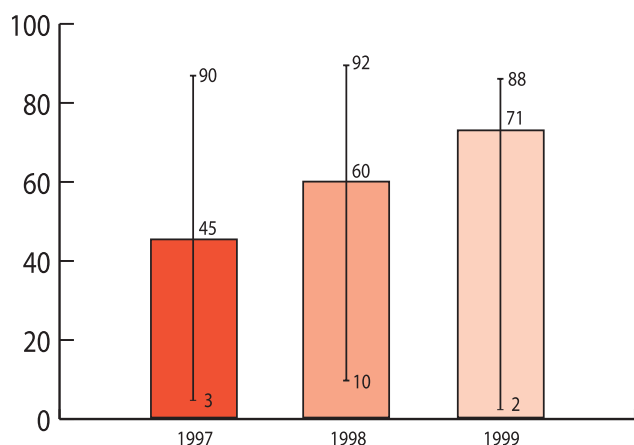
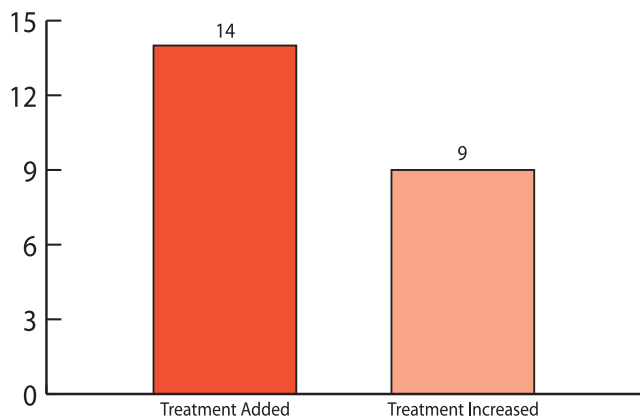


Figure 8. Percent of ODT Defendants with Treatment Response to and Positive Surveillance Test, All Districts Combined, 1999



percent of total spending in fiscal 1997, 60 percent in fiscal 1998, and 71 percent in fiscal 1999. See Figure 7.

The treatment/supervision line item included mental health treatment costs and electronic monitoring (home confinement) costs as well as drug abuse treatment costs; we were not able to determine precisely how much funding went specifically to drug abuse treatment. In fiscal 1999, 23 percent of defendants who tested positive at least once on release were placed in treatment or, if already in treatment, transferred to a more intensive modality. See Figure 8. (We do not show minimum-maximum ranges in Figure 8 because the number of defendants on which percents are based was very low in many districts.)

These findings suggest that ODT had a favorable if not precisely measurable impact on placement of defendants in treatment while under pretrial supervision.

## DISCUSSION

### ODT Implementation

Administrators at DOJ and AOUSC were pressed to field ODT within a very short timeframe. This compromised program implementation. First, in several cases, representatives of districts interested in joining ODT were reluctant to do so if it meant having to take on additional work or make difficult changes in existing procedure or policy. This issue was particularly salient in districts where there was no clear consensus among pretrial staff, judges, marshals, prosecutors and defense attorneys on the value and appropriateness of the initial drug test. AOUSC officials assured district representatives that ODT participation would not require them to take on more work or make any major changes. ODT was touted as program compatible with, and readily incorporated into, procedures and policies already in place. Districts consequently tended to fold ODT funding and the capabilities that came with it into "business as usual." Districts already emphasizing treatment as an option for drug-using defendants used ODT funding to support, among other things, additional treatment placements. Districts emphasizing drug testing and other aspects of supervision, but not treatment, tended to use ODT funding to support more frequent drug testing and/or to purchase new test equipment. Districts were not at first encouraged, let alone required, to adopt any particular sanctioning or treatment protocol.

Second, program development was iterative between the DOJ and AOUSC, and it took time. According to both DOJ and AOUSC sources, the issues addressed first pertained to legal process, e.g., how to ensure a proper chain of custody for urine specimens and how to ensure that test results would be used in ways consistent with defendants' rights. Later the two agencies turned to additional issues, both programmatic (e.g., guidance or requirements regarding sanctioning and treatment) and

financial (e.g., what expenses were reimbursable). As districts came on board, they sought direction regarding these issues. Answers were sometimes slow in coming because DOJ and AOUSC officials had not yet worked through all of the issues and made firm decisions. As decisions evolved, new districts came on board and got different answers to the same questions. A key example, with both programmatic and financial relevance, is the issue of treatment. Some districts were told at first not to change the types of treatment to which they sent defendants or the number of defendants sent to treatment. The logic behind this instruction was that the planned evaluation of ODT needed to be able to gauge the effect of ODT's drug test policy without any co-occurring change in treatment policy. Districts were later told that ODT was in fact open to innovation in treatment policy and willing to reimburse districts for any treatment costs in excess of pre-ODT treatment costs. In an environment where program policy was still evolving and in some respects unclear, some districts were reluctant to begin implementation, or even to finalize their implementation plans, until they got definitive direction. It is important to emphasize that these problems do not, in our view, reflect inattention to the program by DOJ or AOUSC. Problems arose from the fact that implementation was underway before there had been enough time to resolve major issues in program development.

A third problem was the lack of multiyear funding. ODT's existence beyond fiscal 1997 was regarded by districts as highly uncertain with respect to both level of funding if the program continued and whether the program would continue at all. Participating districts were not sufficiently confident that anything they began in fiscal 1997 would be sustainable in the outyears. Accordingly they spent funds on test equipment, supplies and other expenses certain to be reimbursable. As it became clear that ODT was supporting greater use of treatment, districts made greater use of treatment. However, they invested little if any time, money or political capital in launching new initiatives, hiring permanent staff or building new capabilities beyond those needed for on-site drug testing. They were reluctant to field their programs in a way that might require spending political capital, restructuring or adding to the workload of pretrial officers, or hiring new staff — costs likely to pay off only if ODT turned out to be long-term.

In summary, as district representatives and DOJ and AOUSC officials have attested, implementation caused no "big splash." Without sufficient clarity on programmatic focus at first and sometimes constrained by a lack of local consensus on the value and appropriateness of the initial tests, districts were not willing to take bold steps (e.g., to place more emphasis on treatment or develop new sanctioning options or procedures), especially as it was at first uncertain which costs would be reimbursable. With no assurance of stable funding, districts were reluctant to hire new staff or commit to the major political and organizing work needed for anything new. Districts folded ODT resources and activities into "business as usual."

## IMPLICATIONS

Findings of the evaluation have implications in two areas: further ODT program development and pretrial testing programs in general.

### *ODT Program Development*

ODT's potential as a spur to innovation in pretrial supervision may be limited by the mission of pretrial services and the short duration of time during which defendants are under supervision. However, test capabilities put in place by ODT and its impact on districts' use of treatment indicate that additional districts may benefit from ODT participation and that sanctioning and treatment innovations are possible if districts place more emphasis on those aspects of pretrial service. We offer recommendations regarding the initial test, sanctioning, treatment and funding.

*Initial Test.* Prospective ODT districts should be apprised of strategies by which opposition to the initial test might be overcome. First, it should be made clear to all parties — defense attorneys in particular but also judges and prosecutors — that the initial test is voluntary. It should also be made clear and assured that defendants will incur no adverse consequences from a positive test. In some of the original ODT districts, pretrial chiefs brought other parties on board by, for example, asking representatives of the local defense bar to review and edit the ODT consent materials. These review the purpose of testing, its voluntary nature and defendant's rights. Another strategy used in some districts for overcoming opposition to Model I was to establish an explicit agreement by which defense attorneys must have an opportunity to meet with defendants before the pretrial officer does and may advise the defendant not to submit urine.

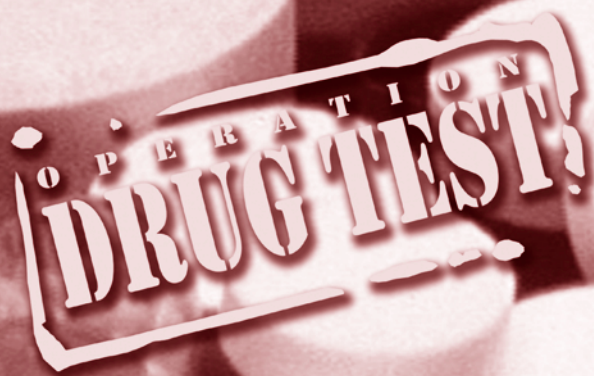
Our recommendation is, in short, to adopt Model I and take all available steps by which to minimize refusals. These steps include: provide clear and written assurance to defendants and their attorneys that the initial test is "free" i.e., there will be no consequences if the test is positive; identify key players, note their concerns, document the resolution of those concerns in contracts or memos of understanding, and update these documents as needed (Henry & Clark, 1999).

*Sanctions.* Capabilities for sanctioning defendants at the pretrial stage may be enhanced in ODT if districts have access to a wider range of sanction options, some of which can be applied even when there is little time remaining in the pretrial supervision period or when highly restrictive sanctions, such as bail revocation and home confinement, are not warranted. Sanction options might include requiring defendants to observe court proceedings from the jury box for varying periods of time and holding defendants for short-term periods of detention without revoking bail.

The lack of "tight" sanctioning patterns in ODT suggests a need to consider policy-driven sanctioning practices (Burke, 1996; Taxman, Soule, & Gelb, 1999) based on deterrence principles that emphasize swift, certain and increasingly restrictive sanctions in response to ongoing drug use. Taxman et al. (1999) have shown that tight sanctioning can increase its deterrence potential. On the other hand, its applicability in the pretrial context may be limited by the "least restrictive conditions" aspect of pretrial's mission.

*Treatment.* Treatment options requiring a length of stay of three months or more be reserved for defendants whose drug problem meets clinical criteria for abuse or dependence. Formal screening and diagnostic tools





such as the Substance Abuse Subtle Screening Inventory or the Substance Abuse module of the Composite International Diagnostic Interview (CIDI) should be employed to identify such defendants before they are placed in treatment requiring an extended length of stay. See Peters et al. (2000) for a review of tools for identifying drug use problems in criminal justice populations.

While long-term treatment may be well advised for pretrial defendants who meet abuse/dependence criteria, it is important for pretrial agencies also to be able to access alternatives that can be completed in the short term. Drug education courses, typically four to ten weeks in duration, may be appropriate for defendants whose drug problems are not severe enough to require formal treatment. Placement in 12-step programs may also be helpful for defendants who do not need formal treatment. Districts should work to develop greater access to drug education and 12-step programs where current access does not meet the potential demand.

We also recommend that AOUSC and districts monitor the ongoing research on interventions of shorter duration than traditional treatment programs. For example, randomized trials of outpatient treatment programs as brief as 30 days are currently underway, and recent research on so-called “brief” and motivational interventions is showing that favorable effects can be achieved in the context of one to six sessions with counselors trained in the relevant techniques. As these short-term treatment protocols and brief interventions prove their worth, DOJ, AOUSC and individual districts may be able to enhance the range of intervention options available for pretrial defendants by accessing or developing short-term interventions locally.

Finally, regardless of whether there is time for defendants to complete a course of treatment or not, but especially when there is not, it is essential that pretrial services work with other agencies in the federal criminal justice system to ensure continuity of care for defendants sentenced to terms in federal prison or released on federal probation. Continuity of care will help to ensure that gains made in treatment during the period of pretrial supervision are not lost when that period ends.

*Funding.* Multiyear funding cannot be guaranteed, but steps should be taken to raise confidence in sustained funding and thus raise districts’ willingness to commit to program development that is innovative or requires a major investment of time or resources.

### **Pretrial Drug Testing Programs**

*Testing.* Other pretrial drug testing programs experience the same twofold implementation problem faced in ODT: many defendants do not get the initial test; and, for those who do, results are often not available to the court in time (Visher, 1992). Limits on initial testing may in fact be inevitable. First, although voluntary initial testing has not been challenged on constitutional grounds (Henry & Clark, 1999), private defense attorneys and federal public defenders may view such testing as a potential violation of defendant’s rights because (1) a positive test might lead the judge to deny release or to impose release conditions more restrictive than otherwise would have been likely or (2) an initial positive test might trigger more frequent

testing, thus raising the likelihood that continued drug use will be detected and that the judge, in view of the defendant’s continued use, will set more stringent terms at case disposition. Second, the interval between arrest and bail hearing is often very short—perhaps no more than one or two hours. For these reasons, initial testing may never approach “universal.” Some defendants, perhaps many, will refuse to test. Some who are willing will simply be missed, urine specimens will not be tested in time, and the test results will not be reported in time. On the other hand, it is important to recognize that a goal of “universal” testing, whatever rhetorical value it may have, may not be a realistic criterion by which to gauge the success of pretrial drug testing.

This is not to say that high rates of initial testing cannot be reached. The maximum rate in any ODT district was 91 percent. Policy-makers will need to determine whether conditions in their jurisdictions are conducive to a high rate of initial testing and whether it is worthwhile to devote resources to an initial test capability if testing at that stage is likely fall short, perhaps far short, of universal.

An initial test can serve to identify “hidden users,” i.e., those for whom the court will, at the bail hearing, see no other indication of possible drug involvement. In ODT roughly 4 percent of defendants tested were hidden users. In evaluating pretrial drug test programs, policy-makers may wish to consider the distinctive value of the initial test in detecting hidden users. Even though the percentage was quite low overall, it may be higher in some districts (the maximum in any ODT district was 41 percent), especially where pretrial agencies have insufficient time or resources to capture “other indicators” from sources such as criminal justice records or defendant interviews.

Finally, urine-based drug testing detects only the occurrence of very recent use (seven to 30 days for marijuana, two to three days for most other drugs), not the longer duration or intensity of use. Also, it does not distinguish heavy from casual users. An alternative is drug testing of hair specimens, which can be analyzed to detect ongoing drug use over a period of several weeks. Hair testing is expensive and time-consuming but may be worthwhile for selected purposes, especially as cost and technical difficulty decline.

*Sanctioning and Treatment.* The mission of pretrial services is to assess risk and, under the least restrictive conditions possible, to monitor defendants on release in order to prevent misconduct and ensure their appearance in court. Pretrial supervision differs from probation and parole in that supervisees are defendants, not convicted offenders. Moreover, the period of pretrial supervision is typically on the order of six months, not one or two years. For both reasons it may be unrealistic to expect to see a tight sanctioning pattern at the pretrial stage, i.e., a prompt and steady progression in the likelihood and severity of sanctioning in response to drug use. However, it is not impossible. Results of the pretrial testing/sanctioning experiment in the District of Columbia (Harrell et al., 2000) indicate that drug testing, closely linked with sanctions in response to ongoing drug use, led to reductions in drug use among defendants on pretrial release.

Placing defendants in treatment may reduce or eliminate their drug use during their remaining time on release. This effect may in turn reduce



the risk of misconduct (commission of new crime or failure to appear in court) while defendants remain on release. Thus, even if pretrial defendants do not complete a full course of treatment, placing them in treatment may have favorable effects that are essential to the mission of pretrial services. However, incomplete treatment stays may not have effects lasting beyond the release period. Rehabilitation typically requires lengthy treatment — at least three months and perhaps a year or more (Anglin & Hser, 1990). Many defendants will not be under pretrial supervision long enough to complete a full course of treatment or even to remain in treatment for a minimally effective period (Belenko et al., 1992).

Finally, as there is with sanctioning, there may be an inherent tension between treatment as a rehabilitation strategy and the “least restrictive conditions” aspect of pretrial’s mission. Mandating defendants to treatment is arguably beyond pretrial’s mission if “least restrictive” is construed narrowly — except perhaps for defendants clearly at high risk of committing additional crimes because of severe or addictive drug use. On the other hand, if pretrial agencies view treatment not primarily as a rehabilitation strategy but as a means to prevent misconduct and to ensure the defendant’s appearance in court, there may be nothing uniquely worthwhile in treatment. Other methods such as home confinement and detention are available. Development of short-term treatment options and continuity of care will be needed in order to optimize the value of treatment at the pretrial stage, but then efforts make sense only where there is a clear commitment to treatment as rehabilitation, not merely as a holding strategy.

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*Susan Turner, Ph.D. is with the RAND Criminal Justice Program; Douglas Longshore, Ph.D. is with the RAND Criminal Justice Program / UCLA Integrated Substance Abuse Program; Faye Taxman is with the University of Maryland; Adele Harrell is with the Urban Institute; Terry Fain is with the RAND Criminal Justice Program; James Byrne is with the University of Massachusetts, Lowell; and Bruce Taylor is with the National Institute of Justice.*

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# DWI System Improvements for Dealing with Hard Core Drinking Drivers

## A REPORT ON ADJUDICATION AND SANCTIONING

The Traffic Injury Research Foundation (TIRF) recently released a report on the adjudication of DWI cases and the sanctioning of offenders. The report, entitled “DWI System Improvements for Dealing with Hard Core Drinking Drivers: Sanctioning”, highlights the most significant problems facing judges nationwide and reveals their views on practical and cost-effective solutions. This report is the third in a series, based on a comprehensive, system-wide project aimed at improving the efficiency and effectiveness of the criminal DWI system’s response to hard core repeat offenders. Two earlier reports dealt with problems in the detection and apprehension of repeat offenders (Simpson and Robertson, 2001) and their prosecution (Robertson and Simpson, 2002a). A final report on monitoring will be released in June 2003. This unique, multi-year initiative is being funded by a charitable contribution from the Anheuser-Busch Companies, Inc.

The research has been facilitated by the cooperation and participation of criminal justice professionals across the United States; the identification of key problems in the system and practical solutions to overcome them are based on the experiences of thousands of professionals who took part in the study. As testimony to the timeliness and validity of the research, it has been embraced by a wide variety of key national agencies including, the Highway Safety Committee of the International Association of Chiefs of Police, the National Traffic Law Center of the American Prosecutors’ Research Institute, the National District Attorneys Association, the National Association of

Prosecutor Coordinators, the Conference of State Court Administrators, the American Judges Association, the National Judicial College, the National Center for State Courts, the American Probation and Parole Association, and the National Criminal Justice Association.

The sanctioning report is based on one of the most comprehensive surveys of DWI adjudication ever conducted — nearly a thousand judges representing limited and general jurisdiction courts. As evidence of the generality and applicability of the findings, they are already being used by a variety of agencies to address judicial concerns and strategically review existing policies. The report is an important sourcebook to assist agencies in improving the adjudication of DWI cases and the sanctioning of hard core drinking drivers.

### History of the Problem

The significant reductions in drinking and driving during the 1980s and early 1990s came to an end in the mid-1990s. Of greater concern, in both 2000 and 2001, the number of people killed in alcohol-related crashes increased for the first time in several decades, raising concerns that progress has not only stalled, but is now being eroded (U.S. DOT, 2002). See Figure 1.

A very significant portion of the problem is accounted for by a high-risk group of drinking drivers, referred to variously as hard core drunk drivers, chronic drunk drivers, persistent drinking drivers, or drivers with

BY ROBYN ROBERTSON AND HERB SIMPSON



high blood alcohol concentrations (BACs). This dangerous group of offenders has been declared a national priority by virtually all major government and not-for-profit agencies in the United States.

Judges have also identified hard core drinking drivers as a particular concern. A majority of these offenders suffer from either alcohol addiction or dependency, and many are familiar with the justice system and know how to take advantage of its weaknesses and loopholes to avoid appropriate sanctions.

### Study Approach

Our study began with an exhaustive literature review to uncover adjudication and sanctioning problems previously identified by other researchers. This formed the basis for a list of key problems that was subsequently discussed extensively in five states (Arizona, Connecticut, Illinois, Massachusetts and New York). These workshops involved limited and general jurisdiction judges, many with considerable DWI experience. A total of 22 judges representing 19 different court jurisdictions participated. The goal of these workshops was to expand the list of problems identified in the research literature, prioritize them, gain further understanding of these problems, and identify practical, cost-effective solutions supported by the judges.

The workshop results were then used to develop a nationwide survey in which 900 judges from limited and general jurisdiction courts in 44 states participated. This survey was facilitated by the Conference of State Court Administrators.

### Study Findings

Primary concerns for judges include the highly technical evidence, overlapping legal issues and the unprecedented growth in DWI legislation

that has made an already complicated system even more complex. Even when defendants are ultimately convicted, there are few guarantees that the sanctions imposed by judges will actually be fulfilled.

In order of priority, judges nationwide identified the following problems:

1. sentence monitoring
2. evidentiary issues
3. caseload
4. motions and continuances
5. failure to appear
6. records
7. sentencing disparity
8. mandatory minimum sentences
9. juries

What follows is a detailed look at these problems in terms of their magnitude, consequences and solutions.

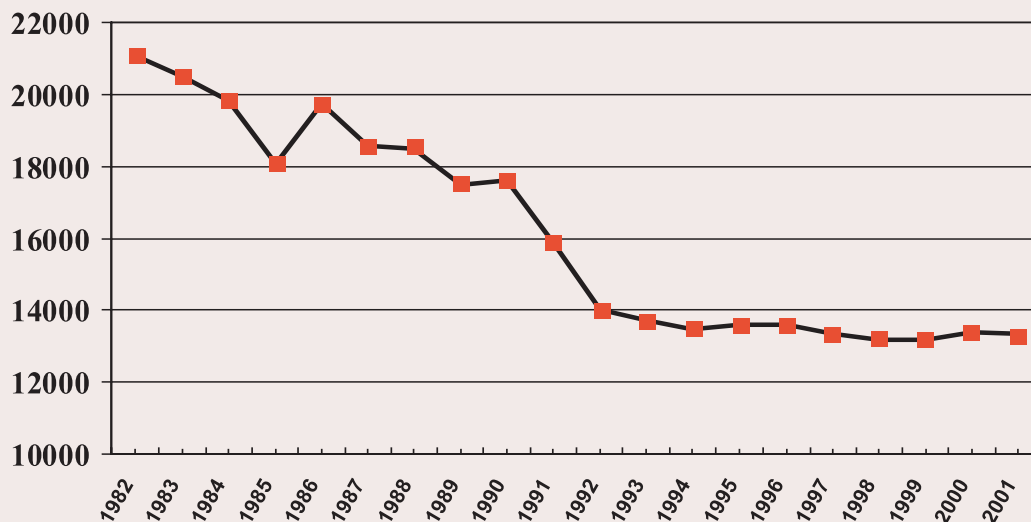
### Sentence Monitoring

It is commonly assumed that, similar to a crime show on TV, when a judge bangs the gavel and imposes sentence, it is the end of the story — sanctions are imposed and offenders comply with the terms of their sentences. However, this is often not the case. Judges indicate they know that offenders frequently do not comply with sanctions. Moreover, judges are often unaware as to whether or not the sentence they impose is carried out. The reason for this is that monitoring is a complex, demanding and under-resourced task.

The actual method of monitoring varies from state-to-state as a function of legislation and/or local practice but is usually shared among probation/parole officers, various treatment or service providers, prosecutors and the

Figure 1

## Number of people killed in drunk driving crashes\*



\*Source: NHTSA, 2002. Drunk driving fatalities are the total number of people killed in a crash in which at least one driver had a BAC of .08 or above.

courts. Typically judges have the ultimate responsibility of monitoring sentences because they often are the only ones with the authority to bring offenders back to court for non-compliance, revoke probation status, and impose additional criminal sanctions. Although probation officers are responsible for the actual physical monitoring of offenders and the preparation of status reports, in many states judges must review these reports to determine compliance with sentences and whether action is required.

Our study indicates that repeat offenders frequently fail to comply with the terms and conditions of their sentence, either in whole or in part, and judges often have limited knowledge as to whether the sentences imposed are actually carried out. Judges nationwide identified a number of factors that impede effective monitoring, including heavy caseloads (43 percent said this was the most significant factor impeding effective monitoring); a lack of communication (31 percent), and inconsistent or delayed reporting (23 percent). In addition, almost half of judges (48 percent) report that insufficient resources are also a significant problem, especially in limited jurisdiction courts where probation staff are typically not available to assist with monitoring.

Not surprisingly, judges in some jurisdictions estimate that 40 percent of DWI offenders never even report to the probation office, underscoring the extent of the problem. Nationally, judges in our study estimate that 28 percent of repeat offenders are returned to court for failure to comply with sanctions. However, what is not known is how many offenders fail to comply but are not detected and, therefore, not returned to court. Some insights are gained, however, from the experiences of a few jurisdictions (e.g., Washington), where sentence monitoring was not ranked as the priority problem — i.e., they believe that non-compliant offenders are usually detected. In these cases, judges estimate that 45 percent of offenders are returned to court, suggesting that the frequency of non-compliance is often underestimated because so many go undetected.

The consequences associated with ineffective sentence monitoring are evident. Sanctions that can effectively change offender behavior will have no impact if offenders can avoid them. Furthermore, offenders quickly learn that programs can be avoided without detection, significantly reducing the deterrent effect of imposed sanctions.

A series of practical recommendations are supported by judges to significantly improve the monitoring process and ensure that opportunities

to file “petitions to revoke” are not overlooked. Judges strongly believe that the existing reporting process needs to be streamlined so they can quickly determine which cases require attention and action. This can be accomplished by making simple changes to the reporting process so that reports indicating non-compliance are flagged, permitting judges to easily identify which offenders are not complying. For example, status reports prepared by probation/parole officers could include a check box at the top of the page indicating action needed or no action required; or reports can be a different color signifying what is required.

A majority of judges believe that the reporting process should also be centralized through probation and parole officers. Depending on the jurisdiction, various agencies involved in the monitoring process may report directly and independently to the court, contributing to the paperwork problem. Consequently, it may be necessary for judges to review several reports from different agencies about one offender, complicating the monitoring process. Judges agree that the process would be facilitated if all this information could be forwarded to probation/parole and summarized in a single report that is then presented to the judge for review.

More contact and better communication between judges, probation officers, treatment providers and offenders are also essential to improve the monitoring process. Timely notification of the decisions made regarding a particular case is necessary to ensure responsibilities can be fulfilled. Increased contact also permits for swifter processing of violations. Judges acknowledge that this will require effort and cooperation from all agencies and may be challenging under current caseloads and resource constraints.

More than 50 percent of the judges surveyed also indicated support for the expansion of problem-solving courts, emphasizing DWI issues. Judges believe these specialized courts provide greater opportunities for close monitoring and offender accountability by streamlining the reporting process and centralizing the reporting effort into a single management information system with frequent progress reports to the judge. While some concerns have been expressed with regard to the effect of diverting resources from traditional courts to support specialized caseloads, there is strong belief in the efficacy of these courts (Jones and Lacy, 2000; NCSC, 2002; NDCI 1999).

### ***Evidentiary Issues***

Evidentiary problems associated with DWI cases are an issue at all levels of the justice system. Police and prosecutors have identified evidentiary problems as a major issue in previous reports (Simpson and Robertson, 2001; Robertson and Simpson, 2002a); judges echo this concern. Evidence that is not properly collected, documented or presented in court has important implications for the effective adjudication of DWI cases.

When evidence is not collected and documented according to proper procedures, the quality and quantity of evidence a judge may consider when adjudicating a DWI case is compromised. Due to the dynamic nature of the arrest environment, a lack of training, and complicated statutory requirements, errors are not uncommon in a DWI arrest. Additionally, the presentation of evidence is critical and judges report that inexperienced prosecutors often overlook key evidence because of their unfamiliarity with DWI prosecutions. More than one-third of judges believe that prosecutors do not have the same knowledge and expertise about DWI and related evidentiary issues as many defense attorneys.

Despite failings in other phases of the system, judges must still adhere to strict rules of evidence and procedure and this often limits their decision-making to the consideration of specific facts. With insufficient evidence, judges may be obligated to dismiss charges, accept plea agreements which may not be equitable, exclude evidence or attribute it a lesser weight, or

## **Where are DWI Courts?**

**There are currently nine problem-solving courts dedicated to DWI in operation across the country:**

**Maricopa County, AZ**

**Bakersfield County, CA**

**Butte County, CA**

**Hancock County, IN**

**Dona Ana County, NM**

**Bernalillo County, NM**

**Payne County, OK**

**Charlotte, NC**

**Fredericksburg, VA**

impose a reduced sentence. Judges estimate that nationwide, one in six repeat offender cases are dismissed due to weak evidence or other technicalities.

Judges also expressed concern about their own ability to make informed and appropriate rulings on pre-trial motions regarding evidence to be proffered in court because their knowledge about scientific or technical evidence is limited. Eighty-six percent said they do not have sufficient knowledge about the science surrounding blood partition ratios; 75 percent said they have insufficient knowledge about the process of retrograde extrapolation of blood alcohol levels; 65 percent have insufficient knowledge about accident reconstruction techniques; 48 percent are not sufficiently knowledgeable about the accuracy of different types of BAC analysis; and 37 percent feel they have inadequate knowledge about horizontal gaze nystagmus (HGN) testing. Limited knowledge of these issues makes it more difficult for judges to adequately evaluate evidentiary motions filed by the prosecution or defense, or expert testimony presented in court. Furthermore, complex arguments surrounding the science of such evidence are also more likely to occur in DWI cases involving serious bodily injury or death, making the consequences of insufficient knowledge that much more significant.

Even with extensive knowledge of these areas, judges are often at a disadvantage if they hear these cases infrequently. They may be unfamiliar with new developments in accident reconstruction or recent case law on HGN testing. The problem can be further exacerbated by the fact that, in some states, lower court judges, particularly those presiding in municipal courts, do not have legal training as an attorney. This can impede the ability of judges to interpret technical and scientific evidence according to the Federal Rules of Evidence (F.R.E.).

Judges also voiced concern about defendants refusing chemical testing, which impedes the collection of important evidence and allows them to avoid conviction in many instances. It has been established that a BAC result is frequently the most compelling evidence that can be presented in a DWI case and is often the only direct evidence of impairment (Robertson and Simpson, 2002a). Without this critical evidence, it is significantly more challenging to convict a defendant because much of the other evidence may be subjective in nature and open to interpretation. In this context, some judges view test refusal as a direct violation of the implied consent laws that exist in many states, and believe that permitting defendants to refuse only serves to further encourage this behavior, compromising the safety of the driving public.

Significant consequences are associated with evidentiary issues. Cases with poor or weak evidence are more likely to be dismissed at the pre-trial stage or result in unsatisfactory plea agreements, allowing offenders to avoid

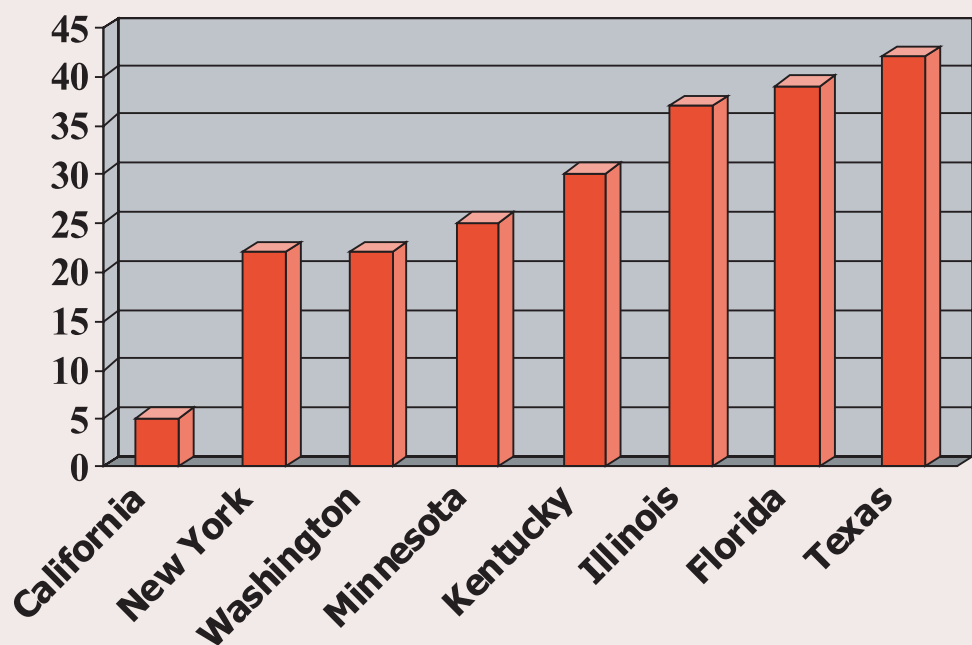
sanctioning. If the case does proceed to trial, the quality and quantity of available evidence and how the case is presented affect the likelihood of conviction.

Judges identified a number of ways to address evidentiary problems in the adjudication of DWI cases. They uniformly see the need for more and continuing judicial education on DWI evidentiary issues, given their highly technical and constantly evolving nature. Judges, similar to prosecutors, have compared DWI cases to homicides and sexual assaults because of the technical issues associated with the analysis and use of evidence. And, although there are numerous specialized courses available, opportunities for judges to participate are often compromised by caseloads, resources and competing demands for education. In this context, the National Judicial College is implementing a course, beginning November 2003, for new judges, entitled "DUI Primer for Judges" ([www.judges.org](http://www.judges.org)). The National Center for State Courts is also in the process of developing a DWI curriculum, under funding from the National Highway Traffic Safety Administration (NHTSA), that can be used at national and state levels and that will also contain distance-learning materials to make education more accessible ([www.ncsconline.org](http://www.ncsconline.org)). Of some interest, the contents of the our sanctioning report have been utilized for this purpose.

Judges also recommend that the pervasive problem of test refusal be legislatively addressed so that critical evidence of impairment (BAC) is consistently available. Many judges (55 percent) believe that making test refusal a criminal offense will have considerable benefits. Currently, only 11 states have criminalized this behavior or made it a sentencing enhancement (AK, CA, FL, IN, MN, NE, NJ, NY, OH, RI, VT) but more states are beginning to examine this alternative. Judges recommend a variety of other legislative options, including increasing penalties to remove the current benefits of refusing (40 percent), making evidence of refusal admissible in court (33 percent), and permitting forced blood draws (27 percent) in instances of non-cooperation.

Figure 2

## Chemical Test Refusal Rates



Some of these approaches have already been successful. For example, in California, where test refusal is an enhancement and forced blood draws are permissible, test refusal rates are less than 5 percent. This is in direct contrast with the national chemical test refusal rate of 20 percent, with some states experiencing refusal rates in excess of 50 percent (Simpson and Robertson, 2001; Jones et al., 1991). See Figure 2.

Judges also support reducing the excessively strict and burdensome statutory requirements for DWI investigations and arrests, and simplifying procedures so that evidence is not readily lost on technicalities. Judges also believe that problem-solving courts can be a valuable tool to address evidentiary issues because judges and prosecutors are often highly experienced and, consequently, better able to evaluate and effectively adjudicate technical issues (NCSC, 2002).

### Caseload

Some judges report that they process as many as 200 cases a day (e.g., arraignments, pre-trial hearings, sentencing), making the “three-minute rule” common practice in courtrooms across the country. This is often all of the time judges may have to review a case before accepting a plea or imposing sentence. Not all these cases are DWI of course, and there are no national statistics that accurately quantify the number of DWI cases processed through the courts. However, it can be assumed that the large majority of the 1.4 million DWI arrests made annually result in some form of processing by a judge (FBI, 2000). It is currently estimated that DWI cases comprise about 10 percent of the criminal calendar in lower courts, with some states, such as Minnesota, reporting almost 40 percent (Dehn 2002). This provides some indication of the volume of cases facing judges each year.

Caseloads are affected not only by the number of DWI offenders processed through the courts but also by the manner in which a case is resolved (e.g., dismissal, plea, trial). Some methods are more expedient; others require considerable time and resources, contributing to caseload volume and creating backlogs. When more cases go to trial, judges must devote considerable time and attention to them, reducing the time available to hear and process other cases. More than one-quarter of judges expressed concern that heavy caseloads do not permit adequate time for a thorough review of the details and circumstances of a case before making rulings. And, although judges estimate that only 16 percent of DWI cases result in a trial, 60 percent of judges report that repeat offenders are much more likely to proceed to trial because these offenders have learned that systemic issues significantly increase the odds of an acquittal.

When a judge's ability to review cases is adversely affected, outcomes may be inappropriate. Insufficient opportunity to weigh various factors can result in repeat offenders avoiding identification and meaningful sanctioning. Judges acknowledge that considerable pressure exists to keep the flow of cases moving in a timely manner, which often precludes their ability to sift through case files and records to identify pertinent information. Furthermore, heavy caseloads prevent judges from participating in opportunities for judicial education, making it more difficult to acquire the technical expertise needed to adjudicate these cases.

Although 43 percent of judges recommend hiring more judges to address caseload issues, most appreciate that current fiscal realities may

preclude this. In lieu of this option, there is considerable support for the enhanced use of problem-solving courts and judges who manage significant DWI caseloads. They believe that the specialized expertise of professionals involved in these initiatives will permit more efficient and effective processing of cases and improve outcomes, despite the fact that typically more time may be spent with each offender. Overall, judges believe that these courts are better equipped to handle drunk driving cases because their familiarity with complex evidentiary issues, DWI offenders and the use and availability of alternative sanctions, make them better able to manage cases more efficiently than multiple judges sitting in traditional courts.

### Motions and Continuances

Judges frequently entertain a wide range of motions consisting of written technical arguments involving specific points of law. These motions are supported by memoranda and other documents referencing relevant precedents with similar facts and circumstances. Rulings on motions have considerable implications for how a trial will proceed as well as its outcome — i.e., either a dismissal, an acquittal or a conviction. Judges report that these motions can often be used in a frivolous manner to both complicate and delay proceedings and, not surprisingly, are more common in cases involving repeat offenders.

Although motions have a purpose and function in ensuring the fundamental fairness of the trial process, the overuse of motions can create an abuse of process by burdening opposing counsel with paperwork and placing considerable demands on a judge's time and court resources. The extent of the problem is evidenced by the fact that one-third (34 percent) of judges in our survey report that their ability to adhere to “case-processing” guidelines (typically ranging from three to six months) is constrained by excessive motions. It has been acknowledged that, for a variety of reasons, there is a need to restrict the excessive use of motions and continuances and part of the responsibility for this resides directly with the judiciary (Jones et al., 1998).

Not only do excessive motions increase delays, which can ultimately result in unwarranted dismissals and acquittals, they can also result in increased caseloads and wasted resources.

Judges support two possible solutions to this problem. The first involves stricter adherence to guidelines implemented in many states restricting the amount of time to resolve a case. Many judges are becoming proactive in this regard by clearly informing prosecutors and defense counsel that limited time is permitted to hear motions and encouraging them to file motions within acceptable periods. Other judges have made it their practice to limit the number of continuances that will be granted.

A smaller portion of judges in the survey (20 percent) support even more drastic measures to limit motions and continuances using legislative initiatives. If such steps are taken, judges emphasize that new legislation should use explicit language so that loopholes are not created (Jones et al., 1998). The resistance associated with the latter approach is no doubt rooted in constitutional issues and concerns regarding fairness and the quality of the trial process. Judges want to ensure that important issues are not sacrificed or compromised in an effort to improve efficiency.

Some judges have identified more creative ways to limit unnecessary

*“It has been acknowledged that, for a variety of reasons, there is a need to restrict the excessive use of motions and continuances and part of the responsibility for this resides directly with the judiciary.”*



motions without assuming a hard-line approach. For example, Judge James Dehn of the 10<sup>th</sup> Judicial District in Minnesota has pioneered a program using pre-trial electronic home alcohol monitoring. This program requires the defendant to participate in alcohol testing at home in lieu of maximum bail; failure to test or testing positive for alcohol results in the immediate arrest of the defendant. The increased use of this device has proven to be an effective pre-trial tool to decrease delays resulting from frivolous motions and continuances by forcing defendants to maintain sobriety while the case is pending. Independent research conducted by the Minnesota House of Representatives Research Department concluded that multiple benefits are associated with this program (Cleary, 2003). A copy of this report can be obtained from their website ([www.house.leg.state.mn.us/hrd/pubs/stagsgent.pdf](http://www.house.leg.state.mn.us/hrd/pubs/stagsgent.pdf)).

### *Failure to Appear*

To avoid prosecution and/or conviction, offenders will sometimes fail to appear for arraignment or trial. Estimates of this behavior range from 10-30 percent, depending on the prevalence of borders with other states or countries. A majority of judges agree that, regardless of the stage in the process when it occurs, failure to appear is a more serious problem among hard core repeat offenders who go to considerable effort to avoid conviction. This behavior is perpetuated by nominal penalties and the difficulties associated with apprehending offenders once they have left the immediate jurisdiction. Cross-jurisdictional matters are a concern as it is not uncommon for judges to report that warrants they issue are not consistently honored in other jurisdictions. Misdemeanor defendants will frequently be released from custody and District Attorneys rarely initiate extradition proceedings, meaning offenders are not returned to court and sanctioned for either the original DWI charge or the subsequent charge of failure to appear. Often this occurs as a result of fiscal and resource constraints.

Offenders quickly learn that failing to appear allows them to avoid prosecution and conviction, typically because police lack the resources to act on the large volume of warrants that are issued, and warrants are routinely purged from record systems in many states. This means there is no record of the failure to appear charges (i.e., no record of their propensity to fail to appear) so the next judge the defendant faces will have no knowledge of this behavior, making them unable to prevent future occurrences.

Judges most strongly support (40 percent of them do so) making bond a condition of the arrest warrant issued for failure to appear. At a bare minimum, “do not release on recognizance” should be clearly stated on the warrant so that the arraigning judge will be aware of this propensity and be able to take steps to reduce or prevent this behavior. One-quarter of judges recommend holding in custody until trial offenders that have a history of failing to appear. Of course, this is not always practicable in light of overcrowding issues that exist in many jurisdictions. However, all efforts should be made to ensure custody, considering current rates of recidivism among this population. A new report entitled “Jail Crowding: Understanding Jail Population Dynamics” provides insights into why this problem occurs and how it can be addressed (Cunniff, 2002). There are also a number of other innovative programs involving transportation and cost-sharing agreements as well as various “sting” and “amnesty” operations that have been developed to address this issue (Brunner, 1999; Modie, 1999).

### *Records*

Timely access to relevant information is critical for decision-making and effective adjudication of DWI offenses. However, the needed records are not always available. Records necessary for adjudication — including driver and criminal history records, alcohol evaluations and pre-sentence

reports — are maintained by different agencies, for different time periods. Their contents may not be comparable, and their accuracy or completeness may be inconsistent, at best.

Poor records have implications for the pre-trial, trial and sentencing stages, as judges rely heavily on the available information to make appropriate decisions. Without accurate knowledge of prior convictions, judges are unable to determine if plea agreements are conscionable, if offenders are eligible for diversion, or if the mandated, harsher penalties for repeat offenses are required. Screening evaluations indicate what degree of treatment intervention is necessary; pre-sentence evaluations recommend the most appropriate and available sanctions. Without this information, offenders can frequently avoid identification as a repeat offender and, thereby, harsher sanctions. Judges report that repeat offenders frequently plead guilty in order to resolve a case quickly before prior convictions are uncovered, especially in cases involving out-of-state records.

Almost half of judges (44 percent) report that the National Driver Register is one of the most effective databases available for identifying prior convictions. However, the information contained in this database relies on information forwarded from the 50 state licensing agencies, which is often incomplete. This database expedites the record-searching process and judges support efforts to improve the timeliness and quality of its information. More information on the National Driver Register is available at (202) 366-4800.

Judges also recommend that driver abstracts available from state licensing agencies be standardized and uniform in content and format so that needed information can be easily identified and clearly established for use in court proceedings. Over 40 percent of judges in the survey agreed that standardized driver abstracts are the best method to improve the utility of driver records and the sanctioning of hard core drinking drivers.

### *Sentencing Disparity*

Cases with similar circumstances and backgrounds often receive different — sometimes quite different — sentences. This occurs because seemingly similar cases actually differ substantially. When making a decision, judges must take a number of factors into consideration, including: the seriousness of the offense, aggravating factors, prior convictions, probation recommendations, alcohol evaluations, social stability and family issues (Gottfredson, 1999).

However, even allowing for such factors, disparities still exist. Some of these can be explained by a variety of other factors, including: the enormous number of judges dealing with tens of thousands of DWI cases annually, judges’ familiarity and confidence with the different sanctions available, personal experience with sanctions, the availability of sanctioning options, and the accessibility of resources to accommodate these sanctions. Indeed, more than 65 percent of judges reported that fiscal concerns impact sentencing decisions occasionally or often.

This disparity can result in offenders not receiving appropriate sanctions, reducing the likelihood of changes in behavior and increasing the potential for recidivism. More importantly, disparity often leads to “judge-shopping” — offenders will attempt to have their case heard by a judge that is perceived to be more lenient. Most judges have standard sentences that they frequently impose in DWI cases, and defendants quickly learn which judges impose what kind of sentences. It is only logical that defendants will seek out judges imposing less severe sanctions. And, the practice is not at all uncommon — nearly half (46 percent) of judges report that judge-shopping occurs occasionally or often.

To combat this problem, judges recommend greater access to scientific evaluations of the effectiveness of various sanctioning methods to create a

more uniform body of knowledge that judges can draw upon when making sentencing decisions and to dispel confusion about what sanctions are most effective. Almost 80 percent of judges agree that summaries of scientific research on the effectiveness of various sanctions would greatly facilitate sentencing decisions, leading to more consistency and lower recidivism rates.

Nearly three-quarters (74 percent) of judges also support the development of tiered penalties in states where they do not currently exist (McCartt, 2001). Tiered penalties provide an appropriate range of penalties that may be imposed, while still allowing for discretion with regard to

licenses and the lack of alternative means of transportation make non-compliance inevitable. Similarly, despite mandated jail terms, judges frequently find that existing correctional facilities lack space for DWI offenders because of overcrowding issues. As a result, these offenders are rarely required to serve time in jail, or they serve considerably less time than the statute requires.

The inconsistent interpretation of legislative requirements can also result in mandatory minimums being applied erratically. One judge succinctly described the problem, stating “I have no problem with mandatory minimums, but I have a hard time figuring out when they apply” (Minnesota Judges Conference, 1999).

When provisions contained in mandatory minimum sentences are dated, impractical and, in many cases, not based on empirical evidence of effectiveness, intended deterrent effects and behavior change are compromised. Inadequate resources to impose these sentences consistently also erode the certainty with which minimums are adhered to and undermine public confidence in the system.

To improve the effectiveness of mandatory minimums, judges recommend the inclusion of more alternative and creative sentencing options (e.g. intensive treatment, ignition interlocks) in mandatory minimums. A more progressive attitude towards sanctioning has evolved among criminal justice professionals and existing research substantiates the belief that incarceration is not as effective as previously believed (Morris and Tonry, 1990). Many judges recommend more intensive supervision programs and other programs that demonstrate significant reductions in recidivism as well as the inclusion of more meaningful treatment options. In

this context, judges in Oregon, Texas and Georgia, among others, have already developed creative programs for offenders (see MADD, 2002; Jones and Lacey, 1998).

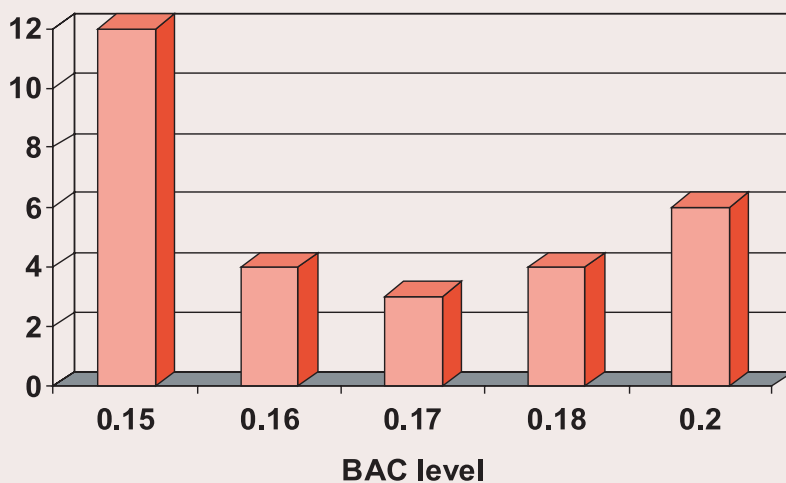
Judges would also like to see legislation updated and clarified to promote and encourage greater consistency in the use of mandated sanctions. Legislation should be reviewed so that language is clarified and loopholes are closed to prevent circumvention of penalties. Finally, judges require greater resources to expand programs as mandated sanctions are meaningless if there are no facilities or service providers to deliver the required programs.

### *Juries*

A last concern raised by judges is the use of jury trials to resolve DWI cases. Judges report that repeat offenders are more likely to select this option when facing substantial incarceration time. Not only can this election delay the case several months, but offenders also appear to recognize that DWI jury trials produce lower conviction rates than jury trials involving other criminal cases – 60 percent and 75 percent, respectively (NCSC, 2001).

This may occur because juries are often ill-equipped to adjudicate complex evidentiary issues and more frequently reach inappropriate verdicts. Juries tend to make incorrect assumptions about the evidence (e.g., assume a breath test was not offered if BAC results are not proffered) that the prosecution is unable to correct. DWI offenders also appear to benefit from

**Figure 3**  
**Number of states by BAC level at which enhanced penalties apply**



individual case circumstances. With a tiered system, judges will also be able to impose more appropriate penalties for repeat offenders than are currently possible in some states. See Figure 3.

### *Mandatory Minimum Sentences*

Introduced in an effort to bring consistency and uniformity to sentencing, mandatory minimums stipulate the nature and level of sanctions that are to be imposed for certain offenses. Judges believe that mandatory minimums impede rather than facilitate the sentencing process because they can stipulate sanctions that are either inappropriate or inapplicable. It is not uncommon for the policies and requirements of some sanctioning programs to exclude repeat offenders who are most often subject to mandatory minimums. Moreover, loopholes in penalty legislation make them confusing to apply, and resources are not consistently available to impose these sanctions.

Judges report that the composition and structure of mandatory minimum sentences can compromise their effectiveness. For example, in many states judges are required to include treatment as part of the sentence for repeat offenders. However, this can be a hollow requirement if no program or facility is available in their jurisdiction, or if programs refuse patients having a history of violence, not uncommon in offenders with alcohol problems. As a further illustration, judges are often required to suspend or revoke the defendant’s license to drive. However “hardship”

the sympathetic attitudes towards drinking and driving that still prevail in some jurisdictions.

By selecting a jury trial, offenders are more likely to avoid sanctioning and this lack of consequences does little to deter impaired driving or change problem behavior. These trials also tend to contribute to caseload issues and drain limited court resources.

Nearly 75 percent of judges believe that evidence of test refusal should be admissible at trial to create an equitable process; only 25 percent believe that evidence of priors should be admitted as well. The inclusion of this critical evidence would permit juries a more balanced and complete accounting of important facts and circumstances, making appropriate verdicts more likely. Some judges also recommend the elimination of jury trials for lesser offenses to streamline processing and reduce caseloads.

### Summary

Our extensive examination of the DWI system has revealed problems in enforcement, prosecution and adjudication (Simpson and Robertson 2001; Robertson and Simpson, 2002a; Robertson and Simpson, 2002b). These problems are in part a consequence of the unprecedented and unsystematic growth in DWI legislation in the past two decades. However, it is important to keep in mind that, despite these problems, the system still works surprisingly well with an average of 1.4 million offenders being arrested annually. Moreover, the legislative growth has largely ensured that the majority of states already have most of the needed policies and programs in place.

Now, attention and efforts should be focused on making the system work more efficiently and effectively to ensure that guilty offenders are apprehended, prosecuted, convicted, sanctioned and monitored. Police officers, prosecutors and judges have voiced their concerns and put forth several practical and cost-effective recommendations to address their priority issues. It is now up to criminal justice agencies and associations to see that these recommendations are implemented.

On a positive note, many agencies and associations are already acting on the recommendations. New curricula to address training issues are being developed, and joint initiatives to improve communication and share information are being explored. At a broader and more strategic level, politicians and criminal justice representatives need to become involved in the process by reviewing current practices at a state level to determine where problems exist and what changes can be made to improve the efficiency and effectiveness of the system. In this regard, we are making state-specific

survey data available upon request to assist with the state-review process.

Increasing education and awareness, communication and information-sharing should be priorities and all agencies need to participate in the process to ensure it works. In this context, in June 2003 we will release our final report on the monitoring of repeat offenders by probation and parole officers. The monitoring report is based on workshops with officers from several states as well as a nationwide survey involving 890 officers from 41 states facilitated by the American Probation and Parole Association. This report will be made available electronically upon release.

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**Departments or agencies attempting to address any of the issues discussed in the article are encouraged to consult the full report. It contains extensive and detailed information on the problems identified and numerous examples, references and contacts that agencies can draw upon for guidance. State-specific information can also be obtained, when available, upon request to TIRF.**

**Copies of full reports and executive summaries for the enforcement, prosecution and sanctioning phases can be accessed at [www.trafficinjuryresearch.com](http://www.trafficinjuryresearch.com) or by contacting Barbara Koppe at [barbarak@trafficinjuryresearch.com](mailto:barbarak@trafficinjuryresearch.com). A subsequent report on monitoring by probation and parole is expected in June 2003 and will also be available at the website.**

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*Robyn Robertson is a Research Associate and Herb Simpson is President/CEO of the Traffic Injury Research Foundation in Ottawa, Ontario, Canada.*



# CALENDAR OF EVENTS

2003 - 2004

June 29-July 2 **Texas Corrections Association 2003 Annual Conference**, Worthington Renaissance Hotel, Fort Worth, TX. Contact (512) 454-8626 for more information.

July 13-19 **4<sup>th</sup> Annual Probation, Parole & Community Supervision Officers' Week**. Contact Karen Fuller at (859) 244-8195 or [kfuller@csg.org](mailto:kfuller@csg.org) for more information.

July 20-24 **National Association of Blacks in Criminal Justice 30<sup>th</sup> Annual Conference and Training Institute**, St. Louis, MO. Contact Gloria Batiste-Roberts at (713) 394-4200 or Barbara Thomas at (281) 437-6941.

Aug. 4-7 **Strength-Based Training I & II: Strength-Based Practices and Assessments** Olathe, KS. Contact Karen Dunlap at (859) 244-8211 or e-mail [kdunlap@csg.org](mailto:kdunlap@csg.org).

Aug. 9-14 **American Correctional Association 133<sup>rd</sup> Congress of Correction**, Nashville, TN. Contact Conventions Dept. (800) 222-5646 x1922 or visit ACA's website at [www.aca.org](http://www.aca.org).

Aug. 18-19 **Strength-Based Training II: Strength-Based Assessments-Increasing the Resources for Positive Behavior Change**, Bend, OR. Contact Karen Dunlap at (859) 244-8211 or e-mail [kdunlap@csg.org](mailto:kdunlap@csg.org).

Aug. 24-27 **APPA 28<sup>th</sup> Annual Training Institute**, Cleveland Convention Center, Cleveland, OH. Contact Kris Chappell at (859) 244-8204 or visit [www.appa-net.org](http://www.appa-net.org).

Sep. 7-10 **New England Council of Crime and Delinquency's 64<sup>th</sup> Annual Training Institute**, Sheraton Tara-Hyannis, Cape Cod, MA. Contact Paula Keating [popppy16@yahoo.com](mailto:popppy16@yahoo.com), Jack Quinn [quinn\\_j4@jud.state.ma.us](mailto:quinn_j4@jud.state.ma.us) or visit <http://neccd.doc.state.vt.us>.

Sep. 16-20 **8th International Conference on Family Violence**, Town and Country Hotel and Convention Center, San Diego, CA. Visit [www.fvsai.org](http://www.fvsai.org) for more information.

Sep. 24-25 **APPA Professional Development Training: Managing Sex Offenders Computer Use**, Golden, CO. Contact Karen Dunlap at (859) 244-8211 or e-mail [kdunlap@csg.org](mailto:kdunlap@csg.org).

Oct. 11-14 **6<sup>th</sup> National Crime Prevention Council Conference on Preventing Crime**, Washington Hilton Towers, Washington, DC. Contact (202) 261-4165, e-mail [conference@ncpc.org](mailto:conference@ncpc.org) or visit [www.ncpc.org/pop](http://www.ncpc.org/pop).

Oct. 21-25 **International Association of Chiefs of Police Conference and Expo**, Philadelphia, PA. Visit <http://theiacp02.expoexchange.com/> for more information.

Nov. 2-5 **Probation Officers Association of Ontario Symposium 2003**, Sheraton on the Falls & Brock Plaza Niagara Falls, Ontario Canada. Visit [www.poao.org](http://www.poao.org) in August 2003 for more information.

Nov. 3-4 **APPA Professional Development Training: Managing Sex Offenders Computer Use**, Golden, CO. Contact Karen Dunlap at (859) 244-8211 or e-mail [kdunlap@csg.org](mailto:kdunlap@csg.org).

## 2004

Jan. 10-14 **American Correctional Association 2004 Winter Conference**, New Orleans, LA. Contact Conventions Dept. (800) 222-5646 x 1922 or visit ACA's website at [www.aca.org](http://www.aca.org).

Jan. 21-22 **APPA Professional Development Training: Managing Sex Offenders Computer Use**, Golden, CO. Contact Karen Dunlap at (859) 244-8211 or e-mail [kdunlap@csg.org](mailto:kdunlap@csg.org).

Feb. 7-11 **APPA Winter Training Institute**, Reno Hilton, Reno, NV. Contact Kris Chappell at (859) 244-8204 or visit [www.appa-net.org](http://www.appa-net.org).

Feb. 11-12 **APPA Professional Development Training: Results-Driven Management in the Public Sector** Reno, NV. Contact Karen Dunlap at (859) 244-8211 or e-mail [kdunlap@csg.org](mailto:kdunlap@csg.org).

Feb. 11-12 **APPA Professional Development Training: Survival Skills for Middle Managers: Out of the Frying Pan and Into the Fire** Reno, NV. Contact Karen Dunlap at (859) 244-8211 or e-mail [kdunlap@csg.org](mailto:kdunlap@csg.org).

July 31-Aug. 5 **American Correctional Association 134<sup>th</sup> Congress of Correction**, Phoenix, AZ. Contact Conventions Dept. (800) 222-5646 x1922 or visit ACA's website at [www.aca.org](http://www.aca.org).

To place your activities in Calendar of Events, please submit information to:

Diane Kincaid

American Probation and Parole Association

P.O. Box 11910, Lexington, KY 40578

or fax to (859) 244-8001

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



**One of the most  
comprehensive and  
successful juvenile  
reform programs in  
the country!**

## **Mesabi Academy**

**Buhl, MN**

## **Prairie Academy**

**Worthington, MN**

### **The correctional continuum includes:**

- Sex offender unit
- Short-term secure unit
- Open residential

### **Academy program components include:**

- Delinquency reform, plus behavioral health and therapeutic modalities
- Individualized treatment planning
- Transportation services
- Vocational training

### **For more information, please call:**

**1-888-270-5013**

Mesabi Academy and Prairie Academy, divisions of KidsPeace, are private charity youth correctional facilities offering health services, residential, educational, and vocational training, and aftercare and community reintegration for delinquent youth who are felony or misdemeanor status, or are chronic offenders. Headquartered in Onfield, Pennsylvania, KidsPeace offers a comprehensive range of treatment programs and educational services for kids in crisis.

The models represented here are for illustrative purposes only, and in no way represent or endorse KidsPeace.

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**KIDSPACE OFFERS SERVICES IN GEORGIA, INDIANA, MAINE, MARYLAND, MINNESOTA, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, AND VIRGINIA.**

Please circle # 37 on the reader information card

# 28th Annual Training Institute

## American Probation and Parole Association **THE RISING:**

### A New Generation of Community Justice

Co-Sponsored by the Ohio Chief Probation Officers Association in partnership with Ohio Department of Youth Services and Ohio Department of Rehabilitation and Corrections

## AUGUST 24-27, 2003

## Activities

AT A GLANCE

### Where It All Happens

All APPA workshops, intensive sessions, general sessions, resource expo and receptions will take place in the Cleveland Convention Center, located in the center of downtown's many attractions.

### How You Will Benefit!

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

### Who Should Attend?

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

- probation
- parole
- juvenile justice
- treatment
- social work
- education or training
- victim services
- residential programs
- judicial system
- pre- and post-release centers
- restitution
- law enforcement
- public policy development

Register before  
**JULY 25**  
to receive discounted rates!

### Saturday, August 23

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

APPA Executive Committee Meeting  
Institute Registration

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

### Sunday, August 24

8:00 a.m. - 9:00 p.m.

8:30 a.m. - 5:00 p.m.

8:30 a.m. - 5:15 p.m.

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

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

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

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

Institute Registration  
Intensive Sessions  
Special Training – Center for Sex Offender Management  
APPA Board of Directors Meeting  
Resource Expo Viewing  
Opening Session  
Opening Reception in the Resource Expo

### Monday, August 25

7:30 a.m. - 5:00 p.m.

8:30 a.m. - 10:00 a.m.

10:00 a.m. - 11:00 a.m.

11:00 a.m. - 12:30 p.m.

12:30 p.m. - 1:45 p.m.

1:45 p.m. - 3:15 p.m.

3:30 p.m. - 5:00 p.m.

4:00 p.m. - 6:00 p.m.

5:00 p.m. - 6:00 p.m.

Institute Registration  
Plenary Session  
Resource Expo Viewing  
Workshops  
Lunch in the Resource Expo  
Workshops  
Workshops  
Resource Expo Viewing  
Reception in Resource Expo



### Tuesday, August 26

8:30 a.m. - 10:00 a.m.

10:00 a.m. - 11:00 a.m.

11:00 a.m. - 12:30 p.m.

12:30 p.m. - 2:00 p.m.

2:00 p.m. - 3:30 p.m.

3:45 p.m. - 5:15 p.m.

Workshops  
Resource Expo Viewing  
Workshops  
APPA Membership Luncheon and Meeting  
Workshops  
Workshops



### Wednesday, August 27

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

Closing Session

*Agenda is subject to change.*



## Opening Session

Sunday, August 24, 7:00 p.m. - 8:30 p.m.

### Principles of Effective Correctional Intervention



#### Speaker

Edward J. Latessa  
Head of Division of  
Criminal Justice  
University of Cincinnati

## Plenary Session

Monday, August 25, 8:30 a.m. - 10:00 a.m.

### The New Choreography: The Rebirth of Probation in England and Wales



#### Speaker

Eithne Wallis  
Director General  
National Probation Service  
for England and Wales

## Closing Session

Wednesday, August 27, 9:00 a.m. - 10:30 a.m.

### And the Beat Goes On. . .



#### Speaker

Tom Sparough  
Professional  
Storyteller and Juggler

## Intensive Sessions

All intensive sessions are held on Sunday, August 24. **Advance registration is required.** Intensive sessions are \$30 for each session. All Intensive Sessions are accredited through the APPA training accreditation committee and appropriate credit will be provided to registered participants.

### 1. Developing Policies, Procedures and Management Information Systems that are Results-Driven and Protect us when Sued for Negligence

Time: 8:30 a.m. - 12:30 p.m.

#### Presenter

Mario Paparozzi, Ph.D., College of New Jersey,  
Dept. of Law and Justice

### 2. I'm Not Different, YOU ARE!

Time: 8:30 a.m. - 12:30 p.m.

#### Presenters

Sharon Covey, Executive Director of Youth and  
Family Services, Bloom Township (IL)  
Carmen Rodriguez, Senior Training Specialist, Cook  
County Adult Probation (IL)

### 3. Improving Local Responses to Women Offenders in the Community: Building the Case

Time: 8:30 a.m. - 5:00 p.m.

#### Presenters

Ross Alderson, Chair, Davidson County Task  
Force on Women Offenders and Public Defender,  
Metropolitan Public Defender's Office (TN)  
Stephanie Covington, Ph.D., Co-Director,  
Center for Gender and Justice (CA)  
Mark Gornik, M.S. Correctional Program  
Specialist, National Institute of Corrections (DC)  
Patricia VanVoorhis, Ph.D., Professor, University  
of Cincinnati (OH)

#### Moderator

Phyllis Modley, Correctional Program Specialist,  
National Institute of Corrections (DC)

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

Time: 8:30 a.m. - 5:00 p.m.

#### Presenter

Dennis S. Schrantz, Consultant and Trainer, The  
Sentencing Project (MI)

### 5. Communication, Conflict and Teamwork: Coaching for Success

Time: 8:30 a.m. - 5:00 p.m.

#### Presenters

Michael J. Dooley, Correctional Program  
Specialist, National Institute of Corrections (DC)  
Stephen J. Lickwar, Director of Court and  
Reparative Services, Dept. of Corrections (VT)

### 6. Renewing and Rejuvenating the Helping Professional

Time: 8:30 a.m. - 5:00 p.m.

#### Presenter

Larry G. Washington, MS LPCI, Consultant (TX)

### 7. Case Management of Adolescent Sex Offenders

Time: 8:30 a.m. - 5:00 p.m.

#### Presenter

Eric B. Remington, M.Ed., Administrator of Court  
Probation Services, Juvenile Bureau (OK)

### 8. Management Development for Women and Minorities: An Overview

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

#### Presenter

Vicky Spriggs, Executive Director, Juvenile  
Probation Commission (TX)

#### Moderator

Nancy Shomaker, National Institute of  
Corrections, Academy Division (CO)

### 9. Respecting Difference

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

#### Presenters

Ursula I. Lifofoi Aldan, Chief Probation  
Officer (MP)  
Simram Simram, Probation Supervisor (MP)  
John Aguon, Probation Supervisor (MP)  
Vince Attao, Chief Parole Officer (MP)  
Slyvio Ada, Juvenile Probation Supervisor (MP)

## Continuing Education Credit Available!

The American Probation and Parole Association (APPA) has been a leading provider of community-based corrections training for over 27 years. Through APPA's training institutes, community-based corrections professionals gain knowledge and skills necessary to maintain their high level of professionalism in today's complex environment. APPA is providing the following Education Credits for select workshops and intensive sessions.

### Social Worker Credits

The Ohio Department of Youth Services, Staff Training Unit, is approved as a provider of Continuing Professional Education (CPE) by the Ohio Counselor and Social Worker Board for Social Worker CPE's (Provider # RSX069115).

### Certified Chemical Dependency Counselors

The Ohio Department of Youth Services, Staff Training Unit, is approved as a provider of Recognized Clock Hours (RCH) for Treatment (T), Supervision (S), and (P) Prevention by the Ohio Department of Alcohol and Drug Addiction Services (ODADAS).

# Workshops AT A GLANCE

**Monday, August 25**

11:00 am – 12:30 pm

Sex Offender Reentry

Domestic Violence and the Intersection of Oppression: Informing the Community Corrections Response

The Implementation of Large-Scale Change

The Therapeutic Community for Multiple Abuser Youth

Information Sharing in the Justice and Public Safety Community

Rising Partnerships in the Three Branches of Government in Texas

A Fresh Approach to Working with African American Male Offenders – The New Jack Professional

New York State Parole and Probation Training Initiative – An Effective and Efficient Way of Increasing Staff Training Opportunities

Meaningful Supervision Across the Language Divide

Misdemeanor Sentencing in Ohio

Excellence in Community Crime Prevention

1:45 pm – 3:15 pm

Sentencing the Victim: The Screening (Part 1)

Youth Justice Reform in Canada: Reintegration through Conditional Release

Solutions for the Mentally Ill in the Criminal Justice Community (Part 1)

We're In It Together: Contracting for Treatment Services

Town Hall Meeting

Interstate Compact for Juveniles

COLLECTIONS! It's not a Four Letter Word

Youth Courts: A National Perspective

Hispanics in the Community – A Cultural Perspective

Do Community Sanctions Really Work?

Suicide: The Unspoken Threat to Officer Safety

3:30 pm – 5:00 pm

Cutting Across Traditional Boundaries to Find Innovative Policy and Practice (And We Literally mean *Oceans* here; not just *Bureaucracies*...)

Solutions for the Mentally Ill in the Criminal Justice Community (Part 2)

Administrative Styles: What Works For Me

Creative Sentencing

Sentencing the Victim: The Discussion (Part 2)

Innovative County Programs for Juveniles in Ohio

Winner's Circle: A New Tool for Recovering Addicts

Using Risk Assessment and Collaborative Strategies in Sentencing Juvenile Offenders

Nevada Division of Parole and Probation Presents "The Dangerous Offender Notification System"

Supervising Domestic Violence Cases to Promote Victim Safety and Offender Accountability

**Visit the APPA Website at [www.appa-net.org](http://www.appa-net.org) for complete session descriptions, travel information and institute activities!**

# Workshops AT A GLANCE

**Tuesday, August 26**

8:30 am – 10:00 am	11:00 am – 12:30 pm	2:00 pm – 3:30 pm	3:45 pm – 5:15 pm
Using Restorative and Community Justice as a Means of Reducing Disproportionate Minority Confinement	Physical Protection Systems Design and Evaluation: A Methodology to Make Your Office a Safer Place to Work	Mental Illness: Examining the Andrea Yates Case for New Strategies and Mitigation with Mentally Ill Defendants	Does Culture Matter? Understanding the African-American Offender
Stalking Crime Victims	Probation in Australia	A Day in the Life of Community Re-Entry: Thirty Years of Lessons on Offender Re-integration	Supervising and Managing in Community Corrections in the post 9/11 World
The Connection Between Child Maltreatment and Juvenile Delinquency	National Center for State Courts: Rising Impact of Problem Solving Courts	Family Violence Court Program/ Diverting Future Domestic Violence	Comprehensive Strategy/ Partnerships for Success: A Community Approach to Preventing and Responding to Child and Youth Behaviors
Data-Based Decision Making in Community Corrections	The Officer Safety Train is Rolling Down the Track: From Academy to Arming – The State of Arizona Officer Safety Program Implementation for Adult and Juvenile Officers	The Bureau of Justice Assistance: Supporting Corrections and Criminal Justice Programs	The Mentally Ill Offender in the Criminal Justice System: Cross System Dialogue and Action
NIC National Model for Developing an Effective Re-Entry Process (Part 1)	NIC National Model for Developing an Effective Re-Entry Process (Part 2)	Statewide Dissemination Strategy of Multisystemic Therapy (MST)-an Evidence Based Treatment for Youth with Anti-social and Externalizing Behaviors	Measuring Impact: The Next Challenge for Restorative Justice and Community Justice Initiatives
Attention Deficit Disorder and Probation – Are They Compatible?	The Invisible Minority: Managing Lesbian, Gay, Bisexual and Transgendered Offenders	Sharing the Wisdom: Developing a Global View of Probation and Parole	Multi-Agency Public Protection Developments within the United Kingdom
The Problem will be Determined by Who is Asked What On... The Other Side of the Desk	Mental Health Diversion in Juvenile Courts	Program Panorama: The Innovative and Cutting Edge	A Model for Offender Screening and In-Depth Assessment of Alcohol and Drug Problems
Alternative Interventions for Women	Journaling for Behavioral Change	Probation and Parole: A Victim's Perspective	Officer Safety Issues in Supervising Mental Health Offenders
Informed, Fair and Compassionate Sentencing or Diversion for Mentally Impaired Offenders	Supervision: Reframing the Contact to Incorporate "What Works" and Changing the Climate of Supervision Agencies	Expanding Organizational Capacity through Electronic Learning	Expanding the Discussion about Identification of Risks and Needs for Juveniles
Richland County Reentry Court Sentencing and Supervision Strategies	You Need to Call Section 8 Housing...CallMHMR...Check with Project Unity	A Network Approach to Supervising Female Substance Abusing Offenders	
	Findings from the Bureau of Justice Statistics: National Trends in Community Corrections and Incarceration	Officer Safety: Prevention is the Best Defense	



## Registration Information

### Registration Procedures

**By Mail** – Registration for the APPA Institute can easily be done by mail. Just send your check, government purchase order or credit card information with your completed APPA registration form to the address shown on the form. All registrations postmarked by July 25, 2003 will be confirmed by mail.

**By Fax** – For your convenience, when payment is by credit card, you may fill out the APPA registration form and fax it to: (859) 244-8001, Attention — APPA Institute. All registrations faxed by July 25, 2003 will be confirmed by mail.

**Internet** – Register for the APPA Institute on-line at [www.appa-net.org](http://www.appa-net.org)

### 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. 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 26, 2003 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.

## Lodging Information

Institute activities will be held in the Cleveland Convention Center. APPA has secured discounted lodging rates at the hotels listed below which surround the convention center. Hotel reservations must be made through the APPA Housing Bureau by August 1, 2003. To make reservations call (866) 829-7605 or if calling internationally, call (506) 433-7981 and indicate you are with the APPA Institute to receive these special discounted rates.

You can also make lodging reservations online or download a Lodging Reservation Form by visiting APPA's website at [www.appa-net.org](http://www.appa-net.org).

## Transportation Information



### Your Ticket of Savings!

Delta Air Lines has been selected as the 2003 Annual Training Institute official air carrier for travel into Cleveland. Delta is offering bonus meeting discounts. To receive these discounts, contact Delta directly at (800) 241-6760 and reference **file number 191374A**. If you book your reservations through a travel agent, make sure the agent also uses the file number.

### ▲ Delta Air Lines Delta Bonus Discounts!

- Discount for tickets purchased more than 60 days in advance  
10% off non-refundable tickets  
15% off unrestricted coach tickets
- Discount for tickets purchased less than 60 days in advance  
5% off non-refundable tickets  
10% off unrestricted coach tickets
- Special Zone Fares may also be available for savings on midweek travel



### Car Rental

Alamo is offering special car rental rates to APPA Institute attendees, available August 18-30, 2003. Please visit the APPA website at [www.appa-net.net](http://www.appa-net.net) for car rental rates. Rates are guaranteed from one week prior to through one week after the Institute dates and are subject to car availability. All Alamo rentals include unlimited free mileage. Advance reservations are recommended. Standard rental conditions and qualifications apply. Call Alamo at 1-800-732-3232 or visit Alamo's website at [www.alamo.com](http://www.alamo.com) and refer to Group ID #529654, Plan code GR.

## Hotels



### Sheraton Cleveland City Centre

Newly renovated in 2002 the Sheraton Cleveland City

Centre Hotel overlooks Lake Erie located in Downtown Cleveland's business district adjacent to the Convention Center. The Sheraton is located near the Rock & Roll Hall of Fame, Browns Stadium and the Great Lakes Science Center. Relax in the Sheraton's newly renovated guest rooms and enjoy modern amenities and spectacular views of Lake Erie's waterfront. Luxurious pillow top beds & soft European Duvets (comforters) guarantee you a peaceful and comfortable night's rest.

**\$99 Single / Double Occupancy**



### Hyatt Regency Cleveland

The Hyatt Regency Cleveland is situated in the heart of downtown

in an elegant National Historic Landmark building. The hotel atrium is home to over 40 boutique shops, retail and dining. The Hyatt Regency Cleveland is a located just step from the city's main attractions including the Theater District, Public Square, Tower City shopping and major sporting venues.

**\$119 Single / Double Occupancy**



### Holiday Inn Select

The Holiday Inn Select is centrally located in downtown Cleveland, very convenient to all of

the city's major business centers and sport's facilities. Located at the Lake Erie shore, the Holiday Inn Select is within walking distance of the Rock and Roll Hall of Fame and Museum, the Great Lakes Science Center and Playhouse Square. Cleveland's light rail transit system affords station service one block away. Each deluxe guestroom, as well as all public spaces have been completely renovated and refurbished to luxurious, contemporary standards.

**\$89 Single / Double Occupancy**



# Registration Form

APPA 28th Annual Training Institute • August 24-27, 2003

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

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Title: \_\_\_\_\_ Agency/Organization: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Business Fax: \_\_\_\_\_

Address: \_\_\_\_\_

(location where confirmation should be sent)

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

## Registration Fees

Includes general sessions, exhibit receptions and workshops. (All fees are per person.)	Early Rate Before July 25	On or After July 26	Amount
<b>Member of APPA or co-sponsoring Assn.</b> To qualify for this rate you must be a member of one of the following (please mark those that you hold current membership in) <input type="checkbox"/> APPA Member - Please indicate your membership category and your membership number. <input type="checkbox"/> Individual member <input type="checkbox"/> Agency member Membership # _____ Expiration Date ____ - ____ <input type="checkbox"/> Ohio Chief Probation Officers Association	<b>\$275</b>	<b>\$320</b>	\$ _____
<b>Non-member</b> If you are not a member of APPA or or the co-sponsoring associations, you are required to pay the regular registration fee. Memberships will be verified.	<b>\$335</b>	<b>\$380</b>	\$ _____
<b>Intensive Sessions</b> Available only to registrants of Institute. Attendance at intensive sessions only is not permitted. Specify Intensive Session # _____ (see page 6 for list of Intensive Sessions)	<b>\$30</b>	<b>\$30</b>	\$ _____
<b>Family Registration</b> This rate is available to immediate family members not employed in the corrections field. Allows entry into general sessions, exhibit receptions and workshops. Luncheon is not included. Specify Family member's name _____	<b>\$50</b>	<b>\$50</b>	\$ _____
<b>Luncheon Ticket (August 26)</b> One luncheon ticket is included in full registration. Registration fee for family members does not include a luncheon ticket	<b>\$35</b>	<b>\$35</b>	\$ _____
<b>APPA Membership</b> One year of individual membership. <input type="checkbox"/> New Member <input type="checkbox"/> Renewal	<b>\$50</b>	<b>\$50</b>	\$ _____ 61-16-00-1000-4020
<b>Grand Total Enclosed</b>		<b>\$</b>	_____
			61-16-00-2064-4401
<b>Is this your first attendance at the APPA Institute?</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Please indicate the number of years worked in Community Corrections</b>		<input type="checkbox"/> 9 or less <input type="checkbox"/> 10-24 <input type="checkbox"/> 25+ years	
<b>Community Service Project</b>		<input type="checkbox"/> Habitat for Humanity <input type="checkbox"/> Salvation Army <input type="checkbox"/> University Settlement	
Please check if you can take part in one of these projects. See page 32 for further details.			

## Payment

☐ Check Enclosed ☐ Government Purchase Order Enclosed; PO # \_\_\_\_\_

Charge to: ☐ VISA ☐ MasterCard ☐ American Express

Card Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Special Assistance

☐ Please check if you require special provisions to fully participate in this Institute. Attach a written description of needs.

## Confirmation/Refund Policy

A full refund, less a \$50 processing fee, is available until August 1, 2003. **No refunds are available after August 1.** 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 1.

## 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

or register online at [www.appa-net.org](http://www.appa-net.org)

To better plan Institute workshops and activities, please supply us with the following information.

### Job Jurisdiction

- ☐ Federal
- ☐ State
- ☐ County
- ☐ City
- ☐ Private firm/business
- ☐ Academic Institution
- ☐ Province
- ☐ Nonprofit organization
- ☐ Other \_\_\_\_\_

### Primary Work Area

- ☐ Juvenile Probation & Parole
- ☐ Adult Probation & Parole
- ☐ Adult Probation
- ☐ Adult Parole
- ☐ Juvenile Probation
- ☐ Juvenile Parole/Aftercare
- ☐ Residential
- ☐ Non - Residential
- ☐ Treatment Provider
- ☐ Academia
- ☐ Other \_\_\_\_\_

### Length of Experience in Corrections

- ☐ Less than 2 years
- ☐ 2-5 years
- ☐ 6-10 years
- ☐ 11-15 years
- ☐ 16-20 years
- ☐ 21-25 years
- ☐ More than 26 years

### Highest Level of Education

- ☐ Graduate Equivalency Diploma(GED)
- ☐ High School Diploma
- ☐ Associate's Degree
- ☐ Bachelor's Degree
- ☐ Master's Degree
- ☐ Doctorate

### Geographical Area

- ☐ Urban (pop. over 50,000)
- ☐ Rural (pop. under 50,000)

### Gender

- ☐ Male
- ☐ Female

### Professional Category

- ☐ Line Personnel
- ☐ Commissioner/ Director/Chief
- ☐ Administrator
- ☐ Consultant
- ☐ Trainer
- ☐ Parole Board Member
- ☐ Judge
- ☐ Attorney
- ☐ Educator/ Researcher
- ☐ Private Sector/ Corporate
- ☐ Retired
- ☐ Student
- ☐ Other

### Race/Ethnicity

- ☐ African American
- ☐ Caucasian
- ☐ Hispanic
- ☐ Native American
- ☐ Asian
- ☐ Other

### Mark all Expenses that are Reimbursed

- ☐ Registration
- ☐ Travel-Ground
- ☐ Travel-Air
- ☐ Meals

### Mark Past Attendance at APPA Annual Institute

- ☐ First Time
- ☐ 2-4
- ☐ 5-6
- ☐ 7-9
- ☐ 10 or more

APPA Federal ID # 56-1150454

# *Making a Difference for Our Communities*

**CASE MANAGEMENT  
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INTERVENTION  
TREATMENT  
ADVOCACY  
PUBLIC SAFETY  
VICTIMS SERVICES**



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**PROBATION,  
PAROLE AND  
COMMUNITY  
SUPERVISION  
OFFICERS' WEEK**

**JULY 13-19, 2003**



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c/o The Council of State Governments  
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