



PERSPECTIVES

the journal of the American Probation and Parole Association

Volume 28

Number 4

Fall 2004



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PRESIDENT'S MESSAGE

In my message for this issue, I will focus on the probation, parole and community corrections workforce for the 21st century and the issue of recruiting, hiring, retaining and developing our workforce. It is an issue that I have become acutely aware of through my work with the National Institute of Corrections, and through conversations with many community corrections professionals from around the country.

Like many of you, I am a baby boomer, one of those kids born between 1944 and 1964, who happen to make up the bulk of the corrections workforce. I came into this profession a little over 26 years ago and have stayed in it and have developed a passion for what we do. However, two things are occurring in our profession which concerns me. First, many of my baby boomer colleagues are retiring; and second, we seem to be having difficulty in hiring and retaining the next generation of folks whom we need to push our profession into the future. We are quickly losing experienced staff, while finding it difficult to retain current staff and bring in new recruits.

When this happens, we don't have the people necessary to whom we can pass the torch. We lose our agency history and the knowledge of the work required to get the job done with effectiveness and passion. We lack the future leaders we need to develop our profession. The energy and enthusiasm for the profession, which we need to keep us at the forefront of justice issues, can be lost. Needless to say, we cannot afford to lose veteran staff and not retain experienced staff who can shepherd in new, energized staff that grow into both experienced and effective field staff and leaders.

So, what do we do? We certainly cannot stop folks from retiring. They have earned the right to retire. For many years they have worked diligently to make our communities safer, supervise and provide services for offenders, assist victims and guide individuals, both juvenile and adult, into more productive and positive lifestyles. They have performed their duties responsibly and professionally, without nearly enough thanks or recognition.

How do we attract new people to our profession? When we bring in new people, how do we convince them that ours is a worthy profession? When we do hold onto to those who develop a passion for the job, how do we nurture them into top-notch officers and supervisors? There are no easy answers to these questions. However, there are answers out there amongst the rank and file members of organizations and within our profession.

It is imperative that we all strive to find the answers to these questions. We must find the answers if we want to continue our quest for "community justice and safety for all." The answers must sustain our profession, expand our knowledge base, develop new and better methods to do business, bring in new and fresh ideas, and keep the enthusiasm and passion for the work in the forefront.

We must also strive to find the answers so that we can continue to strengthen APPA and its influence by bringing in new leaders and new ideas. Any organization such as ours is only as strong and productive as its current and future members and leaders. In order to remain strong and productive we must continuously bring in new, enthusiastic and passionate members and help them become dedicated leaders.

Thus, we must find and implement the answers to these questions to ensure ongoing intellectual growth and practical solutions for our profession as well as influence and leadership from APPA. It will be a challenge to find the answers and implement the solutions. But with forward-looking people in our profession working together in our agencies, within our localities and states, within our academic communities, within the communities in which we live, and within our organizations, unions and associations, we can and will find the answers. And when we find the answers, we must share them with everyone. In the long run, everyone we serve will benefit: our profession, our communities, offenders, crime victims, the courts, other justice professionals, our community partners, our families and future generations.

As always, may everyone always be safe in their job and their travels.



Andrew Molloy

A handwritten signature in dark ink that reads "Andrew Molloy". The signature is fluid and cursive, with a long, sweeping underline.

PERSPECTIVES

the journal of the American Probation and Parole Association

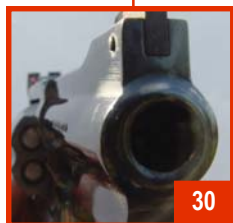
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Instructions to Authors

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

Articles should be submitted in MS Word or WordPerfect format on an IBM-compatible computer disk, along with a hard copy, to Production Coordinator, *PERSPECTIVES* Magazine, P.O. Box 11910, Lexington, KY, 40578-1910, or can be emailed to smeeks@csg.org in accordance with the following deadlines:

Spring 2005 Issue – November 11, 2004 • Summer 2005 Issue – February 19, 2005 • Fall 2005 Issue – May 20, 2005 • Winter 2006 Issue – August 21, 2005

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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APPA

We see a fair, just and safe society

vision

where community partnerships are

restoring hope by embracing a

balance of prevention, intervention

and advocacy.

We seek to create a system of Community Justice where:

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

Primary prevention initiatives are cultivated through our leadership and guidance;

Our communities are empowered to own and participate in solutions;

Results are measured and direct our service delivery;

Dignity and respect describe how each person is treated;

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

Partnerships with stakeholders lead to shared ownership of our vision.

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



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EDITOR'S NOTES

Welcome to the fall issue of *Perspectives*. In this issue, we highlight an article about domestic violence and firearms by APPA staffers Ann Crowe and Linda Sydney. The dangers posed by the presence of weapons in a domestic violence setting are real and substantial. As the authors note, a domestic assault often turns into a homicide when a weapon is present.

Crowe and Sydney document the many laws on the books, both at the state and federal level that prohibit persons involved with domestic violence from legally possessing firearms or ammunition. Probation and parole staff should be familiar with these and enforce them to the fullest extent possible. The frequency with which offenders possess firearms and the apparent ease of obtaining them should make us all extra vigilant in enforcing the laws and conditions of supervision which prohibit possession of firearms. The article contains sound advice and guidance for line officers and policy-makers alike in terms of strategies and practices to consider. In the end, I think this simple statement from the article says it all: "Removing firearms from the hands of domestic violence offenders can save lives."

This issue also contains an announcement about a new APPA grant that complements the lead article. The Project Safe Neighborhoods: Incorporating and Training Probation and Parole Professionals to Reduce Gun Crime grant will first survey the field to determine current practices concerning reducing offender gun possession and use, and will then develop and offer training and technical assistance to probation and parole agencies to improve their efforts in this area. This grant is yet another example of how your association is working hard to improve the effectiveness of community corrections professionals.

In an article that could be said to be "torn from the headlines," Mike McCampbell describes the dangers of clandestine methamphetamine labs. As I prepared to write this, I read a newspaper article about a PO in Arkansas who uncovered a clandestine meth lab during a home visit (Baxter Bulletin, July 28, 2004). Thanks to APPA's Karen Fuller and the CC Headlines and More... for that information.

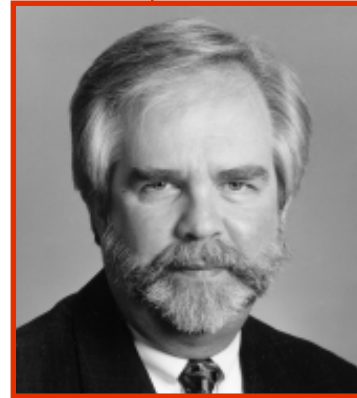
Methamphetamine abuse is growing, and with it the clandestine labs to manufacture it. The DEA reported seizing over 10,000 labs in 2003. These are dangerous operations in many ways - the danger of explosion and fire, toxic fumes and contaminated by-products, not to mention the danger from the individuals who are operating the lab and using the drug. Probation and parole staff must be aware of this hazard and know how to respond should they encounter a clandestine lab.

As if the dangers of firearms and meth labs encountered by line officers in the community weren't enough, probation and parole agencies face critical challenges in the administrative and political arenas. Budgets are tight and getting tighter, yet expectations are not scaled back. Demands for services and increased accountability put pressure on executives to find new ways to work smarter.

The experience of the Marion County, Indiana, Adult Probation Department provides an excellent example of one approach to meeting these challenges. Chief Probation Officer Robert Bingham and his co-authors provide an excellent case study of how they used business process review and redesign to systematically review and redesign their intake process. This resulted in substantial improvements in the speed and efficiency of the intake operation, at no increased operational cost.

In his President's Message, Drew Molloy discusses another challenge to the leaders of our field, one that many executives and managers may not even be aware of. The community corrections workforce is changing, and that has significant implications for us in both the near and long term. Large numbers of staff will soon be eligible to retire, and we will have to replace them. But the generation of youth now graduating college looks at jobs and careers very differently. If we continue to do what we have always done, we will not be able to attract and retain sufficient numbers of qualified staff. As the job of the probation and parole professional evolves and becomes more challenging and demanding, the challenges of recruitment and retention faced by executives and managers will increase exponentially.

Clearly we face extraordinary times, filled with turmoil. But at the same time, we have never been better equipped with proven tools and techniques to respond effectively. We hope this issue adds useful items to your tool kit. As always, we encourage your feedback on this, your professional journal. Let us know what you think.



William Burrell

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A handwritten signature in cursive script that reads "Bill Burrell".

APPA Resolves Support for Youth Courts

Youth courts - also known as teen courts, peer courts and student courts - are one of the fastest growing crime intervention and prevention programs in the nation. During the American Probation and Parole Association (APPA) Annual Institute in Orlando, Florida July 26, 2004, APPA President Andrew Molloy signed a resolution in support of youth courts and presented an award to the U.S. Department of Justice for their support of youth courts.

The APPA resolution, signed by Mr. Molloy on behalf of the organization, recognized the importance of youth courts to our communities and recommends that probation, parole, and community supervision agencies support and assist in the formation and expansion of youth court as diversionary programs. The resolution in support of youth courts can be read in full on the APPA website at www.appa.net.org.

The U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention received an APPA award for its renowned leadership and support for youth courts as a program that can address both juvenile crime and promote civic engagement among America's young people. APPA President Andrew Molloy presented the award during the plenary session at the APPA Annual Institute in Orlando, Florida on July 26, 2004 to Lizette Benedi, Deputy Assistant Attorney General with the Office of

Justice Programs, who accepted the award on behalf of Assistant Attorney General Deborah J. Daniels, Office of Justice Programs, U.S. Department of Justice.

Mr. Molloy emphasized that because of the incredible support that OJP has provided to APPA's national youth court initiatives, the number of youth courts have increased by more than 1,000 percent in the last decade-with more than 950 programs currently operating in 49 states and the District of Columbia. He stated, "Youth courts offer youth who have committed minor delinquent and status offenses with a timely and cost effective alternative to the traditional juvenile justice system."

In accepting the award, Benedi noted, "While youth courts can lessen the burden on the juvenile justice system, they can also be a way of empowering youth. By giving young people a legally and socially-sanctioned forum for holding their peers responsible for their actions, youth courts teach problem solving, respect for the law, and accountability. But perhaps more important, the courts help build self-esteem and send a message to teens that they matter. Youth courts work because they build on this confidence and create opportunities for youth-opportunities that enable them to make a difference."

Resolution in Support of Youth Courts

Whereas, Youth courts-also known as teen courts, peer courts and student courts- are one of the fastest growing crime intervention and prevention programs in the nation.

Whereas, Youth volunteers, under the supervision of adult volunteers, act as judges, jurors, clerks, bailiffs, and counsel for youth who are charged with minor delinquent and status offenses, problem behaviors or minor infractions of school rules, and who consent to participate in the program.

Whereas, Youth courts engage the community in a partnership with the juvenile justice system, youth programs, schools, attorneys, judges, and police departments working together to form and expand diversionary programs responding to juvenile crime and problem behavior.

Whereas, Youth courts increase the awareness of delinquency issues and problem behavior on a local level and mobilize community members, including youth, to take an active civic role in addressing the problem. Youth courts exemplify the practices of empowering

youth through involvement in developing community solutions to problems, teaching decision-making, and applying leadership skills.

Whereas, Youth courts design effective program services and sentencing options that hold youth accountable, repair the harm to the victim and the community, and contribute to public safety.

Whereas, Youth courts promote attitudes, activities, and behaviors that create and maintain safe and vital communities where crime and delinquency cannot flourish; and youth court practices provide a foundation for crime prevention and community justice initiatives, as well as embrace the principles of restorative justice. And

Therefore, be it resolved, That the American Probation and Parole Association hereby recognizes the importance of youth courts to our communities and recommends that probation, parole, and community supervision agencies support and assist in the formation and expansion of diversionary programs, known as youth courts.

September is National Youth Court Month

The National Youth Court Center, which serves as a clearinghouse for information, develops resource materials, and provides training and technical assistance on developing and enhancing youth court programs; the U.S. Department of Justice; the Office of Juvenile Justice and Delinquency Prevention; and the U.S. Department of Transportation, National Highway Traffic and Safety Administration, have designated September 2004 as the 3rd Annual National Youth Court Month.

National Youth Court Month provides youth courts an opportunity to share and celebrate their programs' successes; recruit new volunteers and honor current youth and adult volunteers; and engage their volunteers, respondents, and staff in community service-learning projects to promote the youth court and assist other agencies in the community.

This year's theme is "Serving Communities-Changing Lives." The National Youth Court Center has developed a 2004 National Youth Court Month Action Kit to assist youth courts in preparing for this year's events. The Action Kit contains tips for planning events and activities, suggested activities to commemorate National Youth Court Month, strategies for communicating more effectively with the media, and a listing of national youth court resources. A copy of the 2004 National Youth Court Month Action Kit can be downloaded from the National Youth Court Center's website at www.youthcourt.net.

For more information on youth courts, contact the NYCC at APPA; c/o CSG; P.O. Box 11910; Lexington, KY 40578; phone: 859-244-8193; fax: 859-244-8001; email: nycc@cs.org; main website: www.youthcourt.net; youth volunteer website: www.ycyouth.net.

PROJECT ANNOUNCEMENT

Project Safe Neighborhoods: Incorporating and Training Probation and Parole Professionals to Reduce Gun Crime

The American Probation and Parole Association (APPA) has been awarded a grant by the Bureau of Justice Assistance, U. S. Department of Justice, in conjunction with Project Safe Neighborhoods, to ascertain current practices among probation and parole organizations throughout the nation in prevention of offenders on supervision from possessing and using guns, and in searching for and seizing guns held illegally. APPA will develop and offer relevant training and technical assistance for probation and parole professionals, and work collaboratively with other agencies to promote proactive enforcement of existing gun law restrictions, which may include referral to United States Attorneys for federal prosecution of dangerous offenders. The project will offer probation and parole professionals an opportunity to join with other Project Safe Neighborhoods partners, and work together to prevent and combat the gun crime that has affected the lives of so many.

The American Probation and Parole Association will soon begin to gather information capable of offering probation and parole professionals and allied agencies technical assistance relative to illegal firearms reduction strategies. Further, APPA members will have the opportunity to consider a resolution in support of gun crime reduction initiatives by probation and parole agencies.

In the near future probation and parole jurisdictions will be contacted in an effort to gather background information, and to seek to identify effective practices and programs, for inclusion in the training and technical assistance that will be developed.

For additional information, contact:

Nick Muller, Project Director

American Probation and Parole Association

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CALL FOR PRESENTERS

Call for Presenters

American Probation and Parole Association
30th Annual Training Institute
New York, New York • July 24-27, 2005

The American Probation and Parole Association is pleased to issue a call for presenters for the 30th Annual Training Institute scheduled to be held in New York City. Institute participants include community supervision and corrections personnel, the judiciary, treatment providers, criminal justice researchers and others who are interested in the field of community justice. Presentations should relate to the following topics:

Local Track Offender Programs
Staff Health & Safety
International Issues
Staff Supervision
Juvenile Justice
Victims and Community Justice
Specialized Supervision Units

Collaborative Efforts
Staff Training and Career Development
Technological Innovations
Intensive Workshops (4 four-hour sessions and 2 eight-hour sessions)
Federal Initiatives and Corporate Sponsors
Women in Community Corrections
Leadership

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

Submission Guidelines

Persons interested in submitting a proposal for consideration should provide the following information needed to comply with APPA training accreditation requirements and to apply for permission to grant continuing education units to a variety of professions (i.e., Social Workers, Substance Abuse Counselors, Continuing Legal Education, etc).

Workshop proposals should provide the following information:

1. Length of Workshop: Indicate session length.
 - o Workshop, 90 minutes (workshops held on Monday, July 25 and Tuesday, July 26)
 - o Intensive sessions, 4 to 8 hours (intensive sessions held on Sunday, July 24)
2. Workshop Title: A snappy title that catches the attention of participants and identifies the primary focus of the workshop.
3. Workshop Description: A clear, concise, accurate description of the workshop as it will appear in the program (average length is 30 words; submissions on disk in Microsoft Word are preferable).
4. Training/Learning Objectives: Describe the measurable skills, knowledge, and/or new capacity the participant will gain as a result of workshop (i.e., at the end of the training, participants will be able to list five of 10 causes of suicide.) List a minimum of three training/learning objectives.
5. Faculty Information: Provide name, title, agency, address, phone, and email for all proposed faculty. Panel presentation should consist of no more than two or three persons; however, a fourth can be added as a moderator.
6. Resume or Vitae: Include brief resume or vitae of each faculty member.
7. Primary Contact: Submit name and complete contact information for person submitting workshop proposal.

Presentation summaries may be mailed, faxed or emailed by November 12, 2004:

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97 Central Avenue
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Phone: (518) 473-9666
Fax: (518) 486-5960
Email: jmarches@parole.state.ny.us

Workshop proposals should be received no later than November 12, 2004. Annual Institute program committee members will contact the person who nominated the workshops(s) to indicate their selection for the Institute. Please note that it is APPA's policy that, regrettably, expenses and fees associated with participation cannot be reimbursed by APPA.

American Probation and Parole Association



Corporate Members

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



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New Technology for Community-Based Corrections Facilities

My position with the National Law Enforcement and Corrections Technology Center allows me to keep abreast of many of the technological innovations that are being developed and implemented in the corrections arena. The sheer number and variety of developments that have emerged over the last several years are staggering. Not surprisingly, institutional corrections is the primary market for many of these new products although recently, I have noticed that a good deal of the new technology developed has applications for community-based correctional facilities. As I got my start in corrections working at such a facility almost twenty years ago I often think back on my experiences and reflect on the technology that was available to help me do my work. My first employer was a non-profit organization that contracted with the Federal Bureau of Prisons to operate a halfway house in the Times Square section of midtown Manhattan. The facility housed up to 150 federal inmates who had been transferred from prisons across the country to serve the last portions of their sentences in the community. The facility provided many services to these offenders including housing, substance abuse counseling, life skills and job development in an effort to ease the transition back to the community. As a facility manager my principal responsibility was to maintain the secure and orderly operation of the facility. The technology available to assist me was minimal to say the least. A pen was used to sign offenders in and out of the facility. Legal sized paper was used to document authorized destinations and signatures indicating that they understood their curfew time. Case files were thick with handwritten notes, pre-sentence investigations and other sentencing documents. The only remote associations to the use of technology were the photocopiers that produced the forms and the Polaroid camera that created the image of each offender for the case file. While probably the most advanced technology used, drug testing was a tedious process. This was accomplished through urine testing. Each specimen was mailed to the contracting laboratory and results could take a week or longer to be reported back. Needless to say, computers were non-existent.

All in all it was a great first job. It taught me

a great deal about human nature and the countless ways offenders can manipulate staff. As I review new technology, however, I think about how much easier that job would have been had I had access to some of the tools now available. It also becomes clear that the generation of employee that constitutes today's recruitment pool is much more demanding than I was in terms of their desire to use advanced technology in their work. So, what would the community-based corrections facility of the future look like if we could utilize the tools currently available? How would operations be different?

One particular area that would benefit greatly from new technology would be offender accountability. One of the essential functions of a halfway house is to monitor offender whereabouts both within the facility and outside in the community. To monitor offenders in the facility regular head-counts are typically used to ensure that those offenders who are supposed to be there are indeed present. In the old days this meant roving through the facility with a clipboard and checking off the names of the offenders present and then comparing the list with the "in" folder. This exercise was, by regulation, supposed to have been repeated hourly but because of the complexity of this seemingly easy task and other competing interests, this never happened. Part of the difficulty in clearing a count was the size of the offender population and the size of the facility which was spread over four floors, but a large issue was the high turnover in both staff and offenders. This created the problem of staff not always knowing who exactly they were counting. In today's environment, technology exists to automate the head-count process by setting up a wireless area monitoring system in the facility and tagging the offenders. Such a system would continually report the location of the tagged offenders to an on-site control room. Headcounts could be performed at any interval desired, automatically, provided that the offender did not tamper with his tag. This type of system would be particularly useful for the over-night hours when staff performs the balancing act of trying to account for each offender without disturbing them too much.

When inmates left the facility we knew that they were approved to go to one or more

destinations cleared by their case manager. What we didn't know, in most cases, was whether they arrived at the approved location, how long they stayed there and what route they took between locations. The resources did not exist for routine or reliable confirmation of offender whereabouts while in the community. Now we have both passive and active GPS which can tell us exactly where the offender has been and where he has not been. This will be tremendously useful to easily determine whether offenders have been to their jobs or treatment providers as assigned. It can also be used as a prevention tool to alert staff who can identify troublesome patterns in the route an offender takes during his day. For example, an offender may be complying with the rules of the program, going to work each day and returning to the facility on time. However, through GPS technology and mapping, staff may be able to determine that the offender is gradually changing his route each day leading him closer to a known open-air drug market. In a case like this staff may be able to confront the offender about his behavior before it becomes a more serious problem.

The sign-out and sign-in process is another area that could benefit greatly from new technology. The process I was involved with consisted of a three-ring binder that case managers would enter approved locations and departure and arrival times for the offenders. If an offender had a job interview the case manager would enter the data in the binder and instruct the offender to report for sign-out with the facility manager at the agreed upon time. When the offender reported the facility manager would have to check the binder and transfer the data to a legal-sized sign-out sheet that specifically listed the approved location, telephone number and contact person as well as the time out and the agreed upon return time. Both the offender and the facility manager would sign this document and it became something of a contract. Repeat this process over and over and you have a huge resource drain and a mountain of paper. I can still remember case managers demanding to know why their offender did not leave the facility until 8:10 a.m. when he had authorized the offender to leave at 8:00 a.m. The case manager obviously failed to realize that he had authorized over 25 offenders to leave at

BY JOE RUSSO

8:00 a.m. and the process simply wouldn't allow that to happen. This entire process is now being computerized complete with digital signatures for the offender and the staff member reducing the time needed to get offenders signed out each day. In the future it may become standard to integrate other biometrics such as iris recognition or hand geometry with a computerized system to allow the offender to check himself in or out. This, again, addresses the problems created by staff and offender turnover as an offender would not be able to take advantage by presenting himself as another offender to gain release from the facility.

Drug testing in the past was a horrific problem. Collecting urine specimens was time consuming and unpleasant. Offenders in the community have continual access to the streets and their drugs of choice, however they also report back to the facility on a regular basis. To take advantage of this frequency in contact, facilities in

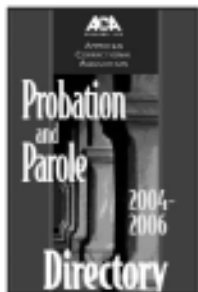
the future might have pupillometer devices stationed at the front entryway. As part of the sign-in process, each offender would check in at the pupillometer and have his eyes scanned as a pre-screen for drug use. Those receiving positive indications might be referred for other testing. Offenders on extended leave or weekend furloughs might be fitted with a sweat patch or a transdermal alcohol anklet to detect drug or alcohol use remotely and continuously.

Clearly much has changed over the last twenty years or so. Writing this piece has caused me to feel both very old and very fortunate to have witnessed such a dramatic change in the technology available. The tools currently at our disposal can allow community-based residential programs to operate more efficiently and supervise offenders with more confidence. That said, the work of community-based programming is to ease

the transition from the institution to the community. Where technology can free up staff resources to allow them to focus more on the primary mission of the organization, that's where the focus should be and that's where technology can be of greatest value. Automated head count systems provide a good example if implemented properly. Such a system may provide a quicker, more reliable way to account for offenders but equally important are the benefits gained when staff resources are freed which allows them to circulate throughout the facility to interact with offenders and problem-solve issues of concern before they become serious problems. □

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

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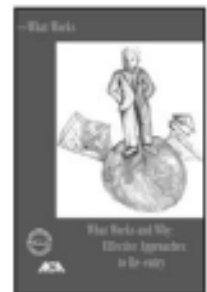
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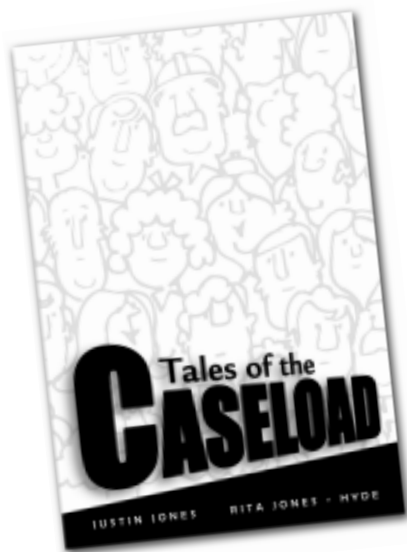
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SPOTLIGHT ON SAFETY

Tools Without Tactics Can Equal Lawsuits

More and more probation, parole and community corrections agencies across the country have, or are considering, safety equipment such as Oleoresin Capsicum (OC) pepper spray, expandable batons and firearms for their officers. Departments usually provide initial instruction on how to use the equipment and, mainly in the case of firearms, also provide annual to semiannual training and re-qualification. While this training may seem adequate, it is not!

Any firearms instructor should be aware of case law that states that training must be recent, relevant and realistic. Most firearms instructors understand that this requires training in low-light conditions, training with some form of firearms simulator that requires officers to make shoot/don't shoot decisions, and other types of decision-based training relevant to the environment in which

officers may be forced to use their firearms.

But what about the other intermediate weapons that officers are issued? As I work with various agencies throughout the country I find that while they may train on the use of a particular piece of safety equipment, they often overlook the need for judgmental training in the application of the tool.


In many training simulations I have conducted I have found that officers who are confronted with a threat calling for the use of an intermediate weapon escalate from verbal commands to deadly force, that is the use of their firearm, and overlook the intermediate weapon that is the proper response based on the threat that is posed. Although this escalation is disturbing, it is quite understandable.

Under stress, in a crisis, we will instinctively

revert to the way we have trained. Most departments spend the greatest amount of money and training time on the safety tool we are least likely to use - the firearm. However, due to the serious ramifications of firearms use, this focus is completely reasonable, and necessary. The result, however, can be that under stress officers will use the tool with which they are most familiar. Ask yourself, what is the ratio of hours spent on firearms training compared to training using OC, expandable batons, or even defensive tactics?

In the case of *Davis v. Mason County*, which involved the use of physical force by police officers, the federal court stated that, "While they may have had some training in the use of force, they received no training in the constitutional limits of the use of force." Agencies and instructors must make sure that officers are familiar with the proper

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application of the intermediate weapon(s) within the use-of-force continuum, not merely how the tool works and how to spray or strike.

Training should address how the intermediate tool is carried; possible application of the tool with the reactionary hand as opposed to the dominant hand, especially if the officer also carries a firearm; and the training should be dynamic to assure that under stress, in a crisis, officers will select the appropriate piece of equipment (OC, baton, empty hand control or even a weapon of opportunity) and apply the tool and technique effectively. One of the most effective ways to provide training for proper selection and use of safety tools is by involving

officers in simulations calling for them to make a decision under stress about the selection and appropriate application of a piece of safety equipment based upon the threat being posed by the assailant. Simulation training allows the instructor an opportunity to provide feedback both on an officer's decision making capabilities and on the officer's techniques in the application of the tool.

Research discloses there has never been a successful lawsuit regarding the inappropriate use of OC, a baton, empty hand control or a firearm by a parole, probation or community corrections officer in the performance of their duties. There

have been successful lawsuits brought against officers regarding their use of safety equipment during off-duty hours. The best way to keep that record intact is to provide ongoing, dynamic safety training that addresses all levels of the use-of-force continuum and includes all equipment carried by the officer. As we have learned from our police counterparts, "Tools without tactics can equal lawsuits." □

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

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RESEARCH UPDATE...

Teen Courts

The cover story of the fall 2003 issue of *Perspectives* described one teen court in Orange County, California.¹ This research update covers teen courts (also called youth courts and peer courts), examining the latest research findings. Teen courts have been defined as "an innovative, quasi-legal forum in which adolescents pass judgment on their peers in cases involving relatively minor offenses."² Most teen courts (87 percent) do not assess guilt or innocence (offenders admit guilt prior to referral), but instead focus their decision-making on the appropriate sanction.³

According to the National Youth Court Center,⁴ a number of court models are used, the most common being the adult judge model in

which an adult volunteer serves in the role of the judge, but other court personnel (e.g., prosecutor, defender, jurors,) are youth volunteers. The second most common model is the peer jury model which does not include a prosecutor or defender; instead, the case is presented to a jury of youth volunteers, who may question the youth offender and witnesses directly. These two models account for more than 80 percent of the teen court programs nationwide. Other models may have a youth judge rather than an adult judge, or a youth tribunal, which is often a panel of three youth judges, and does not include a jury. The number of teen courts has increased dramatically nationwide. In 2004, there are 933 teen courts operating in 48 states

and the District of Columbia, up from just 78 courts in 1994. Teen courts typically hear cases of theft, vandalism, alcohol, disorderly conduct, assault, tobacco, and marijuana possession, but depending on the court, a variety of other similarly minor offenses may be heard. Sanctions are most typically community service, apologies, written essays, jury duty, educational workshops, restitution, alcohol/drug assessment and a variety of other sanctions used to a lesser extent.

Despite the dramatic proliferation of teen courts, research evidence is remarkably thin. A small number of studies have been published, and of these, most are based on very weak research designs. For this column, I focus on a descriptive

BY DAVID KARP

WANTED

Agencies, States or Regions Interested in Bringing APPA Training and Technical Assistance to their Jurisdiction

The American Probation and Parole Association (APPA) Professional Development Program provides training and technical assistance opportunities for APPA members as well as professionals in the field of probation, parole, community corrections, community justice, and allied professionals. One of the most frequently asked questions about APPA training is "How can I bring APPA training to my area?" In view of the current financial limitations of its membership, APPA is focusing on bringing specialized training to agencies, or regions, rather than planning training events in various locations and having an open national registration for participants.

APPA training is research-based, provided by community corrections professionals, specific to community-based supervision, and tailored to the needs of the community supervision agency. If you are interested in bringing APPA specialized training to your area, or for more information, contact: Karen L. Dunlap (859) 244-8211, or email at kdunlap@csg.org.

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Juvenile Justice Commission,
Juvenile Parole

study that characterizes "the what, who and how of youth courts;"⁵ a policy analysis that looks at legislation, and one evaluation study with a reasonably strong research design.

Acker, James R., Pamela Nicole Hendrix, Lorraine Hogan, and Andrea Kordzek. 2001. "Building a Better Youth Court." *Law and Policy* 23: 197-215.

These researchers conducted a telephone survey of supervisors for the 42 teen courts operating in New York State in 1999. Despite an excellent response rate (all NY programs responded), their findings may not generalize nationally because the court models employed in NY are split between the youth judge model and the youth tribunal model, the least common models nationwide. The researchers find significant variation in the operation of teen courts, making it difficult to generalize findings even within New York State. Most (76 percent) require a guilty plea for referral, but not all. Most (64 percent) require that youth volunteers pass a "mini bar exam" upon completion of training. Most (90 percent) hearings are closed to the public. Most (66 percent) do not allow appeals of verdicts. Most (95 percent) claimed to be highly successful – having had five or fewer offenders fail to complete their sentences in the preceding year.

Heward, Michelle E. 2002. "The Organization and Operation of Teen Courts in the United States: A Comparative Analysis of Legislation." *Juvenile and Family Court Journal* 53:19-35.

This study provides nationwide, state-by-state information identifying legislation and legal opinions concerning teen courts. Data from this study are based on 2001 statistics, i.e., legislative issues in the 45 states and the District of Columbia with courts operating in that year. Thus, the findings are likely to be slightly different today, with the addition of three more states, and probable addition of new legislation. As of 2001, 20 of the 45 states with teen courts had no legislation to govern them. Of the 25 states with legislation, only nine have comprehensive legislation. Heward argues that legislation provides both legitimacy and oversight to teen court programs, but also reduces programmatic discretion.

Of states with legislation, 19 use the term "teen court," six use "youth court." Semantics seem to matter. Mississippi cannot use the term "youth court" because its traditional juvenile or family


court is already called that. New York uses "youth court," but there is also a New York statute prohibiting the use of the word "court" for a body that is not part of the state's judicial system. New York's youth courts are diversionary, and do not qualify. "An informal attorney general's opinion issued in 1984, indicated that the use of the word 'court' in the Tarrytown Youth Court Program was inadvisable and may violate this statute" (p.23). This may be punishable as a misdemeanor! Now that's something to include in the NY youth court training curriculum.

Legislation is typically silent about whether offenders must plead guilty for referral to teen court. Only 12 states address this matter, with ten of them requiring the plea. Both Alaska and California allow teen courts to adjudicate guilt. Legislation typically specifies the type of cases that teen courts may handle, and most limit these to misdemeanor and lesser offenses. Some provide wider discretion to independent decision-makers, such as juvenile court judges and prosecutors. Wyoming may use teen courts for any level of offense, and Tennessee includes a variety of more serious offenses, those often proscribed by other states. Rights are often specified in legislation, but this varies considerably. Alaska provides subpoena

power to compel the appearance of witnesses and affords an appellate procedure. Colorado allows youth to offer witnesses and documents, present a closing statement, and have a unanimous verdict returned by a teen jury. In Mississippi, a youth must waive confidentiality rights and any privilege against self-incrimination. Vermont requires all hearings to be audiotaped and excludes anyone from the state attorney's office from being present.

Butts, Jeffrey A., Janeen Buck, and Mark B. Coggeshall. 2002. *The Impact of Teen Court on Young Offenders*. Washington, D.C.: Urban Institute

This report presents findings from the Evaluation of Teen Courts (ETC) Project, conducted by the Urban Institute. The ETC Project studied more than 500 teen court cases from four jurisdictions: Anchorage Youth Court in Anchorage, Alaska; teen courts operated by the Arizona Superior Court in Maricopa County, AZ; Montgomery County Teen Court in Rockville, Maryland; and the Independence Youth Court in Independence, Missouri. The study surveyed offenders and their parents after sentencing, and examined recidivism rates within six months of



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referral for teen court participants and a matched sample of comparison group youth.

Youth offenders generally believed they were treated fairly by the court (79 percent), court personnel cared about their rights (79 percent), they had sufficient opportunity to tell their side of the story (79 percent), and they preferred going to the teen court rather than to traditional juvenile court (91 percent). Their parents also believed the offenders were treated fairly (89 percent), personnel cared about their rights (94 percent), their children had a chance to speak (91 percent), and that they preferred teen court to traditional court (94 percent).

In two of the four program sites, recidivism was lower for the teen court participants, and the difference was statistically significant. For the other two programs, differences were not significant. None of the four programs had a recidivism rate higher than 12 percent, although comparison group recidivism rates were as high as 28 percent. For the Maryland site, the comparison group participated in an alternative diversion program run by the police, but included many similar sanctions (without offering the peer sanctioning model). In that case, outcomes were very similar. More generally, "these findings indicate that teen court may be preferable to the normal juvenile

justice process in jurisdictions that do not, or cannot, provide meaningful sanctions for all young, first-time juvenile offenders... Moreover, the fact that teen courts operate with largely volunteer labor and very low budgets suggests that they may be a particularly cost-effective alternative for some juvenile offenders" (p.34).

Endnotes

¹ Gray, James P. 2003. "The Peer Court Experience." *Perspectives* 27(4):30-33.

² Acker, James R., Pamela Nicole Hendrix, Lorraine Hogan, and Andrea Kordzek. 2001. "Building a Better Youth Court." *Law and Policy* 23, p.197

³ Acker, p.201

⁴ National Youth Court Center, www.youthcourt.net/Resources/Facts_and_Stats.htm

⁵ Acker, p.199 □

David Karp is an Assistant Professor of Sociology at Skidmore College in Saratoga Springs, NY.



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Applying Business Process Review and Redesign to Probation

Every organization, from McDonald's to Microsoft to Wal*Mart, depends on defined processes and sequencing of tasks to carry out functions in a systematic and organized manner. Without them, chaos would ensue, employees could not be trained, and quality would occur by chance instead of by design. Probation and parole departments are no exception.

Yet over time, defined processes and workflows may become stale, stagnant, less effective and inefficient. A new employee without complete training may perform tasks in the wrong order. An employee transferred in from another division within the organization may feel that she doesn't need to follow procedures because she "knows her way around." Here too, probation and parole departments can experience similar types of employee behavior and their negative impact on efficiency and quality.

Of course, the landscape constantly changes. Consumers always want more services and features for less money. Fast food value meals and the growth in discount warehouse clubs are examples. New local, state and federal laws and regulations force changes on enterprises of all types. Once again, probation and parole departments everywhere must respond to these changes in their operating environments, whether by providing more services, reducing costs or increasing accountability.

To stay current, organizations should periodically engage in a process review effort to identify processes that are ineffective or outdated, and redesign them to restore productivity, efficiency and quality. This article explores one probation department's experience with a systematic review and evaluation of its business process, and redesign of them for increased efficiency. We will provide an overview of the department first, including how the climate of the county provided a strong foundation for dramatic process changes. Then we will introduce the process improvement project,

outlining the method used to systematically evaluate and implement change. Third, we will share details of the review and redesign for each of the selected process areas, discussing the successes and lessons learned in each. Last, we will describe the benefits of the overall project.

Overview

About the Department

Marion Superior Court Adult Probation Department is a large, urban agency, which serves the city of Indianapolis and Marion County, with a population of more than 860,000. The department was formed in 1996, bringing together separate municipal (misdemeanor) and superior (felony) courts' probation departments. Today, the department employs 193 with an annual operating budget approaching \$6 million. The staff supervises approximately 11,400 active cases each day, with roughly 50 percent of the probationers carrying misdemeanor convictions and 50 percent felony convictions. Since 2001, the department has been rapidly decentralizing operations. Currently, probationers and staff alike provide the bulk of supervision services through neighborhood-based offices that have been well received. The department traditionally has been understaffed, with past and present caseloads exceeding state-established contact standards.

Climate of Change in Marion County

Since 2002, the Marion Superior Court had been undertaking process review and redesign projects across many of its functional areas, including lower felony, misdemeanor, civil and traffic court divisions, using the consulting firm that had earlier led similar efforts to modernize and streamline the county's arrestee intake process and the pre-trial supervision program.

These initiatives with the court spawned from a joint strategic planning effort by the court and the City-County Council in 2001.

The court extended the opportunity to the probation department to undertake a similar process review and redesign project, and the department did not hesitate to accept the challenge. With the court's approval and input from probation administration, we decided to examine four probation service areas: intake, pre-sentence investigations, supervision and the probation violation/revocation (non-compliance) process.

The Business Process Review and Redesign Components

Approach

The court engaged a consulting firm to facilitate the process review and redesign project. The consultants brought an innovative, team-based technique to the department known as Business Process Review and Redesign (BPRR), to methodically review processes and determine what areas, if any, needed to be redesigned. Unlike a management-based or consultant-driven method, the team-based BPRR approach creates opportunities for collaboration across functional areas and at all levels within the organization that often do not exist in a large department. Additionally, the collaboration facilitates greater buy-in among those stakeholders who will be asked to implement the new process.

Thirteen individuals were carefully selected to participate on the BPRR Core Team, including the chief probation officer, two deputy chief probation officers, six supervisors and four line personnel. Specialists and service experts within the department were routinely tapped to attend all or some of the regularly scheduled process and redesign working sessions. The core team met twice a week for two and a half hours at a time over a period of six months. Once the process was redesigned, the group met weekly for a period of six months for two-hour working sessions to plan the implementation of the redesign. In total, over 1,900 staff hours were committed to the project over a period of one year.

Two professionals from a consulting firm specializing in justice and public safety were selected to lead the project team. The individuals selected for the project were experienced in facilitating their proven BPRR methodology that was tailored to the specific needs of the department. Though the consultants were familiar with the criminal justice system, particularly in Marion County, their value to the project clearly was instead their mastery of systematically reviewing and redesigning processes.

Overview of the Process

Using their BPRR methodology, the consultants facilitated the initial meetings to develop the project team's understanding of important core process issues and values that would impact the project's overall direction and outcome. Core questions addressed during this phase included:

- What is the purpose of the process?
- What is the vision of the project and the anticipated results?
- What are the parameters of the project?
- Who are the customers?
- Who are the stakeholders?
- What is the department currently doing well that can be leveraged into increased success?

After these core questions of the process were answered, the team flowcharted the current process. This allowed each step in every process to be analyzed and charted against roles within the organization, simplifying the identification of unnecessary handoffs and delays. During the documentation of the process areas, core team members made many

statements of "I didn't know we did that!" The consultants assured the department that this was not unique - many departments have veterans and experienced staff reviewing and redesigning processes, yet no one person knows all of the intricate details of the entire process. Therefore, the practice of documenting the process from start to finish enabled the entire project team to go through a discovery process in which all members learned more about the process.

After the current processes were documented, the team calculated numerous statistics to use as a baseline to compare the forthcoming redesign. The team then engaged in extensive research looking at best practices and benchmark opportunities, including industry associations and other urban departments. Each idea then was evaluated on the potential impact its implementation would have on the system and the feasibility of implementing it.

Finally, the team began designing a new process for intake, PSIs, supervision and response to noncompliance. Starting with a blank sheet of paper, the team created new processes for each of these areas. Each of these redesigns is explored in detail below.

The Process Review and Redesign of the Department

Intake

Serving over 11,400 active probationers, the department receives approximately 40-50 new cases each workday. The existing process utilized probation officers heavily in receiving cases, providing group orientation, reviewing and explaining individual conditions of probation, calculating and explaining payment conditions, making referrals, and assigning cases to supervising officers. The process was slow, cumbersome, inefficient, officer-dependent and prone to error.

Using the flowcharts of the current process, the team confirmed that the transition from court order to supervision by a probation officer was an unduly long and slow process. Probationers were told to report to the probation office after sentencing to complete initial paperwork. Then, probationers were scheduled to return approximately three days later to participate in a group orientation session lasting approximately 30-45 minutes. Finally, probationers who were ordered to participate in an alcohol and drug evaluation (about 60 percent of all probationers), were required to return to the probation office a third time for the evaluation component, which would often occur as late as ten weeks after the court order. The initial meeting with a probation officer would usually occur within 15 to 20 days of sentencing. The entire process was unacceptable to the core team, as it required probationers to return too many times to complete intake processing, often resulting in missed appointments, unplanned downtime for officers and large recovery efforts tracking down and re-scheduling probationers who failed to appear.

Starting with a blank sheet of paper, the core team asked the question, "What is the best way to get probationers in the system quickly and efficiently, speed up the evaluation process so treatment may begin sooner, and provide the opportunity for probation to begin supervision starting the day of sentencing?" The consultants continually challenged the core team to think big - nothing was sacred. During the redesign phase, the consultants were able to ask the tough, uncomfortable and unpopular questions given their objectivity and independence from the existing system. One team member stated that the use of outside consultants as facilitators "provided legitimacy to needed changes that could have been controversial among staff" since the intake redesign was such a significant change.

The new model represents a significant improvement over the former system. The redesigned process offers probationers the following benefits:

- A one-stop shop for intake;
- Substance abuse evaluations, orientation, baseline drug screen and referrals to court ordered programs are completed the same day as sentencing;
- Reduced time to first appointment, so supervising officer would see probationer within ten days of sentencing;
- Probationers now arrive at their first supervision appointments with treatment already in progress;
- Files are delivered to satellite office case officers within one day and are reviewed for quality assurance prior to distribution to case officers;
- Orientation is conducted by a videotape that includes judge and commissioner participation and ensures consistency of message in both English and Spanish; and
- Failures to appear from initial contact to first appoint have been virtually eliminated.

Overall, the new process design for intake is a radical change. As the chief probation officer continually stated, "We didn't just change intake as we know it, we rebuilt it brick by brick." Figure 1 illustrates how process review and redesign has significantly reduced the time needed to complete a variety of intake activities. Additionally, the FTA rate for substance abuse evaluations has decreased, since they are now completed as part of the one-stop shop for intake. The intake supervisor commented on the new process, "I love to see a work formula that uses efficiency to produce effectiveness - effectiveness not only as it relates to savvy business operations but also as it relates to getting through to the probationer. This redesign uses my staff where their strengths lie. I am much more comfortable in this new model because there is now a standard practice and protocol for doing most everything. I can now take time off with much more confidence than I had with the former model."

Pre-Sentence Investigations

The Pre-Sentence Investigations (PSI) unit completes over 4,000 reports annually and the on-time rate for the reports has been over 98 percent. This is outstanding, considering the volume. However, the core team sought to chart out the process to determine if more efficiencies could be gained from streamlining the process. After the flowcharts were completed for the PSI unit, the team determined that the process was strong and dependable, although PSI reports could be completed more quickly under a new process. Under the

current model, PSI writers had 29 days from the time of court order to complete the report.

While the BPRR project was underway, the county was experiencing significant overcrowding in the jail. To impact defendants' pre-trial length of stay, the PSI team was asked by the superior court judges to complete reports for in-custody defendants more quickly. Through the redesign efforts and the guidance of judicial officers, the team was able to design a solid model that would allow PSI reports to be completed within 21 days of the court order.

Additionally, the core team made several changes to the PSI process, which yielded the following benefits:

- Increased productivity for PSI officers by eliminating wait time through conducting interviews the day after conviction in the courts building instead of time jail;
- Improved security for PSI officers, as the new model allowed PSI staff to interview defendants in a secure area;
- Eliminated need for out of custody defendants to call the department for an appointment time;
- Streamlined process of obtaining pertinent court documents to writers prior to interview;
- PSI assignment tracking reduced from three forms to one;
- Computer enhanced reporting capabilities process for assignment and workload balancing; and
- Restructured production of monthly statistics with now require less effort.

A PSI Supervisor is pleased and encouraged with the redesigned process. He stated "the process redesign was extremely helpful in restructuring our monthly statistics. Our stats can now be completed with a few simple keystrokes. The redesign also assisted with the implementation of the new bond assignment process. Defendants who report to the office after court

FIGURE 1.

Process Task	Current (Day)	Redesign (Day)	Difference
Data Entry I	1	1	0%
ID Card	1	1	0%
Fee Assessment	2	1	50%
Case Assignment	2	1	50%
Data Entry II	3	1	67%
Orientation	4	1	75%
Order of Probation Signed	18	1	94%
Pay Agreement Signed	18	1	94%
Program Referrals	18	1	94%
First Appointment	18	8-9	53%
First Drug Screen	18	1	94%
Substance Abuse Evaluation	42	1-2	96%
Elapsed Time (days)	42 days	8-9 days	82%
		82% faster	

are now given an appointment and assigned an officer before leaving the office. Some may even be interviewed that day, if available."

Supervision and Non-Compliance

The core team examined the casework and non-compliance processes simultaneously, given the tight connection and interrelationship between the two functions. Beginning with flowcharting of the current process, the team identified two significant issues.

Probation officers were unable to meet state standards for field contacts, resulting in the "bunker" approach to probation - too much time spent behind a desk pushing paper and too little time spent on probationers' turf. Additionally, probation officers were involved with numerous administrative tasks that could have been handled by support staff. However, the core team discovered the response to non-compliance was already strong and would require little enhancement.

After completing best practice research, the team began with a blank sheet of paper and charted out a new supervision process. By shifting administrative functions to support staff, the core team was able to free up some time for the supervision officers so that they could be out in the field more often. The major changes and benefits of the supervision redesign included:

- Tighter fit of staff skills to task assignments, by shifting administrative tasks to support staff;
- Treatment already in process by first appointment;
- Increased ability to focus on supervision planning during first appointments; and
- Improved probationer compliance with more timely intervention.

One casework supervisor summarized his experience with the project, saying, "It has meant to me, a probation officer for 15 years, a great deal to see our department striving to be the best; striving to become more efficient and more effective in carrying out daily duties. By doing so, morale has improved, services to the community have improved, credibility improved and walking the walk demonstrated."

Another casework supervisor stated "the process redesign afforded us the opportunity to redirect administrative duties to other sources while eliminating unnecessary tasks, introducing previously discussed ideas which were sidelined due to a loss of focus, and create new processes. Overall, it will enable officers to shift their focus to fieldwork, enhance community awareness and protection, and better meet probationer needs."

Overall Project Successes

The improvements made by redesigning supervision, PSIs and the intake process areas have had a significant impact on the department. Overall, there is a tighter integration of functions, a heightened sense of teamwork and common purpose in many areas and a new culture of change in which change is less intimidating. In fact, a deputy chief probation officer now says, "This process has improved the flexibility of my thinking. Now that this new process is underway, I find myself continually thinking of additional ways to improve the quality of the services we provide."

An unexpected side benefit resulted from line officers throughout the department. Prior to implementing the redesign changes, feedback sessions were held at each satellite office and opened to anyone to participate, many staff commented that they were excited to see a modern approach brought to the department. They reported a new sense of engagement and commitment, knowing that their department was seeking and making changes to remain progressive and state-of-the-art.

Throughout the project, care was taken to ensure that the changes

implemented by the process review and redesign project were consistent with several key strategies for probation profession improvements contained within the 2000 monograph, "Transforming Probation through Leadership: The Broken Windows Model."¹ Namely, the project's recommendations created tangible timesavings for officers that allowed for greater community presence and increased home visitation. Furthermore, resources were more rationally and strategically allocated to best serve the Department's mandated duties and responsibilities.

For departments wishing to undertake such a significant process change, consider the following lessons learned from this undertaking:

1. A diverse core team is essential, with all levels and divisions of the organization represented. The team breadth and depth will allow for lively discussions and honest assessment of what is done well and what needs to change.
2. The core team must first have an accurate and thorough understanding of the current process in order to develop a valuable new process. A significant investment in documenting existing practices produces dividends in a more impactful redesigned process.
3. Preparation is essential to implement a new model. The consultants/facilitators that assisted with the process design could help the organization implement the new model by serving as implementation project managers and quality assurance reviewers. Proper updates to procedures manuals and staff training on the revisions is critical. This helps the organization stay focused on transitioning to the new model, and prevents the organization from reverting to the original model.
4. Keeping stakeholders informed of the process changes through the transition is imperative. A smooth transition is possible only if all players in the criminal justice system who are impacted by probation are kept informed of the changes as they are developed and refined, not simply when they are implemented.

For Marion Superior Court Adult Probation, the process was a resounding success. The chief probation officer attributes much of the success to the involvement of the outside consultants. "Could we have completed the project internally? Maybe, but no doubt, we would have designed an inferior product without our consultant's objectivity and their willingness to ask the tough, uncomfortable, and unpopular questions of our staff. We are now leaner and meaner and simply better in the targeted areas." A deputy chief probation officer stated "I have developed an appreciation for the method of systematic review conducted by individuals not related to our profession, but skilled in the process of detailed analysis. Overall, I am delighted by the practical results that have been realized. I am confident that our department has dramatically improved the quality of our intervention with probationers."

In a time of significant financial challenges confronting the department, this project was vital to maximizing the resources it had. The chief was asked if the department really could afford to tackle the project with the involvement and cost of outside consultants. His response: "We couldn't afford not to."

Endnote

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Clandestine Laboratories:

What Probation and Parole Officers Need to Know

America's Methamphetamine Problem

Methamphetamine, a highly addictive stimulant manufactured in clandestine laboratories, is the most prevalent synthetic illegal drug in America.¹ Commonly referred to on the street as speed, crystal, meth, ice or glass, it is abused because of its euphoric effects, which are often described as giving the abuser a sense of well-being. It is a central nervous system stimulant and the effects of a single dose may last 20 minutes to 12 hours.² Powder methamphetamine is the form most commonly found in the United States.³ It is a bitter tasting, water-soluble powder, with colors ranging from dingy white to reddish brown. Methods of administration range from smoking, injection, to snorting. It can also be orally ingested.

The U.S. Drug Enforcement Administration (DEA) reports that during CY 2001, 4.3 percent of the U.S. population (9.6 million people) used methamphetamine at least once in their lifetime.⁴ According to the 2000 Drug Early Warning Network (DAWN), methamphetamine related episodes appearing at reporting hospital emergency rooms increased 29 percent between 1999 and 2000.⁵ DEA reported making 8,382 arrests for amphetamine/methamphetamine in FY 2000, representing 11 percent of all DEA arrests for that year.⁶

While the start of today's clandestine laboratory epidemic involved outlaw motorcycle gangs and has expanded to Mexican organized criminal groups, DEA notes that independent, small-scale meth "cooks" currently account for an increasing market share.⁷ Thus, the growing danger to probation and parole officers is the small, independent criminals in what are sometimes called "mom and pop" labs. These criminals often set up their manufacturing operations in their homes, cars, trucks or campers.

The clandestine laboratory crisis in America appears to be escalating at an incredible rate. The El Paso Intelligence Center's (EPIC) Clandestine Laboratory Database reported over 8,000 lab seizures in 2001 (up from an estimated 7,000 seizures in 1999⁸), 298 of which were "super labs" capable of manufacturing at least 10 pounds of methamphetamine per cook.⁹ When chemicals, glassware, equipment and dumps are included in the data, the number of seizures increased to nearly 12,000.¹⁰ Over the past ten years, clandestine laboratories have spread from California and the West Coast to all 50 states,¹¹ and are increasingly found in major cities. The Office of National Drug Control Policy reports that, for the first time ever in 2002, clandestine laboratories were seized in Boston, Chicago and Miami, while lab seizures increased in Denver, Detroit, Los Angeles, Portland, and St. Louis.¹²

This article describes the specific threats posed by clandestine laboratories and lab operators to probation and parole officers and makes recommendations that will help them to address these threats.

What is a Clandestine Laboratory?

A clandestine laboratory is any combination of chemicals and equipment that can be used to manufacture illegal drugs. Although several different types of illegal drugs can be manufactured in clandestine labs, methamphetamine is by far the most popular. These labs are typically small (one to four ounces per cook) and utilize kitchen appliances, glassware and common household ingredients along with other easily obtained chemicals. Operators of these labs usually produce just enough methamphetamine for their own needs and those of a few close friends. They may also sell a limited quantity so they can purchase the chemicals to make more methamphetamine.

The two major methods of manufacturing methamphetamine are (1) the red phosphorus (red P) method and (2) the lithium or sodium reduction (Nazi dope or Birch) method. Both processes involve the use of ephedrine or pseudoephedrine, ingredients commonly found in cold and allergy tablets, as a starting point. Two other chemicals used in the red phosphorus method are black iodine and red phosphorus. Although this method doesn't require heat (it is occasionally referred

BY MICHAEL McCAMBELL

to as the "cold cook" method), most lab operators add heat to speed up the manufacturing process. The entire cooking process usually takes about four to six hours although this can vary widely. The Nazi dope method, in addition to ephedrine or pseudoephedrine, most commonly uses a mixture of lithium strips from camera batteries and anhydrous ammonia. Anhydrous ammonia is a liquid fertilizer found predominantly in agricultural areas of the country. Because it is maintained under pressure as a liquid in a highly pressurized state and is dangerous to handle, lab operators usually steal anhydrous ammonia from farm storage tanks just before they are ready to cook. An outside heat source is not needed for the Nazi dope process.

Equipment that is often used in clandestine laboratories include Mason or Ball canning jars, rubber tubing, sports drink bottles, coffee filters, gasoline cans, hotplates, Pyrex or Corning cooking dishes, pails and buckets, propane cylinders, laboratory grade beakers and glassware, ice chests, measuring cups, aluminum foil, rubber gloves, thermometers, and turkey basters. Chemicals that are commonly found at illicit labs include: ether, toluene, sulfuric acid (Liquid Fire or similar brand drain cleaner), sodium hydroxide (Red Devil Lye, Drano or similar brand), hydrochloric acid, muriatic acid, anhydrous ammonia, lithium strips, matches, kitty litter, red phosphorus, black iodine, alcohol, rock salt or table salt and acetone.

Hazards of Clandestine Laboratories

Because probation and parole officers are in a unique position to come upon a clandestine drug lab through unannounced home inspection visits, they should be considered at-risk to the hazards associated with these illicit operations. For purposes of this article, the risks to these personnel can be divided into three major areas: (1) an active lab with a cook in progress; (2) a site that has been recently used to manufacture methamphetamine; and (3) the human factor.

Lab Site with a Cook In-Progress

The presence of chemicals used to manufacture methamphetamine creates a potentially lethal situation for anyone stumbling on a clandestine laboratory, especially if a cook is in progress. According to the Centers for Disease Control and Prevention, clandestine laboratories were responsible for injuries to 79 emergency responders in 14 states between 1996 and 1999.¹³ During an in-progress cook using the red phosphorus method, there is a danger of fire, explosion and release of toxic gases. For example, many lab operators use chemicals such as methanol, ether and other extremely volatile chemicals. When used in combination with a heat source, fumes from these chemicals can ignite and/or explode. In addition, fumes from these and other substances present in a lab, such as red phosphorus and black iodine, are poisonous. One major hazard to be considered in this type of lab is the possible presence of phosphine gas, which occurs when the process gets too hot or is allowed to cook dry. This gas is highly unstable and very poisonous. Another hazard is caused by burning red phosphorus, which generates a toxic smoke containing phosphoric acid.¹⁴ If this smoke is inhaled, the acid can burn the lungs and result in chemical pneumonia. Also, when red phosphorus is overheated, it can transform into white phosphorus, which may auto-ignite if it comes in contact with water.¹⁵

An extremely hazardous condition that may also be found during a red phosphorus meth cook is the presence of hydrogen chloride gas. This gas is formed when common salt and sulfuric acid (household drain opener) are combined to extract the finished methamphetamine from a base solution. Hydrogen chloride gas is extremely dangerous and can cause permanent injury to lungs and mucous membranes.¹⁶ One of the most dangerous hazards that may be found during this process is the presence of ether, which has been extracted from cans of automotive starting fluid. Ether is

extremely unstable and explosive in this form. Other possible hazards include the presence of lye (household drain cleaner), alcohol or methanol from gasoline anti-freeze containers, camping fuel, and paint thinner such as toluene, and acetone. These substances are all dangerous to breathe and are flammable or explosive.

The Nazi dope method of methamphetamine production has its own inherent dangers, which may include the presence of ether, alcohol, lye, camping fuel and other chemicals such as acids. Two hazards are specific to this process: (1) anhydrous ammonia and (2) lithium. Anhydrous ammonia, which is ammonia without water, is extremely dangerous. Because of its chemical nature, anhydrous ammonia seeks water from the nearest source, including human skin.¹⁷ The eyes, lungs and skin are at risk because of their high moisture content. Caustic burns result when anhydrous ammonia comes into contact with body tissue. Contact with liquid anhydrous ammonia can cause serious chemical burns to the skin because it is very caustic, although most deaths from this chemical are caused by severe damage to the throat and lungs.¹⁸

Lithium strips, which are usually extracted from camera batteries, can ignite if they come in contact with water. They must be stored in mineral spirits or kerosene after they are removed from the camera batteries. The presence of hydrogen chloride gas is also a danger during this process because lab operators use salt and sulfuric acid, or other acids (hydrochloric or muriatic acid) to extract the finished methamphetamine. There is also the danger of improper tanks (such as barbecue grill propane tanks) present which are used to illegally store anhydrous ammonia. The fittings on these tanks may be corroded and produce a violent release of the anhydrous ammonia. The tanks may also explode if the outside temperature rises, causing pressure inside the tank to build, or if the ammonia eats through the tank.¹⁹

Site Recently Used to Manufacture Methamphetamine

Even if a probation or parole officer enters a house or other site where a meth cook is not currently in-progress, there still may be hazards present if the location has been used to manufacture the drug. Household walls, carpets and other surfaces may be contaminated from fumes generated during the manufacturing process. In addition, each cook generates five to seven pounds of hazardous waste for each pound of finished product.²⁰ This waste may be anywhere inside the house, in the trash, or simply dumped outside on the ground. Lab operators like to store and reuse some of their chemicals, such as acetone, which may be stored in the kitchen freezer. Contaminated surfaces, hazardous

Common Street Names for "Methamphetamine"

Bikers coffee
Meth
Chalk
Shabu
Crank
Speed
Crystal meth
Stove top
Glass
Trash
Go-fast
Yellow bam
Ice

Source: "Methamphetamine", Office of National Drug Control Policy.

waste and stored chemicals can all be hazardous under the right conditions, such as confined spaces, leaking containers, or near an open flame.

The Human Factor

In dealing with meth labs, probation and parole officers should also be aware of the human factor as a hazard. This hazard can be broken down into two related categories: (1) chronic meth abusers and (2) "bad guys with guns." The effects of methamphetamine include addiction, psychotic behavior and brain damage. Individuals who chronically abuse methamphetamine may have episodes of violent behavior, paranoia, anxiety, confusion and insomnia. Users can also exhibit psychotic behavior including auditory hallucination, mood disturbances, delusion and paranoia, possibly resulting in homicidal behavior.²¹ Damage to the brain caused by methamphetamine abuse is similar to damage caused by Alzheimer's disease, stroke and epilepsy. Meth abusers who inject the drug are exposed to additional risks such as HIV, hepatitis B and C, and other blood-borne pathogens. Users trying to kick the habit may suffer withdrawal symptoms including depression, anxiety, fatigue, paranoia, aggression and intense cravings for the drug.²² The most dangerous stage of the drug taking binge cycle is known as "tweaking." During this stage, the abuser does not sleep for three to fifteen days and is irritable and paranoid. The tweaker has an intense craving for more meth, but taking more of the drug can't increase the high. The body's ability to react to more stimulation is depleted, and this causes frustration and a potential for violence.²³

Bad guys with guns are a very real hazard to personnel who come in contact with meth labs or meth abusers. Anecdotal information from law enforcement officers, who work primarily meth lab enforcement, indicates that most lab operators have one or more firearms at their lab site. Probation and parole officers should be aware that lab operators and chronic meth abusers may be armed and, at the same time, mentally unstable and dangerous.

Recommendations for Action

Based on the hazards that are inherent in meth labs, the following recommendations are presented to assist personnel in addressing these dangers.

Training

Methamphetamine labs are too dangerous to allow probation and parole personnel to stumble upon them without essential knowledge of

Common Equipment and Chemicals Found in Methamphetamine Labs

Equipment

Pyrex or Corning dishes
Beakers/glassware
Pails/buckets
Coffee filters
Mason or Ball jars
Hotplates
Gasoline cans
Towels/bed sheets
Ice chests
Turkey basters
Jugs/bottles
Aluminum foil

Chemicals

Red Phosphorus
Black Iodine
Anhydrous ammonia
Lithium strips
Sodium hydroxide
Sulfuric acid
Hydrochloric acid
Acetone
Kitty Litter
Muriatic acid
Alcohol/methanol
Sodium metal

how to protect themselves or others - especially if the cook is in progress. Every probation and parole officer should receive at least four hours of training on clandestine laboratory recognition, hazard identification, and symptoms of methamphetamine abuse.

There are a number of federal, state and local programs to address the training issue. One successful federal response to the need to increase knowledge in the field about clandestine laboratories is the COPS National Clandestine Laboratory Training Project, managed by Circle Solutions, Inc. (Circle) under a grant from the Office of Community Oriented Policing Services (COPS), U.S. Department of Justice. Since August 2001, Circle has delivered 65 training programs and community education sessions (nearly 20,000 training hours) in 20 states and Puerto Rico, to more than 3,000 public safety officers, first responders, probation and parole officers, and members of the community. The participants represent more than 800 agencies, including 33 Indian tribes. Circle works with co-host agencies such as Regional Community Policing Institutes (RCPIs), state and local police departments, sheriff's offices, regional academies, U. S. Attorneys and tribal communities to deliver these programs. There is no charge for the training programs because they are funded by a federal grant. Probation and parole officers should make every effort to avail themselves of this training and other programs available from state and local sources.

Collaboration with Law Enforcement

Probation and parole personnel should work closely with law enforcement agencies at all levels to address the issue of clandestine drug labs – first, for their own personal safety and second, for the safety of the community. Should they come upon a site they believe has a meth lab with an in-progress cook, they should leave immediately. They should not try to arrest the cook or other personnel, turn electrical power on or off, or try to shut down the lab. They should get out of the location and contact the nearest law enforcement agency. Raiding, seizing and cleaning up a clandestine drug lab is a complex operation that requires specially trained law enforcement and other personnel using highly specialized equipment and tactics.

Symptoms of Meth Abuse

- Sleeplessness
- Loss of appetite/weight loss
- Nausea, vomiting, diarrhea
- Paranoia
- Depression
- Irritability
- Anxiety
- Seizures
- Violent behavior
- Skin ulceration and infection from picking at imaginary bugs

Should probation and parole personnel enter a home or other location that they suspect may have been used as a meth lab, they should make note of the equipment, chemicals, glassware and other items before leaving. They should take special notice of the presence of any children. Children in drug labs face special risks from the presence of contaminants and possible abuse or neglect by their parents. Once again, the nearest law enforcement agency should be contacted.

Probation and parole personnel should work closely with their local law enforcement agency to identify trends of methamphetamine abuse and the number and types of clandestine drug labs in their community. Information sharing should be a two-way street. Law enforcement should keep probation and parole personnel informed on the prevalence and types of meth labs while probation and parole personnel should share information with law enforcement about possible meth lab locations and suspects. Probation and parole officers should also be alert for the symptoms of methamphetamine abuse in any of their offenders/clients and relay this information to law enforcement.

Policy Development

Every probation and parole agency should develop policies and procedures that will guide personnel who may come in contact with a clandestine drug laboratory. Clear procedures that address actions to be taken (and not taken) should be a top priority. At the same time, policies should be developed to enhance collaboration with law enforcement agencies. Line personnel need guidance on who to contact and when to contact them should they discover a suspected lab site.

Conclusions

The nation's clandestine laboratory crisis will continue to increase as long as methamphetamine remains easy to manufacture. The danger to probation and parole officers and the community involves hazards from fires, explosions, toxic gases, as well as the drug itself. Agency chief executives must realize that the clandestine laboratory problem is a local issue and everyone has a role to play in eradicating these illicit operations. Once meth labs begin to appear in the community they are very difficult to eliminate. It takes the combined efforts of law enforcement, probation and parole officers, other government agencies (fire, prosecutor, public health, etc.), and the community to develop a coordinated response to the problem.

Endnotes

¹ Hutchinson, Asa, Speech before House Committee on Appropriations on the Drug Enforcement Administration's 2003 Budget Proposal, March 20, 2002.

² "Methamphetamine", Drug Facts, Office of National Drug Control Policy, Executive Office of the President, March 2003.

³ "The Forms of Methamphetamine", Drug Intelligence Brief, Drug Enforcement Administration, U.S. Department of Justice, April 2002.

⁴ Hutchinson, op.cit.

⁵ Hutchinson, op.cit.

⁶ "Methamphetamine", op.cit.

⁷ Drug Trafficking in the United States, Drug Enforcement Administration, U.S. Department of Justice, (undated), www.doj.gov/dea/concern/drug_trafficking.html.

⁸ Corcoran, Joseph J., SAC, St. Louis Division, Drug Enforcement Administration, Testimony Before the House Judiciary Subcommittee on Crime, August 8, 2000.

⁹ Drug Trafficking in the United States, Op.cit.

¹⁰ Hutchinson, op. cit.

¹¹ U.S. Senate (1999a); Committed on the Judiciary, Combating

COPS National Training Project Curriculum

The project consists of a core curriculum of four training courses:

- Clandestine Laboratory Enforcement
- Clandestine Laboratory Awareness for First Responders,
- Supervising Clandestine Laboratory Investigations
- Clandestine Laboratories: A Serious Community Hazard

These courses are delivered on a request basis to law enforcement agencies and Tribal communities. These training programs are designed to provide public safety personnel and the community with the latest information on clandestine laboratory enforcement, safety, investigation, and program management. They focus on such critical issues as encouraging a community response to clandestine laboratories, identifying and collaborating with community partners, developing community education and awareness programs, and use of problem solving techniques. The trainers are experts from state and local law enforcement agencies with extensive backgrounds in clandestine laboratory investigations and seizures.

Methamphetamine Proliferation in America: Hearing on S. 1428. 106th Congress, 1st session, July 28.

¹² Pulse Check, Office of National Drug Control Policy, Executive Office of the White House, November 2002.

¹³ Ibid.

¹⁴ McCrea, Brett A. and Kolbye, Kevin F., Hazards of D-Methamphetamine Production, National Drug Intelligence Center, U.S. Department of Justice, Product 95-C0109-002, June 1995.

¹⁵ Ibid.

¹⁶ Meth Labs, Publishers Group, www.streetdrugs.org. June 2001.

¹⁷ Anhydrous Ammonia in Methamphetamine Production, National Drug Intelligence Center, U.S. Department of Justice, Product 2001-L024-008, August 2001

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ McCrea and Kolbye, op.cit.

²¹ "Methamphetamine", op.cit.

²² "Methamphetamine", op.cit.

²³ Methamphetamine, U.S. Drug Enforcement Administration, U.S. Department of Justice, January 2000. □

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Domestic Violence and Firearms



BY ANN CROWE AND LINDA SYDNEY

Domestic violence and weapons are all too often a deadly combination. Firearms, knives, blunt objects, hands and feet and other weapons may be used in domestic violence incidents (Paulozzi, Saltzman, Thompson, & Holmgreen, 2001). Even though firearms are used relatively infrequently, when they are used, the assaults often turn into domestic homicides (Violence Policy Center, 2001).

Domestic Violence Offenders Are Prohibited From Possessing Firearms

Federal law prohibits virtually all identified domestic violence perpetrators from possessing firearms and ammunition, and it prohibits the knowing sale or disposition of firearms or ammunition to domestic violence offenders (Halstead, 2001). Several states have also passed legislation related to the possession of firearms by domestic violence offenders. When both state and federal laws pertain to this issue, both must be followed. Community corrections personnel working with domestic violence offenders must be familiar with all applicable laws. The federal law is summarized briefly below.

- **Felony and Other Prohibited Offenders.** The Gun Control Act of 1968 (18 U.S.C. § 922(g)(1-7)) prohibits felons (i.e., offenders convicted of a crime punishable by imprisonment for a term exceeding one year), fugitives, drug addicts, certain mentally ill people, undocumented immigrants, dishonorably discharged military personnel, and those who have renounced their United States citizenship from possessing, receiving, or transporting firearms or ammunition that are subject to interstate commerce. Further, it states that any firearm used or intended to be used in violation of the Gun Control Act is subject to seizure and forfeiture. Violation of the law carries a maximum penalty of a \$10,000 fine, or ten years in prison, or both. Domestic violence offenders convicted of felony offenses are subject to this prohibition which is a lifetime condition.
- **Those Subject to a Domestic Violence Restraining Order.** The Violent Crime Control and Law Enforcement Act of 1994 amended the Gun Control Act of 1968 by adding the provision that anyone who is subject to a qualifying protection order may not possess, receive, or transport firearms or ammunition (18 U.S.C. § 922(g)(8)). To be a qualified protection order, the respondent (i.e., the domestic violence offense perpetrator) must have received notice and had the opportunity to participate in a hearing; the order must restrain the respondent from harassing, stalking, or threatening an intimate partner or the child of the partner or the respondent, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and the order must include a finding that the respondent represents a credible threat to the physical safety of such intimate partner or child or explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. The protective order itself does not need to prohibit possession of firearms or ammunition for this firearms ban to be in effect. This prohibition applies only for the duration of the qualifying protection order.
- **Misdemeanor Domestic Violence Offenders.** The Lautenberg Amendment was passed in 1996 and amended the Gun Control Act once more to include the provision that persons who have been convicted of certain misdemeanor crimes of domestic violence are prohibited from purchasing, possessing or transporting firearms or

In 2000, 556,500 females were the victims of violent crimes at the hands of intimate partners, representing 21 percent of all females violently victimized that year. Three percent (98,850) of male victims of violent crime were victimized by intimate partners (Rennison, 2001a). During the same year, 1,247 women (33.5 percent of all murder victims) and 440 men (3.7 percent of all murder victims) were killed by an intimate partner (Rennison, 2003). Two hundred twenty-six (226) male homicide victims of intimate partners (51 percent) were killed with a gun, and 735 female homicide victims of intimate partner violence (60 percent) were murdered with a gun (Bureau of Justice Statistics, 2002).

A study conducted in Atlanta, Georgia, and reported in 1992 in the *Journal of the American Medical Association* (Saltzman, Mercy, O'Carroll, Rosenberg, & Rhodes, 1992), compared the risk of death and nonfatal injuries during intimate partner assaults with firearms to the risk of death and injuries when other types of weapons were used in such assaults. The study found that intimate assaults committed with firearms were 12 times more likely to result in death than intimate assaults in which firearms were not used. In a 1997 study, the intersection of prior domestic violence and the availability of a gun in the home were also shown to increase significantly the risk of women being murdered at the hands of intimate partners. Prior domestic violence in the intimate relationship increased the risk of homicide by almost 15 times, and having one or more guns in the home made it more than seven times more likely that the victim would be murdered by a spouse, intimate acquaintance, or close relative (Bailey, et al., 1997).

The presence of firearms in the hands of domestic violence perpetrators not only places their intimate partners at risk, it also endangers other household members and community residents. In the study cited above by Bailey, et al. (1997), for the domestic violence murders examined, one-fourth of them also ended with the perpetrators committing suicide, and guns were the most common weapons in these murder-suicides. During the first half of 2001, almost three-fourths of all incidents of murder-suicide involved intimate partners. Females were killed by their intimate partners in nearly 94 percent of these murder-suicides, and in nearly 95 percent of the cases, victims were killed with firearms (Violence Policy Center, 2002b). A Florida study of intimate partner homicides found that in 38 percent of those murders, the perpetrator killed more than one person including children, interveners and bystanders (*Florida Mortality Review Report*, 1997, as cited by Mitchell & Carbon, 2002).

ammunition (18 U.S.C. § 922(g)(9)). Qualifying offenses may be misdemeanor crimes of domestic violence under federal or state law and must have as an element the use or attempted use of physical force or the threatened use of a deadly weapon. The perpetrator must have been represented by counsel and, if entitled to a jury trial, have had the opportunity for a jury trial or knowingly and intelligently waived the right to either of these. Further, the perpetrator and victim must satisfy the relationship requirement set forth in this legislation. This legislation stipulates a lifetime ban on firearm possession following a qualifying misdemeanor conviction, but it does provide for restoration of firearm possession rights in limited circumstances such as the

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expunging of the conviction, pardon of the person or restoration of the person's civil rights.

- **Official-Use Exemption.** There is a stipulation within the law (18 U.S.C. § 925(a)(1)) that military personnel, law enforcement officers and other local, state and federal employees required to use firearms to conduct their official duties are exempt from the prohibitions against possessing their service weapons if they are subject to a protection order. However, they still may not possess personal firearms. If any of these employees are convicted of a misdemeanor domestic violence offense, the official-use exemption does not apply. Military personnel, law enforcement officers and others required to carry weapons who are convicted of misdemeanor domestic violence offenses may not possess personal or officially issued weapons, and thus are likely to be declared ineligible to perform the duties of their jobs.

Restrictions on Sale or Transfer of Firearms and Ammunition

For each of these legislative prohibitions, there are companion portions within the U. S. Code that prohibit the sale or transfer of firearms and ammunition to any of these classes of defendants. It is a federal crime to sell or otherwise provide firearms or ammunition to a person whom the seller/provider has reason to believe is legally disqualified from possessing them. This restriction applies whether the seller/provider is a dealer, member of the justice system who has accepted surrender of or confiscated the firearms or ammunition, or a friend or family member who has possession of the firearms or ammunition.

Background Checks

The National Instant Criminal Background Check System (NICS) was established to provide records checks on persons who are purchasing firearms or ammunition to determine whether they are prohibited from these purchases. The NICS was developed by the FBI through a cooperative effort with the Bureau of Alcohol, Tobacco and Firearms (ATF) and local and state law enforcement agencies. Federal Firearms Licensees are required to access the NICS for a background check on each potential purchaser before selling or transferring firearms. If no disqualifying information is found, the person is allowed to make the purchase; if disqualifying information is found, the transfer may not proceed. The transfer may be delayed for three days if more information is needed to determine whether the individual is eligible to purchase the firearm. Sale may proceed after three days even if all background information has not been obtained, but the FBI will continue to research the case (National Instant Criminal

Background Check System Fact Sheet, n.d.). If disqualifying information is subsequently found about someone who has already purchased a firearm, the FBI may request that the ATF retrieve the firearm after the sale (General Accounting Office [GAO], 2002).

Challenges to the Laws

At least three constitutional challenges have been brought against provisions of the Gun Control Act as it relates to domestic violence offenses, none of which have been upheld in higher courts.

- **Right to Bear Arms - Second Amendment.** In a Texas case, Dr. Timothy Emerson's wife filed for divorce and was granted a temporary restraining order to prevent Emerson from threatening her or their daughter. During the time he was subject to this restraining order, he was indicted for possessing a pistol. The district court dismissed the indictment, but the Fifth Circuit Court of Appeals held that "while the right to bear arms is broadly held, it may nonetheless be reasonably restricted if a person is subject to a domestic violence court order" (Mitchell & Carbon, 2002; Perry, 2003, p. 83).
- **Equal Protection - Fourteenth Amendment.** The Lautenberg Amendment to the Gun Control Act has been challenged claiming that it unfairly punishes domestic violence misdemeanants more harshly than other misdemeanor offenders and discriminates against law enforcement officers convicted of misdemeanor domestic violence offenses. Courts reviewing such cases have applied the standard that laws must be rationally related to governmental interests and have rejected the claim of discrimination on this basis. In *Hiley v. Barrett*, the Eleventh Circuit Court of Georgia concluded that, "in light of the Amendment's goal of reducing 'the likelihood that domestic violence will escalate into murder,' Congress had rationally concluded that misdemeanor domestic violence offenders should not possess firearms" (Halstead, 2001, p. 7). The court further concluded that Congress did not intentionally discriminate against police officers whose careers require the possession of firearms when passing the law that misdemeanor domestic violence offenders cannot possess firearms (Halstead, 2001).
- **Ex Post Facto Clause - Article I, Section 9.** This section of the Constitution states that Congress cannot pass laws that make a previously legal act illegal. The Lautenberg Amendment has been challenged on the grounds that it prohibits possession of firearms by misdemeanor domestic violence offenders even if the offense for which they received that status occurred prior to the enactment of the

law. However, federal courts have ruled that the Act did not criminalize conduct that occurred before its implementation but only prohibits firearms possession by those already found guilty of a misdemeanor crime of domestic violence. Therefore, the restriction of firearms for those convicted of

John Allen Muhammad, the alleged DC-area sniper, had a history of domestic violence and was the subject of a restraining order. Two months after the effective date of the order, he purchased a gun at a gun shop in Tacoma, Washington, that allegedly was used to commit multiple murders. (Soler, 2002)



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misdemeanor crimes before the Lautenberg Amendment was enacted was upheld (Halstead, 2001).

Legal Redress to Prohibitions

Although having these federal laws in place is a positive step toward promoting victim and community safety, they do not preclude domestic violence offenders from possessing firearms forever. There are several ways in which some domestic violence offenders may be able to acquire firearms and ammunition.

Relief from Firearms Disabilities for Felony Offenders. The Gun Control Act has a provision that gives authority to the Secretary of the Treasury to grant relief from firearms disabilities for felony offenders whom the Secretary determines are no longer likely to be dangerous to the public. Applications for this relief require an extensive investigation by the ATF. During the 10-year period from 1982 to 1992, ATF processed more than 22,000 applications. As of 1991, the annual budget for the Relief from Disability program had climbed to \$4.2 million. In 1992, Congress prohibited further funding of this program, thereby eliminating this method of restoring firearms to felony offenders (Violence Policy Center, 2000, 2002a).

Judicial Review. According to 18 USC Section 925 (c), "Any person whose application for relief from disabilities is denied by the Secretary may file a petition with the United States District Court for the district in which he resides for a judicial review of such denial. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice." This law has resulted in the federal courts being forced to consider applications for relief from firearms disabilities for some felons. This is a controversial issue, and U. S. Courts of Appeals are divided as to whether courts have jurisdiction to consider these cases. However, some courts have ruled in these cases and restored some felons' rights to possess firearms (Violence Policy Center, 2000).

State Restoration of Firearms Rights. Persons who are not eligible to possess firearms under federal law because they have state criminal convictions may be able to have their rights restored by the state and then be eligible to possess firearms and ammunition. The mechanisms for doing this may include (GAO, 2002):

- Executive pardons that restore offenders' rights and privileges.
- Expungement of criminal offense or conviction records by destroying or sealing them.
- Set-aside (i.e., annulment or revocation) of a court judgment or order.
- Restoration of civil rights either automatically upon completion of sentence or passage of time or as a result of administrative or judicial processes.

Gun Permits. As of 2002, in more than half of the states, persons who want to purchase a firearm may be exempt from the NICS background check if the person has a state-issued handgun concealed-carry permit. Some states that issue these permits have mechanisms in place to detect

David Jones, 37, shot to death his ex-girlfriend in July 2002 in Lafayette, Louisiana.

On June 27, 2002, Amari Ware, age 20 months, was killed by a shot fired by her father because he reportedly was upset about a decision by the child's mother to end their relationship.

Dahl, 2002

whether permit holders commit criminal offenses that disqualify them from purchasing firearms. If a permit holder becomes ineligible, states may revoke the permits. However, not all states actively monitor continued permit eligibility and seize revoked permits. If individuals do not surrender permits, they may be able to continue to purchase firearms without background checks (GAO, 2002).

Domestic Violence Misdemeanor Convictions. State laws defining domestic violence offenses vary markedly. In some states a domestic violence offender may be charged with assault or battery or other related crimes that apply to nondomestic crimes as well. Other states have established specific domestic violence offenses. It is often difficult to ascertain the backgrounds of domestic violence offenders because of the nonspecificity of classification of domestic violence offenses as well as the inaccessibility and incompleteness of state criminal history records. As a result, it often takes longer than the three-day waiting period to determine whether the person has a misdemeanor conviction for domestic violence. Frequently, investigators must go to the original records of the arresting agency or court to determine whether the crime was domestic violence. During the first three years the NICS system was operating, more than 2,800 domestic violence offenders were allowed to purchase firearms that later had to be retrieved by ATF because a domestic violence misdemeanor conviction was not identified during the criminal history check. The specific definition of a domestic violence misdemeanor in the federal law also adds to the difficulty of determining ineligibility to purchase firearms. The law requires that the defendant be represented by counsel and, if entitled to a jury trial, have the opportunity for one (or knowingly has waived those rights). Determining whether those criteria have been met often necessitates a hand search of original court records, and even then, sometimes these conditions cannot be determined adequately. The difficulty of identifying domestic violence offenses in criminal history records is yet another obstacle. Often crimes of domestic violence are charged without the designation that they resulted from domestic violence, and it may require looking at the original arrest records and charging documents to determine that the crime was domestic violence. The legal names and definitions of qualifying misdemeanor offenses differ from state to state. Many states only collect information about the most serious types of misdemeanor offenses, and databases may miss some of the lesser domestic violence crimes (GAO, 2002).



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COVER STORY

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Private Gun Sales. Unlicensed gun dealers may sell guns at gun shows and be exempt from conducting federal criminal background checks on purchasers. The gun show loophole allows some convicted batterers to purchase guns from these unlicensed dealers. Gun owners may sell guns from their private collections up to six times per year at gun shows, flea markets and private residences. (Family Violence Prevention Fund, 2001a, 2001b).

Prosecutorial and Judicial Decision Making. Although there are no statistical data about this issue, anecdotal information suggests that some prosecutors and judges who do not agree with the limitation on firearms ownership by domestic violence offenders may find ways to subvert these laws. Charging domestic violence offenders with crimes that are not labeled domestic violence or allowing plea bargains to lesser charges are practices reported in some jurisdictions to prevent having offenders lose their rights to possess firearms. There is also speculation that some judges may be issuing fewer domestic violence protective orders to avoid confiscating guns (Family Violence Prevention Fund, 2001a).

Investigation and Supervision Practices Regarding Firearms

Community corrections agencies should develop policies related to the relinquishment of firearms by domestic violence offenders under supervision, and personnel should follow such procedures fully. Removing firearms from the hands of domestic violence offenders can save lives. Following are several areas that should be considered for policy and practice regarding the investigation and supervision of domestic violence offenders. Where possible, examples from agencies implementing these practices are provided.

Know Jurisdictional Laws and Policies Related to Firearms in Domestic Violence Cases

The preceding discussion has focused on federal laws and provided information that applies to all domestic violence offenders who are felons, convicted of a domestic violence misdemeanor crime, or have an active protection order against them. These laws apply in all states. However, individual states may have further laws about weapons in general, statutes about possession of firearms by domestic violence defendants, legislated penalty enhancements for firearms possession, laws that provide specific procedures related to the forfeiture and disposition of offenders' weapons or other statutory provisions. Examples of state statutes regarding domestic violence offenders and firearms are included in Table 1. Note that the examples selected for Table 1 were chosen to represent a variety of state statutes, and no endorsement or criticism of any particular legislation is implied.

Two sites provide a quick reference to state laws regarding firearms:

- Bureau of Alcohol, Tobacco and Firearms' compilation of state Laws and published Ordinance on Firearms at www.atf.gov/firearms/statelaws/22edition.htm.
- Pennsylvania Coalition Against Domestic Violence list of State and Territorial Statutes on Firearms and Domestic Violence. [Available from the National Center on Full Faith and Credit, 1-800-256-5883].

It is important that community corrections personnel be well informed about their jurisdiction's laws when formulating policies and practices for issues related to firearms and domestic violence offenders. Policies regarding the relinquishment of firearms will be strongest if they are supported by legislation.

Program Example

California's Program for Seizing Firearms

The "Armed and Prohibited" program in California was created by Senate Bill 950 to target offenders who are armed and dangerous. The program is designed to protect domestic violence victims and the general public. The program is located in the California Attorney General's Firearms Division. Agents use court records and Department of Justice databases to identify offenders who possess a firearm illegally after a felony conviction, domestic violence restraining order or mental health report that they are a danger to themselves or others. The Department of Justice is creating a database to automatically cross-reference the names of individuals who own guns with court convictions, domestic violence restraining orders and records of individuals who are a danger to themselves or others.

After they identify dangerous individuals in possession of firearms, agents obtain search and arrest warrants, notify local law enforcement and invite local agencies and agents from the federal Bureau of Alcohol, Tobacco and Firearms to participate. Since the program was implemented, hundreds of offenders have been identified as possessing firearms, and hundreds of firearms have been seized. More than 40 percent of the individuals in illegal possession of firearms were prohibited from possessing them because of a domestic violence conviction or restraining order.

The program is heralded for its ability to disarm individuals who possess firearms illegally and for its potential to increase law enforcement officers' safety when they make traffic stops or are called upon to intervene in domestic violence disturbances.

(Press Release. Attorney General Lockyer Unveils New Program Seizing Firearms from Convicted Spousal Abusers, Felons and Individuals Deemed a Danger to Themselves or Others. September 30, 2002.)



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Table 1
Sample State Legislation on Domestic Violence and Firearms*

Colorado

Colo. Rev. Stat. § 16-11-204 (West 1999) [Conditions of Probation]. Pursuant to Subsection (2)(b)(III), for convictions for a crime when the underlying factual basis included an act of domestic violence as defined in § 18-6-800.3(1), the court shall order as a condition of probation that the defendant, "comply with the terms of any restraining order in effect against the defendant during the probation period. . .Refrain from possessing a firearm, destructive device, or other dangerous weapon, unless granted written permission by the court or probation officer, which will not be granted in such domestic violence cases unless it is required by the defendant's employment, the court finds that the defendant's possession of the weapon does not endanger the victim or the victim's children, and the weapon is stored away from the home and the yard surrounding the home.

Connecticut

Conn. Gen. Stat. § 54-63d (1999). Pursuant to subsection (b), "[n]o person shall be released upon the execution of a written promise to appear or the execution of a bond without surety if the person is charged with the commission of a family violence crime as defined in section 46b-38a and in the commission of such crime the person used or threatened the use of a firearm."

Hawaii

Haw. Rev. Stat. § 806-11 (2000). Arrainging courts must order a defendant who is under indictment for any crime of violence to dispose of all firearms and ammunition in the defendant's possession within 48 hours. The court must immediately notify the chief of police of the county where the defendant resides that the defendant has been so ordered. The chief of police may seize all firearms and ammunition if the defendant does not comply within 48 hours.

Illinois

725 Ill. Comp. Stat. 5/ 110-10 (West 1999). Pursuant to subsection (a), if a person is released prior to conviction, the conditions of the bail bond shall include that he or she will "(5) at a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer" for custody and impounding "when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery," except when the court decides that the circumstances of the case clearly do not warrant it, or when it would be impractical.

Louisiana

La. Code Civ. Proc. Ann. Art. 3603.1 (1998). Subsection A provides that "no temporary restraining order or preliminary injunction prohibiting a spouse or other person from harming or going near or in proximity of another shall. . . (2) [b]e effective unless the order or notice specifically informs the person against whom the temporary or preliminary order is issued that if, after a contradictory hearing, an injunction or other protective order is issued against him, it may result in the lifetime loss of his ability to carry a firearm."

New Hampshire

N.H. Rev. Stat. 173-B:9 (1999). Pursuant to subsection (1)(b), when the defendant violates a temporary or permanent protective order, law enforcement shall arrest the defendant and after the arrest seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. Law enforcement shall retain possession of the seized weapons/ammunition until the court issues an order directing that they be relinquished, and specifying to whom they will be relinquished.

New Hampshire

N.H. Rev. Stat. 173-B:10(I) (1999). Peace officers are required to give victims of abuse immediate and adequate notice of their right to go to the district or superior court of their county to file a petition asking for protective orders against the abusive person and to sign a criminal complaint at the police station. Section II requires the clerk of the court to advise victims that they may request that the judge issue an order "[d]irecting the abusive person to temporarily relinquish to the peace officer any deadly weapons in the control, ownership or possession of the defendant which may have been used, or been threatened to be used, in an incident of abuse against the victim or any member of the victim's household. . ."

New Jersey

N.J. Rev. Stat. § 2C:25-26 (West 2000). Pursuant to subsection (a), when a defendant charged with a crime or offense involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may as a condition of release issue an order prohibiting the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S. 2C:39-1 and ordering the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

New York

N.Y. Pen. Law § 215.51(b) (Consol. 1998). Effective Dec. 22, 1998, a person is guilty of criminal contempt in the first degree when he/she is subject to a valid protection order issued in New York or another state, territorial, or tribal jurisdiction and "(i) intentionally places or attempts to place a person for whose protection such order was issued in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm or by means of a threat or threats."

Texas

Tex. Fam. Code Ann. § 85.042 (West 2000). Effective September 1, 1999, subsection (e) requires the clerk of the court issuing an original or modified protective order under section 85.022 that suspends a license to carry a concealed handgun to send a copy of the order to the appropriate division of the department of public safety at its Austin headquarters. On receipt of the order, the department shall record the suspension, report the suspension to local law enforcement, as appropriate, and demand surrender of the suspended license from the license holder.

Utah

Utah Code Ann. § 77-36-5.1 (1999). Pursuant to (2), the court may condition probation or a plea in abeyance on the perpetrator's compliance with one or more orders of the court which may include, "(e) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other specified weapon; (f) directing the perpetrator to surrender any weapons that he owns or possesses[.]"

* These examples of state legislation were in effect in 2000. Some may have been modified subsequently.

Source: Pennsylvania Coalition Against Domestic Violence. (2000). *Firearms and Domestic Violence: State and Territorial Statutes*. [Available from the National Center on Full Faith and Credit, 1-800-256-5883.]



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Investigate for the Possession of Firearms by Domestic Violence Offenders

Domestic violence offenders being released in the community on pretrial release, probation or parole should be investigated as soon as possible for their access to firearms. If the incident leading to the offender's arrest involved separation from the victim, the risk of violence may be especially high, and removal of firearms could avert a potential tragedy. Investigations regarding offenders' access to firearms should be an important part of pretrial services, presentence investigations and ongoing supervision of the offender. Investigation practices should include the following steps:

- Ask the offender if he² has access to any firearms (those he owns or is allowed to use by others).
- Ask collateral sources about the offender's access to firearms (e.g., victim, other family members, neighbors).
- Check arrest and conviction information regarding the present criminal incident to learn whether threats or assaults were made with firearms or other weapons, and if so, what type of weapons.
- Check official records of protective orders to determine whether an active protective order has been issued against the offender. Determine whether the person requesting the protective order alleged that any firearms or other weapons were involved in threats or assaults.
- Check criminal history records for previous felony or domestic violence misdemeanor convictions against the offender. Determine whether any firearms or other weapons were used during previous crimes.
- Check registries of state permits for purchasing firearms.
- Protective order records should also be checked periodically to determine whether protective orders have been issued against any offenders on probation or parole, even if the conviction which led to their supervision is not related to domestic violence. During the time they are subject to a protective order, they are prohibited by federal (and possibly state) law from possessing firearms.

Provide Offenders with Notice of Weapons Prohibitions

Both oral and written notice should be provided to domestic violence offenders clearly stating that they may not possess firearms. Depending on state law, this

notice may apply only to firearms and ammunition, but if an offender has used another type of weapon in previous assaults (e.g., explosives, knives), these weapons also may be included in the notice. The notice should be provided every time the offender comes in contact with the justice system (e.g., pretrial, sentencing, probation intake, parole release) and should be provided by all those having authority over the offender including judges, paroling authorities and supervising pretrial, probation and parole personnel. If authorized by state law, offenders' orders of release should include a condition prohibiting the purchase, possession or use of firearms and

Exhibit A

Department of Corrections Division of Community Corrections DOC-1925 (5/98)		Wisconsin
NOTICE OF FIREARM RESTRICTIONS		
OFFENDER NAME	DOC NUMBER	AGENT NUMBER
<p>The Federal Gun Control Act (GCA) makes it unlawful to receive, possess, or transport firearms for any person who meets any of the following criteria:</p> <ol style="list-style-type: none">1) Is under indictment for or has been convicted in any court of a crime punishable by a term exceeding one year2) Is a fugitive from justice3) Is an unlawful user of or addicted to any controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802)<ul style="list-style-type: none">➢ The term "addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted in the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.➢ The term "controlled substance" means a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV, or V of Part B of this subchapter. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in Subtitle E of the Internal Revenue Code of 1986.4) Has been adjudicated as a mental defective or has been committed to a mental institution5) Is an alien illegally or unlawfully in the United States6) Has been discharged from the Armed Forces under dishonorable conditions7) Having been a citizen of the United States, has renounced his citizenship <p>Furthermore, the GCA, as amended by the (Omnibus Consolidated Appropriations Act of 1997," makes it unlawful for any person convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or ammunition. It also makes it unlawful for any person to sell or otherwise dispose of a firearm or ammunition to any person, knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor.</p> <p>As defined in the GCA, a "Misdemeanor Crime of Domestic Violence" means an offense that...</p> <ol style="list-style-type: none">1) Is a misdemeanor under federal or state law; and2) Has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a persons similarly situation to a spouse, parent, or guardian of the victim <p>Additional, 1995 Wisconsin Act 71 prohibits possession of firearms by persons under domestic abuse or child abuse injunctions and restraining orders.</p> <p>Prohibition is automatic for domestic abuse and child abuse orders. Prohibition for harassment orders may be ordered by a judge or family court commissioner.</p> <p>The above information was reviewed and explained to me, and I have received a copy. I understand that, if subject to these laws, I must immediately relinquish all firearms and ammunition in my possession to a third party such as my attorney, local police agency, or a firearms' dealer. I understand that if I do not comply with the law, I am subject to criminal penalties and/or revocation of my probation/parole. I further understand that, if I am subject to any of these laws, my agent cannot grant me permission to possess a firearm and that any permission granted is thereby null and void.</p> <p>Offender Signature _____ Date _____</p> <p>Agent/Witness Signature _____ Date _____</p> <p>DISTRIBUTION: Original - Offender File Copy - Offender</p>		

² Feminine pronouns (she, her) are used to refer to victims, and masculine pronouns (he, him) are used to refer to offenders or perpetrators. This is not meant to suggest that males cannot be victims nor to minimize the intimate partner violence that occurs among same sex couples. However, documentation on gender in adult intimate partner violence indicates that by far the majority of victims are female (Rennison & Welchans, 2000).



DOMESTIC VIOLENCE

And Firearms

directing offenders to surrender any firearms they possess. Information provided offenders should clearly state that if they are convicted of a felony offense or qualifying domestic violence misdemeanor, they are prohibited from possessing firearms indefinitely. If they are prohibited from possessing firearms because of a protective order, they may be able to regain possession of those firearms if or when the protective order is no longer in effect.

Exhibit A provides an example from the Wisconsin Department of Corrections, Division of Community Corrections, of a notice of firearms restrictions based on both federal and state laws. This form requires the offender's and the (probation/parole) agent's signatures, and a copy is to be given to the offender.

Develop and Monitor a Plan with Offenders to Relinquish Firearms, Ammunition, Other Identified Weapons and Firearms Permits

If the investigation reveals that a domestic violence offender has access to firearms, community corrections personnel should immediately require the offender to relinquish them as well as ammunition, other identified weapons and firearms permits. Agency or court policies or jurisdictional laws may mandate how firearms, ammunition and permits are to be

surrendered. If not, there are several options that may be employed. Offenders may relinquish firearms to law enforcement agencies. If procedures are not already established for this in the jurisdiction, community corrections agencies may need to take the lead in developing a plan with local, state or federal law enforcement agencies. A second option may be that the firearms are relinquished to community corrections personnel. If this policy option is adopted by community corrections agencies, procedures must be in place for the safe and secure storage and disposal of firearms and ammunition. Offenders may also be given the option of disposing of the firearms themselves through selling them or giving them to someone else. This is the least satisfactory approach, but in the absence of other options already discussed, it may be the only one available. If offenders are to dispose of firearms themselves, they should be required to state specifically to whom and when the firearms will be transferred. Following the planned relinquishment, community corrections professionals should verify that the surrender occurred and provide the recipient, especially if it is a friend or family member of the offender, with information regarding his or her responsibility not to allow the offender access to the firearms. Exhibit B provides a sample form that was developed by the Alexandria, Virginia, Police Department to ensure that recipients of surrendered firearms

Exhibit B



FIREARM RETURN FORM

To Whom It May Concern:

The purpose of this letter is to advise you of several federal and state laws that could affect you as you take possession of the firearms described in the "Firearms Description" below. The Alexandria Police Department wants you to make an informed decision as you take possession of, and become the legally responsible party for these firearm(s).

There are several laws that regulate the transfer of firearms. In order for the Police Department to comply with federal and state laws, we require a full criminal history check of each person who wishes to obtain possession of a firearm in our custody. This includes a person picking up his or her own firearm, a person picking up a firearm for the purpose of delivering the weapon to the owner and any person taking possession and ownership, at the request of the legal owner of a firearm that is temporarily being held by the Police Department (called a third party transfer).

Certification of Receipt of Firearm(s)

I have read this Form and understand its terms. I understand that, by receiving these firearms, I will become the responsible party for the firearm(s) listed below. I also understand that if I transfer the firearm(s) to a person prohibited by law from possession of a firearm, I would be in violation of the law and may face prosecution and imprisonment.

Person receiving firearm(s)	Date	Property Number
Witness	Date	Witness
	Date	Case Number

Firearms description.

Either attach a copy of the ADP Property form PD 39 or describe each firearm released in detail.

Used with permission of the Alexandria Police Department, Alexandria, Virginia.



DOMESTIC VIOLENCE

And Firearms

Program Example

Omaha Domestic Violence Probation Team Seizes Abusers' Firearms

by Andrew Klein

For more than a year, specially assigned domestic violence Nebraska probation officers in the Douglas County (Omaha) office have gone into the community to search out and seize prohibited firearms from probationers. Based on a tip from an abused wife, their biggest haul so far included automatic weapons, handguns, ammunition and a few hand grenades secured by a convicted domestic violence offender in a storage locker.

The domestic violence unit consists of eight officers, supervised by Deputy Chief Ron Broich. The unit was organized in 1997, the same time police adopted a mandatory arrest policy and the county prosecutor took over the prosecution of misdemeanor domestic violence cases from the city attorney and instituted a no-drop prosecution policy. The city-wide response to domestic violence was also spurred on by the creation of a domestic violence coordinating committee the year before.

Begun with just two probation officers, the unit grew as the number of cases exploded. The present caseload consists of 500 offenders, mostly misdemeanants convicted of assault or violation of protective orders, punishable by up to one year in jail. Standard conditions include participation in a 24-week batterer program and a ban on firearm possession.

To enforce the latter condition, the unit has adopted one of the most aggressive probation programs in the nation to search out and seize banned firearms. The domestic violence intake officers begin the process by checking with the county firearms registry to check for any legal weapons probationers may have listed. The unit's probation officer-victim specialist also asks the abusers' partners if they know of firearms possessed by offenders, promising the victims confidentiality and promising to coordinate with them subsequent searches when necessary so as not to endanger victims.

The information is turned over to the unit's three field officers. The supervising officers advise their probationers that if they do not turn their weapons over to local police, they are not only in violation of their probation but are liable for federal prosecution. Thanks to a meeting sponsored by the United States Attorney in Omaha, local police have agreed to go out and retrieve as well as store and/or dispose of weapons seized by the probation officers.

The three field officers currently conduct up to a dozen firearm raids a month. So far, all have gone smoothly, although officers have been trained in self defense, carry pepper spray and wear protective armor just in case.

Like all members of the unit, the field officers have volunteered for the assignment.

Tracy Grinstead-Everly, of the Douglas Domestic Violence Coordinating Committee, has nothing but enthusiastic praise for the efforts of the probation unit, calling members "phenomenal" to work with on the committee. She adds officers are "dedicated, willing to put themselves in danger" to safeguard victims. For the first time, this year the probation department received a share of the state Violence Against Women grant to pay part of the salary of its victim specialist probation officer.

Nebraska does not have specific state laws barring firearm possession for domestic violence probationers.

The work of the Omaha probation officers stands in contrast to that of their peers across the country. A small American Probation and Parole Association poll of departments around the country found most officers do not have specific programs to enforce firearm bans for domestic violence probationers (See DVP July 2002 issue).

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understand their rights and responsibilities. This could be adapted for use by community corrections agencies.

Monitoring domestic violence offenders for firearms possession also may require periodic checks of their residences, vehicles and other places where they may keep personal property to ensure that they are complying with prohibition requirements. These checks may be performed routinely or for cause if firearms possession is indicated through supervision strategies or information from collateral sources, such as victim reports. Courts have consistently upheld the practice of warrantless searches of probationers' residences because probationers do not enjoy the same degree of constitutional protection against searches or seizures as other citizens do. (For a more

detailed discussion of search and seizure, see Adelman, 2002; Hemmens, 1998a & b; Hemmens, Bennett & Del Carmen, 1999.) Procedures for searches and seizures should be spelled out in agency policy and followed carefully. It is advisable to have arrangements with local law enforcement agencies for assistance in such situations.

Ensure that Appropriate Information is Entered in Databases

Effective supervision of domestic violence offenders depends, in part, on having all needed information about the offender. It is particularly important for supervision related to firearms possession that protective order



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James Diaz, a convicted felon, beat his girlfriend and pointed a gun at her one night in Dallas, Texas. However, before the assault could be prosecuted in a state court, his girlfriend recanted. Instead of dropping the case, the U.S. Attorney's Office in Austin prosecuted Diaz for a federal crime of being a felon in possession of a firearm, for which he was sentenced to five years in federal prison. (Hafetz, 2003)

databases and criminal history information be current and complete. Community corrections professionals should participate in community coordination efforts to ensure that this information is accurate and available to assist in supervision of these offenders. Where possible, efforts should be aimed toward interactive information systems so that this information can be accessed by and shared with appropriate justice system members.

Respond Swiftly and Appropriately to Any Infractions of Firearm Possession Prohibitions

Agency policy should stipulate procedures to be followed if domestic violence offenders are found in possession of firearms after being notified that they are not allowed to possess them. If they do possess firearms, they may be in violation of both state and federal laws and subject to new charges. They also will be in violation of their community supervision status. Even if firearms prohibitions are not a specific condition of their community supervision, all offenders must obey state and federal laws. Supervising officers should act quickly to revoke and/or bring new charges against these offenders, as the possession of firearms clearly increases the danger to victims and the community. Again, a coordinated response is needed within the justice system so that the offenders are sanctioned quickly and, if necessary, confined for the protection of their victims and the community. Working relationships should be developed between community corrections agencies and federal law enforcement agencies and prosecutors so that offenders who violate federal gun prohibitions can be charged and prosecuted appropriately.

Challenges to Implementation

Agencies that have not previously proactively enforced prohibited domestic violence offenders from possessing firearms may encounter some challenges as they implement such policies and procedures. One important issue may be community and justice system attitudes and norms regarding firearms. Those who are strongly pro-gun or have immoderate civil liberties attitudes may pose forceful objections and try to impede the implementation of these policies.

Another issue that may arise is the question of how to store and dispose

of relinquished firearms. Over time, many firearms may accumulate, as more than one may be confiscated from offenders possessing multiple firearms. These must be stored in a secure way that prevents any misuse. Carefully kept inventories should be maintained for accountability purposes. Some firearms must be stored for those who regain eligibility to possess weapons. However, for the most part, domestic violence offenders will not be eligible to have their weapons returned, and appropriate disposal methods will be necessary. Often, it is best to have the firearms destroyed so that they do not return to the hands of criminals. However, such procedures can be expensive and time consuming.

Concern for staff safety is yet another challenge. Community corrections professionals should receive appropriate training and have procedures in place for assistance if they personally conduct searches and seize firearms. In an informal survey about practices related to firearms forfeitures by domestic violence offenders conducted by the American Probation and Parole Association (2001), respondents were asked to report what safety precautions were taken when firearms were seized. Among the responses were:

- Community corrections officers are armed.
- Community corrections officers are equipped with caged cars for arresting violating offenders.
- Community corrections officers have received weapons training.
- Community corrections officers have protective vest/body armor.
- Police accompany community corrections officers on searches.
- Police are trained to handle/defuse volatile situations.
- Searches are planned and coordinated with law enforcement.

Proactive enforcement of firearm prohibitions for domestic violence offenders is likely a new task for probation and parole agencies, and seizing, storing, disposing of and/or returning firearms is a complex undertaking. Agencies should coordinate and cooperate with other criminal justice agencies, particularly law enforcement, as they develop policies and protocols for dealing with domestic violence offenders' access to firearms. Promotion of victims' safety as well as safety for the offender and criminal justice system personnel should guide the development of the policy. While most laws deal specifically with firearms, some domestic violence offenders are subject to other types of weapons prohibitions (e.g., deadly weapons). Protocols and search procedures should be adjusted accordingly.

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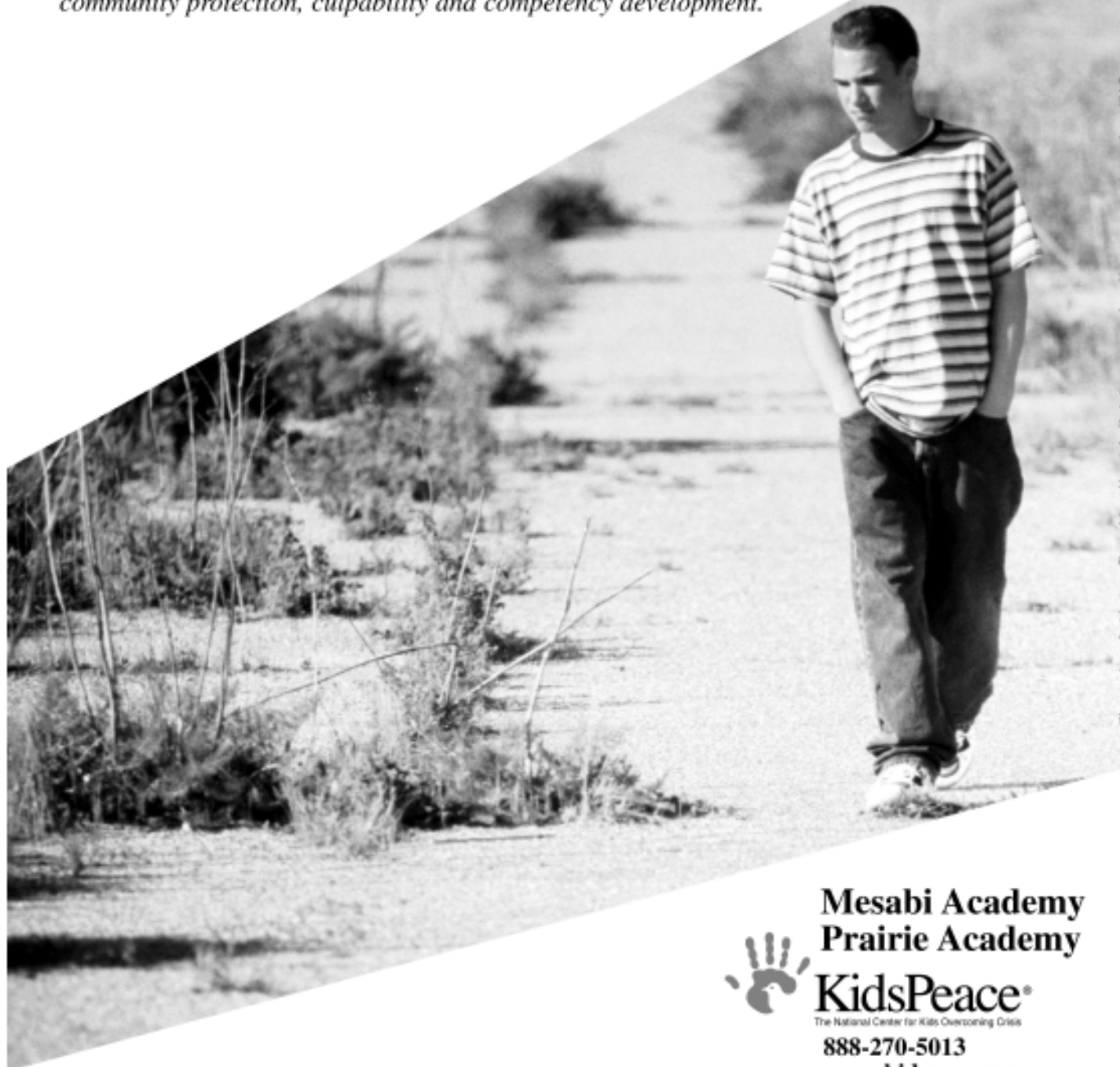
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| <p>Jan. 8-12 American Correctional Association 2005 Winter Conference, Phoenix, AZ. Contact Conventions Dept. (800) 222-5646 x-1922 or visit www.aca.org.</p> <p>Feb. 13-16 American Probation and Parole Association Winter Training Institute, Hyatt Regency Orange County, Anaheim, California. For more information contact Kris Chappell at kchappell@csg.org or 9859) 244-8204 or visit www.appa-net.org.</p> <p>Mar. 9-11 National Conference Child Welfare League of America, "Crossing the Cultural Divide," Marriott Wardman Park Washington, DC. For information contact Naomi Goldman at 617-769-4003 or submissions2005@cwla.org</p> <p>Apr. 26-30 2005 National Conference: Fostering Careers in Law, Public Safety, Corrections and Security, Wyndham Westshore, Tampa, Florida. Contact Pat Hicks at jnc11@msn.com or visit www.ncn-npcps.com.</p> <p>Jul. 24-27 American Probation and Parole Association 30th Annual Training Institute, Marriott Marquis, New York, New York. For more information contact Kris Chappell at kchappell@csg.org or 9859) 244-8204 or visit www.appa-net.org.</p> | <p style="text-align: center;">To place your activities in Calendar of Events,
please submit information to:</p> <p style="text-align: center;">Darlene Webb
American Probation and Parole Association
P.O. Box 11910, Lexington, KY 40578
fax (859) 244-8001, email dwebb@csg.org
<i>Information needs to be received no later than four months
prior to event to be included in the calendar.</i></p> |
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ACTIVITIES

At A Glance

Saturday, February 12

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

APPA Executive Committee Meeting
Institute Registration

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

Sunday, February 13

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

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

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

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

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

6:00 p.m. - 7:30 p.m.

7:30 p.m. - 9:00 p.m.

Monday, February 14

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, February 15

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

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

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

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

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

Workshops
Resource Expo Viewing
Workshops
Workshops
Workshops

Wednesday, February 16

8:30 a.m. - 9:30 a.m.

9:45 a.m. - 11:15 a.m.

APPA Membership Meeting
Closing Session

Agenda is subject to change

FEATURED Sessions

Opening Session

Sunday, February 8, 6:00 p.m. - 7:30 p.m.



William J. Brattom

Chief

Los Angeles Police Department

Speaker: William J. Brattom

Appointed the 54th Chief of the Los Angeles Police Department by Mayor James Hahn in October 2002, William J. Brattom oversees the operations of one of the largest major municipal law enforcement agencies in the United States. His responsibilities include the supervision of 9,304 sworn and 3,055 civilian employees. Chief Brattom directs all patrol, investigative and administrative operations and administers an annual budget of \$927 million. A strong advocate of transparent community policing that embraces partnership, problem solving and prevention, he initiated a major re-engineering of the Los Angeles Police Department, moving towards a decentralized police bureaucracy with stronger area commands that are more responsive to local community needs, and better trained and motivated police officers.

Chief Brattom's vision includes a comprehensive and assertive strategy for dramatically reducing crime, disorder, and fear in the largest metropolitan city on the West Coast. Particular emphasis has been placed on gang-related crimes and the culture that creates it.

Chief Brattom holds a Bachelor of Science Degree in Law Enforcement from Boston State College/University of Massachusetts. He is a graduate of the FBI National Executive Institute and was a Senior Executive Fellow at Harvard University's John F. Kennedy School of Government, where he served as a Research Fellow. During the period from 1993 to 1996, he served as the elected president of the Police Executive Research Forum (PERF), a national police research and policy organization whose members include some of the most progressive police leaders in North America.

A frequent guest lecturer, writer and commentator, he is the co-author of his critically acclaimed Random House autobiography "Turnaround." Among his many other honors and awards, Chief Brattom holds the Schroeder Brother's Medal, which is the Boston Police Department's highest award for valor.

Plenary Session

Monday, February 14, 8:30 a.m. - 10:00 a.m.



Dr. Leo Kadehjian

Biochemical Consultant

Palo Alto, California

The Future of Drug Testing in Criminal Justice

Nowhere more than in criminal justice have the problems of substance abuse been most apparent. Although there are few tools available to effectively address this serious and ongoing problem, at least drug testing has proven to be a key objective tool to identify those who have ongoing substance abuse problems. There have been significant advances in the drug testing technologies available to the criminal justice community. Alternative specimens such as sweat, hair, and oral fluid; and alternative technologies such as non-instrumented onsite tests, oculomotor testing and transdermal alcohol sensing have potential applications in criminal justice. This presentation will address the state of development of these technologies, their scientific and clinical underpinnings, their capabilities and limitations with special attention to their use in criminal justice settings, and their regulatory and legal status.

Speaker: Dr. Leo Kadehjian

Dr. Kadehjian is an independent biomedical consultant in Palo Alto, California, primarily lecturing and writing on the clinical, scientific, regulatory, and legal issues in drugs of abuse testing. He has provided consulting services for a wide variety of both private and public sector drug programs. Clients have included IBM, Exxon International, Texaco, General Motors, Amtrak, Pfizer, Syntex, Syva, Dade Behring, the U.S. Federal Courts, and numerous state correction agencies and local drug courts. He has special experience with on-site testing programs and provides oversight of the U.S. Federal Courts' on-site drug testing programs. An internationally recognized speaker, he has earned an Outstanding Speaker recognition from the American Association of Clinical Chemistry and has provided expert testimony in court and labor arbitration. He has provided judicial education including nationally broadcast live satellite television seminars for the Federal Judicial Center and serving on the faculty of the National Judicial College lecturing on the neurobiology of addiction and drug testing issues. He has also conducted workshops for occupational physicians and other clinical providers.

Born and raised in Boston, he received his Bachelor's degree in Organic Chemistry from M.I.T. in 1972 and his Ph.D. in Biochemistry from Stanford University in 1977. After several years of bio-organic and toxicological research, he served as Manager of International Medical Affairs for Syva. In that position, he lectured extensively around the world, including mainland China and the Soviet Union. Since then he has established his own biomedical consulting business with private and public sector clients worldwide.

Closing Session

Wednesday, February 11, 9:45 a.m. - 11:15 a.m.



Joan Petersilia, Ph.D.

Professor of Criminology

University of California, Irvine

What Works in Prisoner Reentry? Reviewing and Questioning the Evidence

Prisoner reentry has emerged as a key policy topic in recent years.

Practitioners and researchers have been struggling to answer the important question: what works in prisoner reentry programs? This presentation discusses the problems in defining reentry programs, summarizes the often confusing psychological versus sociological 'what works' literature, and questions whether this scientific evidence is useful in guiding today's reentry efforts. Dr. Petersilia will urge the use of additional outcome criteria to identify effective reentry programs, and closer working relationships between practitioners and researchers to assure that reentry programs always reflect probation and parole officer's expertise.

Speaker: Joan Petersilia, Ph.D.

Joan Petersilia is a Professor of Criminology, Law and Society in the School of Social Ecology, University of California, Irvine. Prior to joining UCI, she was of the Director of the Criminal Justice Program at RAND. She has directed major studies in sentencing, probation and parole, juvenile justice, intermediate sanctions, and racial discrimination. Dr. Petersilia's current work focuses on parole and prisoner reentry.

Dr. Petersilia has served as president of both the American Society of Criminology and of the Association of Criminal Justice Research. She is an elected fellow of the American Society of Criminology, and received its Vollmer Award for her overall contributions to crime and public policy.

She has also received awards from the International Community Corrections Association (ICCA), American Probation and Parole Association (APPA), and the California Probation, Parole, and Corrections Association (CPPCA) for her dedication to community corrections. She is currently the co-chair of the national Reentry Roundtable, and is an advisor to several organizations, including the California Department of Corrections, Los Angeles County Sheriff's Department; Ventura County Probation Department, Los Angeles County Probation Department, National Institute of Justice, the Urban Institute, and RAND.

Dr. Petersilia has a BA. (1972) in sociology from Loyola University of Los Angeles, a MA (1974) in sociology from Ohio State University, and a Ph.D. (1990) in Criminology, Law & Society, from the University of California, Irvine.

WORKSHOPS

At A Glance

Monday, February 14

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

Victim Impact: Listen & Learn
 Literacy and Substance Abuse in the Criminal Justice System: It's Impact on Minorities and Recidivism
 Community Based Partnerships & Outcome Based Intervention Strategies for Juvenile Offenders
 FFPRS: Letters of the Alphabet that Make a Difference
 Implementing Evidence-Based Practices: Creating a What Works Environment
 Probation and Parole Professional's Role in Reducing Gun Violence
 Four Legged Deputies: Using Canines on Probation Searches

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

Rural Supervision from the Alaskan Point of View
 Probation and the Latino Community in the New Millennium
 The Helpless Organization
 Leading Edge Technologies to Prevent Internet-Based Sexual Crimes
 Criminal Justice- Drug Abuse Treatment Studies: Findings from NIDA's Initiative on Drug Treatment for Offenders
 Walking the Path to Find Your Purpose
 Rebuilding Victims Lives: Making Victims Whole through Collaboration

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

Florida's Bold Experiment: Faith-Based Substance Abuse Transitional Housing
 I Know They Can't Read - What Do I Do About It?
 Engaging the Community in Re-entry: Settling in After the Honeymoon is Over!
 Inspired Leadership: Leading with Head, Heart and Hands
 Responsivity and Offender Supervision: Situational Supervision
 Supervising "Our Gangs": An Examination of the Application of Supervision
 NIJ- Funded Research: Measuring the Effectiveness and Cost Efficiency of Probation

Tuesday, February 15

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

The New and Improved Way to Manage the DUI Offender
 Probation Training Leaves the Conference Room and Goes On-line
 Leading Organizational Change in Turbulent Times
 Narcotic Trends for Probation
 Families: A Natural Resource for Parole, Probation and Community Supervision
 The NIC Community Corrections Workforce Development Initiative: An Interactive Update
 Restorative Justice Within the Walls

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

Aggression Replacement Training: Why this Model Keeps Coming Back
 FTO's: Expanding the Classroom
 The Problem-Solving Brick Road: Where is it taking the American Judiciary?
 New findings from the Bureau of Justice Statistics
 Interstate Compact for Adult Offender Supervision
 The Role of Probation in Youth Court Programs
 G.I.S.: What It Is and What it Can Do For Your Agency

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

One Drink Too Few: An Attempt to Address Systemic Failure in Engaging Substance Abusing Females
 Word Up: Improving Reading and Communication Through Performance
 Making "What Works" Work: Using an Integrated Model to Implement Effective Community Corrections
 Domestic Violence and Substance Abuse: A Complex Combination
 Child Support & Reintegration: Easing the Challenges of Transition
 Critical Success Factors for Planning and Implementing Justice Information Systems
 CUTSS (Court Unified Truancy Suppression Success): Cutting the Road to Truancy Among Youth

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

Saving Young Girls' Lives Through Community Collaboration
 Probation and Mental Health: Defining and Responding to the Challenges
 Changing the Essence: Moving from Tolerance to Appreciation of Diversity at Work
 To Violate or Not to Violate: Results of a Nationwide APPA Member Survey
 The Melding of Substance Abuse Treatment and Restorative Justice Practices
 Personal Safety in Probation and Parole Work
 We're Not an Employment Agency! How Does Effective Employment Programming Fit in Evidence-Based Practices?

REGISTRATION INFORMATION

Three Ways to Register!



By Mail – Registration for the APPA Institute can easily be done by mail. Just send your check, government purchase order or credit card information with your completed APPA registration form to the address shown on the form. All registrations postmarked by January 12, 2005 will be confirmed by mail.



By Fax – 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 January 12, 2005 will be confirmed by mail.



Online – Register for the APPA Institute on-line at www.appa-net.org with your credit card information. All registrations received by January 12 will be confirmed by mail.

Agency Members – How to Register for Your Membership Discount

If your agency is a current APPA agency member, you can attend the Institute at the member rate. Your agency's membership must be valid through February 2005. Registration forms must be completed for each individual, mailed to APPA as a **group** with your agency's name clearly marked on the registration forms. Agency memberships will be verified. You are required to pay the regular registration fee if your agency is not a current APPA agency member. For additional information, contact Kris Chappell at (859) 244-8204.

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 January 1, 2005 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.

Cancellation/Refund Policy

A full refund, less a \$50 processing fee, is available until January 12, 2005. **No refunds are available after January 12, 2005.** In order to receive a refund, written requests must be sent the APPA Institute, c/o The Council of State Governments, P.O. Box 11910, Lexington, KY 40578-1910 or faxed to (859) 244-8001. All requests for refunds must be postmarked or faxed by January 8, 2004. Registrations are not transferable.

Institute Dress

All activities of the Institute are casual dress. A sweater or light jacket is recommended since meeting room temperatures tend to vary.

LODGING INFORMATION

Lodging Reservations

Hotel Reservations

All Institute events will be held in the Hyatt Regency Orange County less than a mile from the Downtown Disney District, Disneyland Park and California Adventure. Other nearby attractions include Edison International

Field of Anaheim, Knott's Berry Farm, Crystal Cathedral and the Grove Theatre.

Enjoy the Hyatt's in-house recreational amenities, which include dual outdoor swimming pools, whirlpools and tennis courts. A complete fitness center is equipped with free weights, exercise cycles, stair climbers and treadmills. Located next to the hotel, Harbor Greens offers a full service driving range and gift shop.

APPA has secured for Institute attendees an incredibly reduced rate of \$106 single or double occupancy. There is a limited number of rooms, so we recommend you make your reservations early. To make your lodging reservations, contact Passkey at 888-421-1442 or register online by visiting the APPA website at www.appa-net.org. Deadline to make lodging reservations is January 17, 2005.

TRANSPORTATION INFORMATION



Your Ticket of Savings!

Delta Air Lines has been selected as the 2004 Winter Training Institute official air carrier for travel into Anaheim. Delta is offering the following meeting discounts. To receive these discounts, contact Delta directly at (800) 241-6760 and reference **file number 207498A**. If you book your reservations through a travel agent, make sure the agent also uses the file number.

Delta Air Lines Delta Meeting Discounts!

- Discount for tickets purchased more than 30 days in advance
 - 10% off non-refundable published fares
 - 15% off unrestricted coach tickets (Y06)
- Discount for tickets purchased less than 30 days in advance
 - 5% off non-refundable published fares
 - 10% off unrestricted coach tickets (Y06)
- Special Zone Fares may also be available for savings on midweek travel



National Car Rental

National car rental is offering the following special car rental rates to APPA Institute attendees at the Orange County Airport and Los Angeles Airport locations, available February 9-19, 2005.

Car Type	Daily Rental	Weekly Rental
Economy	\$43.00	\$195.00
Compact	\$45.00	\$205.00
Fullsize	\$47.00	\$215.00
Premium	\$51.00	\$235.00
Sports Utility	\$53.00	\$245.00
Minivan	\$63.00	\$295.00
Luxury	\$73.00	\$345.00

Rates are available for the dates and location specified above, some blackout periods may apply. These rates are non-discountable and may not be used with certificates. Weekly rates are 5 to 7 days. Specialty vehicles may need to be guaranteed with a major credit card at time of booking. Convention rates may be limited.

Rates do not include taxes, governmental or airport fees, or optional charges such as refueling service charges or additional driver fees, Loss Damage Waiver, Personal Accident Insurance/Personal Effects Coverage, Supplemental Liability Insurance or any other optional items or services.

Call National Car Rental at (800) 227-7368 or visit their website at www.nationalcar.com and refer to Contract ID #5283007.



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

(location where confirmation should be sent)

Email Addresss:

Registration Fees

Payment

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or register online at www.appa-net.org

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AMERICAN PROBATION AND PAROLE ASSOCIATION

2005 Winter Training Institute

RIDING THE WAVE

of innovation

Anaheim, California
February 13-16, 2005



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