



# PERSPECTIVES

the journal of the American Probation and Parole Association



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Volume 30 Number 1 Winter 2006

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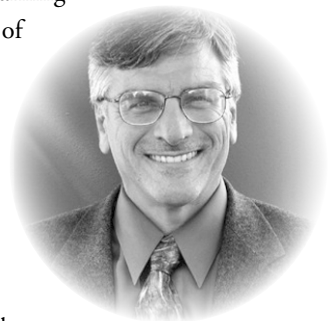
# President's Message

by Mark E. Carey

What is the state of knowledge in regard to probation and parole? How well have we operationalized that knowledge? When we discovered that the pesticides used in common home care was harmful to the environment, regulations changed and products were removed and replaced with more environment friendly ingredients. When lead in gasoline was determined to be harmful, the refinement process was changed to remove the lead. When it was determined that school class size had an affect on learning, budgets were crafted with this knowledge. With knowledge came change, and that change improved our quality of life.

Would you go to a dentist who was still using mercury based fillings? Would you go to a heart surgeon who has not cracked open a medical journal since the 1950s? These questions I recently heard from Justin Jones at a workshop on evidence-based practices. They are good questions, and the answer is obvious. So, what if I asked it this way: If your son or daughter were ever to be convicted of a felony, would you want him/her to be supervised by a probation or parole department that has not modified its practices for decades? Would you want that agency to apply the same behavioral techniques used in the 1980s whether that is transactional analysis, positive peer culture or reality therapy? Would you want that agency to be “experimenting” with techniques that had not been studied? Would you want to know that the practices used have been proved to be effective at helping your son or daughter get their life on the mend or would an eclectic, non-directed approach do just fine? Or, would perhaps a harsh, confrontational setting be acceptable to you?

I began as President of APPA at the 30<sup>th</sup> Annual Institute in New York City in July. It was an outstanding training event and the APPA staff, planning team and local hosts did a spectacular job in putting together a premiere learning environment. Kudos to all who worked so hard to make the Institute one of the best ever. At the APPA Board of Director's meeting I laid out my goals for the two years of my presidency. They included three external areas and one internal: 1) ensuring that our profession vigorously adopts evidence-based practices toward clearly articulated outcomes around risk reduction; 2) putting together a professional image and tagline that brands our profession and communicates to the public what our value and relevance is to them; 3) moving the national agenda forward toward effective re-entry services; and 4) provide association members an opportunity for career and personal growth by cultivating future APPA leaders through involvement in a succession planning program. I am going to discuss one topic in each of the next President's Messages starting with evidence-based practices.



Whether we look at schools or corporations or medicine, evidence-based practices abound. The research has provided guidance to these fields, helping them reach their objectives. Take public corporations for example. Their objective is to make profits for the shareholders. They don't guess at how to make profits. Successful companies are intentional and strategic. They know their mission, their bottom line, and know what is effective at reaching the customer. They spend millions of dollars on research and development. They hold focus groups with potential customers, conduct satisfaction surveys, research product development, determine effective display techniques, and examine efficient distribution techniques. In short, they use knowledge to guide their activities, and when there is a gap in knowledge they seek to close that gap through research.

As with any research, there is usually enough gray area to allow the resistive to justify status quo. Or this resistance may have its roots in politics, a sense of being overwhelmed, poor leadership, or skepticism of research. In some cases, our own success and history can be a stumbling block. John Maynard Keynes is quoted as saying “The difficulty lies not so much in developing new ideas as in escaping from the old ones.”

As a profession, community corrections is expected to adapt as new information arises. Professionalism can be defined as a calling that requires specialized knowledge and academic preparation. It embraces lifelong learning. Specialized knowledge is not a stagnant concept. It is ever-changing and dynamic, calling upon us as professionals to be diligent in acquiring new knowledge, constantly scanning the environment of learning. Of course, it is not enough to know, it requires action. As Thomas Edison once said, “The value of a good idea is in using it.”

Research and outcome measures are the primary vehicles to get us to that which is evidence-based. It usually starts with a hypothesis, then to field trials of a practice, followed by research, and concluding with findings or evidence that gives >>>

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guidance to practitioners. This collection of findings makes up what we now call evidence-based or “what works.” However, evidence-based practices are not a program or a series of activities such as assessment, motivational interviewing, case planning and cognitive behavioral programming. They are a mindset. All practices can be guided by evidence whether that is the automation of paperwork, working with victims, drug treatment or use of handcuffs. It simply means that we apply the science to whatever work we are involved in and be open to new information. That means that we must not only know what is important in reaching our objectives but also what is not important. Robert Lynd, a sociologist once said, “Knowledge is power only if a man (woman) knows what facts are not to bother about.” Too much information can distract and dilute what is more critically important. And, when we try to do too many things, we do none well. Thomas Fuller, the chaplain to Charles II of England reminds us of this when he said, “He that is everywhere is nowhere.”

What does research then require of us? It means that we must be flexible. We don’t know everything. We need to admit that we might be wrong and practice humility and openness. We have to test our assumptions, even the most sacred and historical ones. It means we must be vigilant and assertive in seeking new knowledge. It means we must be courageous and make unpopular decisions in light of the research. And, we must be willing to stand up and defend what we know when things go wrong.

There are some critical research questions to be answered, many around case management. For example, how does the case manager’s attitude and values affect case outcomes? What is the proper workload for an officer to get maximum results? What kinds of case management activities are effective and which are not? What relationship exists between technical violations and recidivism? What is the optimal length of supervision? What is the relative value contribution of specialized caseloads? What is the true impact of family member involvement? What do we know about the timing of certain interventions?

There is a thunder in the distance. It is a deep, almost eerie drumbeat that is getting louder and with a more pronounced cadence. It has shown up in some of our agencies and soon will be present in all of our offices. It is a demand for accountability around key outcomes. It has been a “long time coming.” Indeed, in some areas, it has already arrived as in the state of Oregon with Senate Bill 267 requiring all programs that serve offenders to be evidence-based. Do we have the will to turn our agencies into evidence based agencies? Are we willing to be held accountable much like schools and medicine have? Do we have courageous leadership through all ranks in our departments to insist on knowledge integration? Are we ready to tackle the workload issue and live with the consequences of this knowledge? Many have been asking the hard questions. It is time to get the answers. This new knowledge will help us be more effective and help us talk to policy makers and funders about how to best invest their resources in our field.

We must embrace research findings as a long lost friend. Ignoring research is as harmful as ignoring the detrimental effects of mercury fillings or pesticides. However, it takes courage and hard work. I am reminded by something journalist and *Nightline* host Ted Koppel once said, “Our society finds truth too strong a medicine to digest undiluted. In its purest form, truth is not a polite tap on the shoulder. It is a howling reproach.” So many of you have embraced this new knowledge and your vigorous, progressive leadership is what feeds my pride of our profession. APPA stands firmly committed to pushing, guiding, cajoling and encouraging our field along these lines of evidence-based and effective policies and practices. We are and will continue to work closely with our federal colleagues at the National Institute of Corrections, National Institute of Justice, the Bureau of Justice Assistance, the National Institute on Drug Abuse and others to drive a research agenda that is meaningful to our field.

The Ramsey County (Minnesota) Library mission and value statement reads as follows: “A crucible of ideas. A place where magic happens. Explore. Dream. Discover. Soar. We are your Library.” This is a powerful statement about how information and ideas can shape our lives. I am looking forward to our profession’s shaping as research allows us to explore, dream, discover and learn. >>>▲

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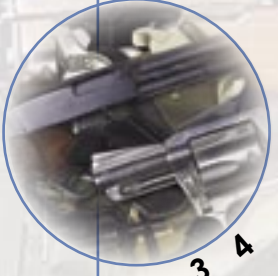


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by Adam Gelb



### EFFECTIVE SUPERVISION AND GUN VIOLENCE REDUCTIONS

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### ENTERING THE BUSINESS OF BEHAVIOR CHANGE: MOTIVATIONAL INTERVIEWING FOR PROBATION STAFF

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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](mailto:smeeks@csg.org) in accordance with the following deadlines:

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

All submissions must be in English. Notes should be used only for clarification or substantive comments, and should appear at the end of the text. References to source documents should appear in the body of the text with the author's surname and the year of publication in parentheses, e.g., (Jackson, 1985: 162-165). Alphabetize each reference at the end of the text using the following format:

Anderson, Paul J. "Salary Survey of Juvenile Probation Officers." Criminal Justice Center, University of Michigan (1982).

Jackson, D.J. "Electronic Monitoring Devices." *Probation Quarterly* (Spring, 1985): 86-101.

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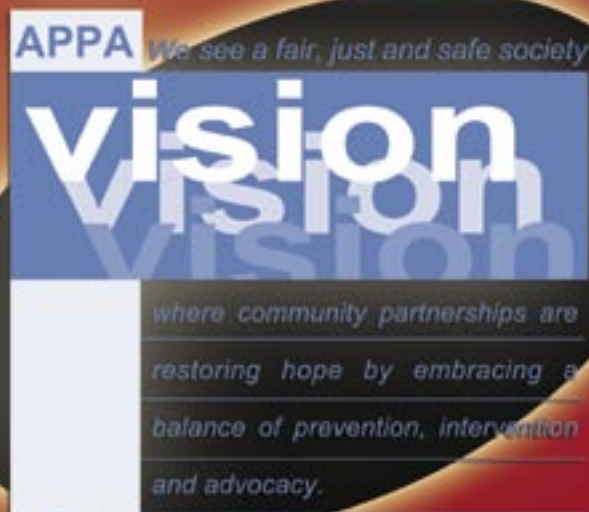
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**Staff are empowered** and supported in an environment of honesty, inclusion, and respect for differences; and

**Partnerships with stakeholders** lead to shared ownership of our vision.



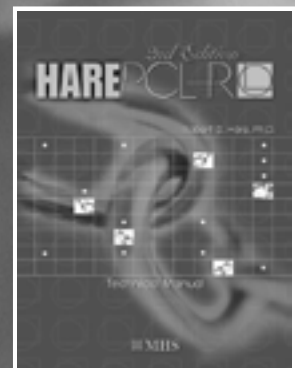
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# Editor's Notes

by William Burrell

Welcome to the Winter issue of *Perspectives*. APPA President Mark Carey sets the tone for this issue in his remarks. Addressing one of the themes for his term (see the Fall issue for his full agenda), Mark discusses evidence-based practices (EBP) and some of the challenges that approach represents. Implementing EBP is difficult work under the best of circumstances. But in the final analysis, the power of the evidence and new ideas will be lost if we don't embrace them. This issue presents some challenging ideas and interesting evidence for you to consider and hopefully embrace.

Our lead article on Project Safe Neighborhoods addresses the challenge of gun violence in our communities. APPA has joined with partners at the federal level to provide assistance and training to probation and parole agencies who want get involved in this critical area. Gun violence is a threat to our communities, our families, our staff and ourselves. We have a vested interest in reducing gun violence and improving safety in the community. Much of the gun violence in our communities involves offenders on probation or parole, both as perpetrators and victims. Community corrections agencies can be important partners in this effort. Certainly the police cannot do it alone. A forthcoming article on the effectiveness of concentrating police on high crime street corners in Philadelphia (where I work) showed that crime was not reduced, just displaced to other locations. As the Boston experience has clearly shown, reduction of gun violence requires collaborative efforts across the justice system and the community.

In his article on Compstat in community corrections, Adam Gelb continues the challenging ideas and evidence based theme. Compstat is a well known police management tool that played an important role in the drastic decline in crime in New York City in the 1990s. It has been widely adopted by police departments across the country, and has showed that police can make a difference in crime. The beauty of Compstat is that the basic principles are transferable, and Gelb suggests that they could, and should be applied in community corrections. If we are serious about playing a role in crime control, we should take up this challenge. We should adopt and adapt Compstat and see what it can do for us. I think the potential impact could be transformational for community corrections.

In the first of a two part series, Michael Clark gets down to the core challenge of probation and parole, working with offenders. He starts by addressing the business of probation. What are we trying to do? While many agencies and officers remain mired in the "get tough" mindset, the evidence suggests that we need to adopt a different approach, one that emphasizes behavior change, using proven techniques and strategies. The evidence poses significant challenges to our conception of our mission, and the strategies we use to accomplish it. We need to align our purpose and practices with the evidence. Clark suggests that on the issue of rehabilitation of offenders, there is not one but two pendulums swinging back away from the get tough model. The first and leading pendulum is that of the research or evidence. Lagging behind, often by a substantial distance, is practice. We need to speed things up and reduce that lag. It's time that we come to grips with the implications of the evidence for how we define our business, and then follow that with strategies and techniques to put this new vision into practice. I encourage you to read Clark's article carefully, and reflect on the implications. Look for part 2 in the Summer issue.

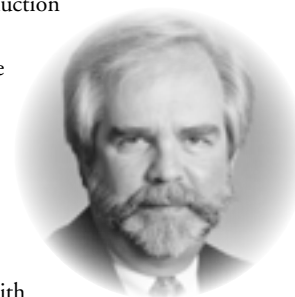
In her review of Cumming and McGrath's new book on supervising sex offenders, Suzanne Tallarico also points out the lag between knowledge and practice in community corrections. She states that with sex offenders, the "treatment world has been far ahead of the criminal justice supervision and policy world." It should be clear that we cannot continue to allow this to happen. Fortunately, this new book provides many practical suggestions and recommendations for policy and practice. I encourage you to take a look at this book, and carefully consider the recommendations these authors make.

Our Research Update explores an idea which has challenged the thinking of those involved with domestic violence. While embraced in many other areas of criminal justice, community justice has faced some resistance in this area. While the research in this area is not conclusive or extensive, it does serve to challenge some traditional ideas.

In the Spotlight on Safety, Bob Thornton alerts us to a critical opportunity for you to make your voice heard. A bill has been introduced in the House of Representatives to establish a federal initiative on probation and parole officer safety. This could be a very valuable resource for our field. If you agree, take a few minutes and let your Representative know. All the information and a sample letter is available to you on the APPA website.

Included in this issue are a number of issue statements and resolutions adopted by your association. We encourage you to make your voice heard on these topics as well.

As you read this issue, you will note changes in the format of the journal. Our hard-working and creative staff, graphic artist John Higgins and production coordinator Susan Meeks have come up with a new look that we think improves both the appearance and readability of *Perspectives*. Let us know what you think. We welcome your feedback on this, your professional journal. We'd enjoy hearing from you! >>>▲



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## APPA Pacific Training

“Hafa Adai” and “Olomwaay” were words of cultural spirit heard each morning as a welcome at the APPA Pacific Training held August 22 – 26, 2005 in Saipan, Commonwealth of the Northern Mariana Islands (CNMI). Over one hundred participants from the Pacific Rim including Saipan, Guam, Republic of Belau, Federated States of Micronesia (Yap, Chuuk, Pohnpei, Kosrae) Palau, and the Republic of the Marshall Islands attended the training.

The five-day APPA – Pacific training: *Don't Sue! Civil Liabilities and other Legal Issues Involved in the Community Supervision of Offenders* was sponsored by the Criminal Justice Planning Agency; Office of Adult Probation, CNMI Superior Court; CNMI Board of Parole Office; Department of Youth Services Juvenile Probation; Department of Community & Cultural Affairs; and the Community Guidance Center, Department of Public Health.

The training was coordinated by the APPA-Pacific Committee including CNMI Supervision Agencies and individuals: Slyvio Ada, Division of Youth Services; Ursula I. Lifofoi Aldan, Chief Probation Officer/Superior Court; Vince Attao, Board of Parole. Faculty for the 2005 APPA-Pacific Training included Todd Jermstad, staff attorney Bell/Lampasas Counties, Texas; Phillip Lyons, Jr, Ph. D., Associate professor in the College of Criminal Justice, Sam Houston State University, Texas; and Karen L. Dunlap, Research Associate, American Probation and Parole Association, Lexington, Kentucky. ▷▷



(L to R): Vince Attao, Slyvio Ada, Ursula I. Lifofoi Aldan, Juege Kenneth L. Govendo, Karen Dunlap, and Phillip Lyons, Jr.



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## Issue Paper – On-line Learning

### Background

Over the last decade, the demand for quality training in community corrections agencies has expanded exponentially. Unfortunately, this demand has arisen at the very time that financial resources are declining. As a result, agencies have been seeking to reduce their training costs through the use of electronic and distance learning methods and techniques.

Many of the well intentioned initiatives to introduce on-line learning to probation, parole and community corrections professionals seem to have stumbled on two counts. First, the quality of the training currently offered on-line may resemble “books on computers” with minimal graphics added for color. Students may be required to read large volumes of text with little or no opportunity to engage in interactive exercises or communicate with live facilitators. Participants may become bored with this experience and quickly exit the program. The second problem is cost. Prices often quoted for the development, maintenance and delivery of electronic courses may far exceed the resources available to individual state and local agencies.

### Discussion

The American Probation and Parole Association seeks to improve the quality of computer based training and to overcome cost barriers by supporting affordable, instructor-led, online courses delivered directly to the computers of community corrections managers and staff across the country, twenty-four hours a day, seven days a week. APPA proposes a model where subject matter experts facilitate electronic, multi-media courses, providing participants with the opportunity to learn in a variety of ways and where there is direct interaction

with teachers and fellow students. APPA supports on-line orientation sessions that ensure students are able to master technology prior to enrolling in specific courses. Anyone with at least a 56K modem and Web access would have access to these courses, thereby insuring the widest possible availability.

Research has shown that a facilitated approach to on-line learning outperforms non-facilitated courses in the retention of learners and in their mastery of the subject matter. Facilitated on-line learning is capable of expanding community corrections training capacity in a variety of ways:

- Enhances existing face-to-face training by creating a “blended” learning environment. Students master on the computer the knowledge and basic skills components of a subject prior to entering the classroom, which is devoted to hands-on skill building.
- Provides just-in-time training for new and existing staff. Agencies will register individual managers and line-staff in courses as the training need arises, rather than depending on an internal training unit’s schedule or waiting for enough students to become available to fill the seats in an internal classroom.
- Reduces the costs of sending staff to external training. Students can learn anywhere they have access to a computer. The training is brought to them rather than having them brought to the training, with the attendant costs for travel, lodging and per diem.
- Maintains the operational productivity of the managers and staff being trained. Since students will not have to leave the office to learn and will only be required to be on-line 60 to 90 minutes a day for the duration of the course, they can easily integrate training with their

normal work activities.

- Enriches the learning situation by bringing together professionals from across the country and around the world to interact with each other and share their knowledge and experiences for the benefit of all.
- “Blended” learning mixes the training modalities of the classroom with e-learning in order to maximize the learning capacity of community corrections organizations;
- Facilitated on-line learning as an evidence-based practice that has demonstrated the highest rates of retention and success for computer-based learning and that measures participant comprehension and mastery of the material both through facilitator evaluation and “pencil and paper” testing; and
- Reserves classrooms to teach those skills that require face-to-face contact, interaction and hands-on practice in order to be mastered effectively.

In order to utilize state of the art on-line learning alternatives, community corrections agencies will need:

- Computer systems that include the software and hardware required for on-line learning, such as speakers, sound and graphics cards and, wherever possible, broadband connectivity to the internet;
- Funding support to develop interactive simulations and games that enhance the effectiveness of on-line learning for community corrections agencies; and
  - Partnerships with other segments of the justice and governmental communities to develop facilitated and other on-line learning courses. ►►▲

# Issue Paper – Substance of Abuse Detection Technology: Alternatives to Utilizing Blood, Breath or Urine Samples

## Definition

Alternative substance of abuse detection technologies are any technique which allows for the detection or measurement of drug levels in the body with a degree of lessened intrusion on the offender by not requiring the drawing of blood, the analysis of breath or the collection of urine specimens.

## Discussion

The objectives of drug testing in community corrections are varied depending in part on the type of program or type of offender. Objectives may include:

1. Assess a client's level and degree of substance abuse,
2. Monitor a client's progress in a treatment program,
3. Deter the client from ingesting proscribed substances,
4. Provide a basis for imposing sanctions, or
5. Gain an understanding about substance abuse patterns among offenders within or between jurisdictions.

To accomplish these objectives, agencies have generally focused on two basic methods: the analysis of urine samples for the detection of drug use and the analysis of breath samples for the detection of alcohol use. Over the years these technologies have become widely used in probation and parole.

While these technologies continue to serve the field well, many new tools are becoming available that provide an alternative or complement to these methods. Alternative drug testing or screening methods include analysis of hair, sweat (sensible and insensible) or oral fluids; pupil reaction to light; near-infrared spectroscopy; sleep pattern recognition; voice analysis, handwriting analysis; and others. While these technologies have relative advantages and disadvantages, in general they provide a number of key features that urinalysis lacks. First, these

technologies do not require the collection of urine which is widely considered to be a distasteful task at best and could represent a health hazard to staff if not collected in a safe manner. Second, alternative techniques are gender-neutral which eliminates the need for same-sex specimen collectors. Third, alternative techniques are generally much less vulnerable to adulteration or offender manipulation. Fourth, with many techniques, there is no waiting period to collect an alternative specimen. Fifth, there is often the opportunity for faster results and continuous and/or unsupervised testing. Finally, these techniques can often be administered under a variety of conditions and a broader range of settings.

While these benefits are attractive and important, before adopting any new testing protocol, agencies must thoroughly

examine any new technology with respect to scientific validity, cost, accuracy, reliability, sensitivity, ease of use, detection periods, potential specimen contamination, bias, legal defensibility and so on. This examination should consider whether the technology will serve evidentiary or prescreen purposes. As with any other technology, there is no single, perfect device or tool.

APPA recommends probation and parole agencies consider all of the substance of abuse testing and screening options currently available as many have emerged in recent years and this trend is likely to continue. Agencies should be clear about their testing objectives and strive to understand as much as possible about the various technologies and their advantages and disadvantages for a scientifically valid and most cost effective use of their finite resources. ▶▶▶



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**Marti Anderson**  
Crime Victim Assistance Division,  
Iowa Attorney General's Office

## Resolution on Probation, Parole and Community Supervision Officers Killed or Assaulted While on Duty

**Whereas:** The American Probation and Parole Association (APPA) recognizes the dedication and sacrifices of the men and women of the United States who have been killed or assaulted while serving in law enforcement and related positions;

**Whereas:** The Public Safety Officers' Benefit Act of 1976 recognized a public safety officer as a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, police, corrections, *probation, parole* (emphasis added) and judicial officer.

**Whereas:** The Public Safety Officers' Benefit Act provides a one-time financial benefit to the eligible survivors of federal, state, and local police, fire, and emergency public safety officers killed in the line of duty, and to officers who are permanently and totally disabled as the result of traumatic injuries sustained in the line of duty;

**Whereas:** The domestic security of the United States is preserved and protected by a variety of personnel who are employed in law enforcement and related fields. They serve

many different functions, and carry different credentials, but their commitment to public safety is inherent in their department's mission and practices. There are functional variations among probation, parole and community supervision officers (e.g., some are armed, some perform arrests) but these are distinctions without difference and these officers put their lives on the line every work day, just as other law enforcement officers do;

**Whereas:** Probation, parole, and community supervision officers represent the justice system as the front line supervision of adult and juvenile defendants and offenders who have been placed under their authority. Further, in the eyes of said defendants and offenders, these officers are the gatekeepers who bear the responsibility for taking necessary actions which may well result in arrest and incarceration of these defendants and offenders;

**Whereas:** These officers maintain long-term, frequent contact with the same, often dangerous defendants and offenders (as well as their families and acquaintances); and

**Whereas:** There are data on law enforcement officers killed and assaulted that do not include statistics relative to probation, parole, and community supervision officers due to a narrow definitional interpretation of their status which precludes them as law enforcement personnel.

**Therefore, be it resolved,** The American Probation and Parole Association strongly urges that the FBI's Criminal Justice Information Services Division recommend to the Director of the Federal Bureau of Investigation that probation, parole and community service officers be included in the Unified Crime Reporting statistics for law enforcement officers killed or assaulted in the line of duty.

Furthermore, the American Probation and Parole Association urges the Director of the Federal Bureau of Investigation to require the National Incident Based Reporting System to include uniform reporting of state data of probation, parole and community supervision officers killed or assaulted while on duty regardless of jurisdictional differences in titles and functions. >>>▲

## Resolution Supporting Community Corrections Role in Homeland Security

### Background

When the National Commission on Terrorist Attacks upon the United States (the 9/11 Commission) issued its final report on the events of September 11, 2001, it emphasized the failure of the Federal government to involve state and local law enforcement and criminal justice agencies in counterterrorism. It noted that a culture of secrecy institutionalized in

the national security system hindered the sharing of valuable information that might have prevented the tragedy from occurring. The Commission highlighted the need to incorporate criminal investigations and supervision in the homeland security process. Most recently, in a report on the implementation of the 9/11 Commission's recommendations, the Homeland Security Advisory Council called for sweeping

changes to the ways in which information and intelligence are gathered and shared. Specifically, the Council recommended increasing federal resources for state and local programs to enhance existing intelligence gathering and information sharing among all levels of government and to ensure that information collected at all levels of government is readily available to officials who may need it. >>>



## Discussion

In the year 2003 almost five million men and women in the United States were on probation or parole in this country. Among probationers, roughly half were convicted of a felony and half of a misdemeanor. Many experts have come to recognize that this criminal population under supervision in communities across the country represents a potential source of either terrorist activity or the illegal actions that can finance and support such activity. Much attention has recently been paid to so-called “pre-cursor” or “all crimes” indicators of terrorism—lower level crimes such as driving without a license or creating or possessing false identification, which are common among probationers and parolees.

Community corrections agencies collect a vast amount of data, from pre-trial detention and pre-sentence investigations to documentations of case supervision and the technical and criminal violations of probationers and parolees. This information could be mined and analyzed for terrorist implications. It could also be shared with national homeland security agencies, such as the Department of Homeland Security and the FBI, and state and local law enforcement anti-terrorist units, such as those being established in prosecuting attorneys’ offices.

Probation and parole officers are also a trusted presence in communities large and small, urban and rural. Within the law enforcement profession, they are the most likely sources of contact with different neighborhood groups and community members, and individuals and families wishing to report suspicious terror-related operations. Finally, these officers are extremely knowledgeable about gang activity, which research is now showing has become more closely linked to the support of terrorism.

Despite all of these potential resources, community corrections have never been formally involved in homeland security. Its officers have yet to be trained in the most basic techniques for identifying suspect terrorist situations and behaviors. Even where

suspensions are aroused in the office or in the field, mechanisms for reporting such valuable information do not exist.

### Be it Resolved that the American Probation and Parole Association supports:

- The integration of community corrections into federal, state and local strategic planning and implementation processes for homeland security;
- The establishment of close working ties with the Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS) in order to incorporate community corrections into the effort to protect homeland security;
- Cooperation with the FBI and DHS to define “pre-cursor” crimes and offender behavior that might be indicative of terrorist or terrorist-supportive activities;
- The opening of clear lines of communication and information-sharing with the FBI and DHS with regard to terrorist watch lists and other terrorism indicators used by the Federal government;
- The restructuring of probation pre-detention and pre-sentence investigation reports to identify “pre-cursor” crimes and behaviors and to supply this information to the FBI, DHS and local law enforcement, including state and federal prosecutors;
- The development of a training curriculum for community corrections personnel on terrorism awareness and the identification and the reporting of terrorist or terrorist-supportive activity and behavior;
- The specification and development of data mining techniques for community corrections to analyze and evaluate any suspicious trends contained in its case management and case tracking databases;
- The definition of the role that community corrections should play in any first response to a terrorist action

in the United States and the training of community corrections to carry out that function;

- Outreach to local communities and probation constituencies to help them better understand and become more aware of terrorism and possible terrorist-related activities; and
- Increased Federal funding for anti-gang interventions with special emphasis on preventing the expansion of gang activities into areas supportive of terrorism, such as illegal immigration, weapons and explosive smuggling and the channeling of proceeds from drug sales to terrorist organizations.▷▷▲

## NIJ's Technical Working Group for Community Corrections Technology

I'd like to use this quarter's update to provide some information on a recent development on the federal front that might be of interest to the membership. The National Institute of Justice (NIJ) is the national focal point for research and development of new technology to support the criminal justice system. NIJ funds development of technologies to improve the safety and effectiveness of law enforcement and corrections professionals. Among other things, NIJ develops new forensic science technologies and assists crime laboratories to enhance their capacity to access and use new technology. NIJ also develops standards and best practices to guide the work of criminal justice professionals in the use of technology.

Current technology research areas include: less lethal weapons, critical incident prevention and response, interoperable communications, sensors and surveillance, information sharing, electronic crime, personnel protection, DNA forensics and general forensics

NIJ has recently examined and revised its Research, Development, Testing and Evaluation process. This process basically consists of identification of the technology areas that NIJ should be exploring based on the needs of the field; planning a research program in the area of need; the actual performance of research and/or development of a prototype product; the demonstration, testing and evaluation of the new technology and finally, assistance to practitioners in the use of the new technology.

NIJ has categorized several broad technology areas of interest such as biometrics, sensors, surveillance, explosives and corrections technology. From there

NIJ structured new advisory groups for each technology area. These groups, called Technical Working Groups, or TWGs, are comprised of practitioners in the criminal justice field with expertise or knowledge in that particular technology area. In the spring of 2005 these TWGs started meeting for the first time to identify and document the current technology needs of the field and to begin to define the operational requirements associated with those needs.

The TWG dedicated to corrections technology dutifully met and documented a number of needs and corresponding requirements but a major recommendation also came from this group. The Corrections Technology TWG was made up of representatives of both institutional and community corrections but, to no one's great surprise, was dominated by the bricks and mortar crowd. During the meeting the group acknowledged that the technology needs of our nation's prisons and jails were very different than those of our community corrections agencies. They also pointed out that the community corrections agenda would inevitably be subordinate unless it stood apart. Therefore the recommendation was made that a distinct TWG be formed to focus on technologies for community corrections. NIJ quickly recognized the importance of this recommendation and has now implemented a Community Corrections TWG.

I will have the honor of leading the Community Corrections TWG and have recruited several members of APPA's technology committee to assist me in this effort. Together we will use this forum to provide NIJ with a better understanding of and a greater appreciation for the critical work

that community corrections performs and to articulate the areas in which technology can be utilized to make our work more effective, efficient and safer.

The Community Corrections TWG will be conducted its first meeting in November, 2005, and I am very excited about this opportunity. I will keep the APPA membership posted on the work of the TWG in future updates.

For further information on the APPA Technology Committee or the NIJ Community Corrections Technical Working Group please feel free to contact Joe Russo at (800) 416-8086 or [jrusso@du.edu](mailto:jrusso@du.edu). >>>▲


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



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APPA has secured a reduced rate of \$85 for single or double occupancy for Institute attendees. To make lodging reservations, call the Hilton Austin directly at (512) 482-8000 or 800-HILTON. Please state that you are attending the APPA Institute to receive the group rate.

# January 8-11, 2006 ★ Austin, Texas

# Spotlight on Safety

by Robert Thornton

## Officer Safety: Are You Interested?

If you are interested in officer safety, there is a unique opportunity for you to make your voice heard. As we have discussed in previous *Spotlight on Safety* articles, H.R. 484, the Probation and Parole Officer Safety Task Force Act of 2005, calls for establishment of a task force within the U.S. Department of Justice to study policies and practices that affect the personal safety of both adult and juvenile probation and parole officers. The bill also calls for the establishment of a system for the "... comprehensive statistical review of the incidence and effects of violence perpetrated against Federal and State probation and parole officers..."

APPA, as an organization and through the APPA Health and Safety Committee, has voiced support for this bill. APPA Executive Director Carl Wicklund sent a letter to Congressman Pascarell of New Jersey, the author of the Bill, expressing APPA's support. Currently, there are 15 U.S. Representatives who have signed on as co-sponsors of the bill.

At the APPA Health and Safety Committee meeting held during the 30<sup>th</sup> Annual Training Institute in New York in July 2005, members of the Probation Association of New Jersey advised that Congressman Pascarell's office has received only seven letters from officers supporting the bill. If you are interested in legislation that will specifically examine the hazardous duty situations suffered by probation and parole officers and make recommendations for equipment and training, I encourage you to express your thoughts to your local representatives.

At the announcement page on the APPA website ([www.appa-net.org](http://www.appa-net.org)), you can read the text of the legislation, download a sample letter, view the list of sponsoring U.S. Representatives, and access information

to contact your Representative. You are encouraged to indicate your support for this important legislation by writing a letter to your Representative. It has been suggested that letters garner more attention and are thus more effective than telephone calls. APPA has repeatedly expressed support for

this bill, but it is your individual voice that carries the greatest weight. >>>

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



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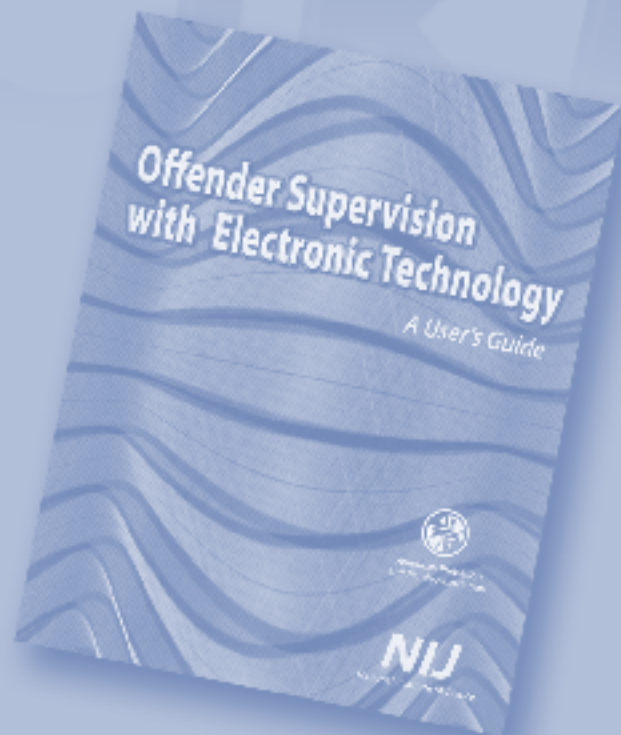
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This document will help readers understand and appreciate the process needed to incorporate and implement electronic supervision strategies within justice system programs. It was developed for agency staff who want either to introduce electronic supervision as a new program component or enhance the use of electronic supervision that has already been implemented. The document is divided into five sections, and by reading each of these sequentially, the steps for developing or enhancing electronic supervision strategies will be apparent. However, sections or chapters may be read independently if program staff need additional information about a particular topic.



## Recent Research on the use of Restorative Justice in Domestic Violence Cases

While restorative justice (RJ) is blossoming in the United States and elsewhere as a criminal justice intervention, proponents have met stiff resistance to its application in domestic violence cases. This research update summarizes the major arguments in this debate and reviews the existing research. Restorative approaches include victim-offender mediation, family group conferencing, circles and, less directly, victim impact panels.

According to Cameron (2005) and Edwards and Sharpe (2004), proponents of RJ believe that:

- Traditional criminal justice intervention are not meeting the needs of domestic

violence victims — prosecuting against victims' wishes, low conviction rates, revictimization during courtroom cross-examination, and precluding victim empowerment and participation through mandatory arrest and restrictive rules of evidence.

- Restorative approaches can hold offenders accountable in meaningful ways by facing censure and obtaining support directly from the family, the wider community and the justice system working collaboratively.
- Offenders are more likely to be rehabilitated by developing restorative agreements that are embraced by all of

the key stakeholders, increasing offender commitment and follow through.

- Victims are empowered by having the opportunity to meaningfully participate in the decision-making process and having the chance to speak for themselves openly and directly rather than through victim impact statements or court testimony.

Critics of the use of RJ argue the following:

- Prior experiences with family court referrals to mediation demonstrate that the power imbalances intrinsic to domestic violence cases cause revictimization. Victims often >>>

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feel pressured to participate and once they do, they can be intimidated by the abuser and coerced into accepting unfair settlements.

- The informality of restorative practices fails to convey the seriousness of the offense compared with the authority of the court sentencing process. Moreover, it increases the risk that family and community participants will tacitly endorse the behavior because they may not necessarily view battering as wrong.

- Restorative practices increase victims' likelihood of revictimization by bringing the victim and offender together rather than protecting the victim from the offender.

While a spirited debate continues about the use of RJ in domestic violence cases, at least a few studies provide some empirical basis for assessment. None are substantial enough to draw firm conclusions, however, and much more research is needed.

**Pennell, Joan and Gale Burford. 1998. *Family Group Decision-Making Project: Outcome Summary Report*. St. John's, Newfoundland, Canada: Memorial University of Newfoundland.**

Pennell and Burford interviewed 115 participants (32 families) in a family group conferencing program for domestic violence cases. These participants were followed for two years after the conference and outcomes were compared with a comparison group of families who did not participate in the program. Two-thirds of the participants said that the family was better off because of the conference. Not surprisingly, the families that most believed they were better off were the ones in which restorative agreements were fully implemented. The study went on to look at why plans were sometimes not completed. The main reasons families identified were a lack of a follow-up from social services, as well as inconsistent monitoring of the plan. Other factors included insufficiently detailed planning and difficulties changing faulty plans. In terms of benefits, the conference achieved four main goals for a large percentage of the families involved. The families learned to talk more openly with one another, were motivated to change their relationships with each other for the better, provided support for one another, and benefited from resources given to them by the program. All families experienced a stoppage or at least a decrease in both battering and child abuse, which was often coupled with

a reduction in alcohol and/or substance abuse problems. In general, the Pennell and Burford study showed that implementing a family conferencing model to deal with domestic/family violence generally improved the overall quality of life for the family while decreasing violence, as long as the guidelines set forth in the conference are met and social services stay involved.

**Gross, Eric K. 1999. *An Evaluation of Navajo Peacemaking*. Washington, D.C.: U.S. Department of Justice. [www.ncjrs.org/pdffiles1/nij/grants/187675.pdf](http://www.ncjrs.org/pdffiles1/nij/grants/187675.pdf).**

This study looks at the effectiveness of Navajo peacemaking circles as a restorative justice response to domestic violence. The author conducted a survey of 57 participants in peacemaking circles and 34 participants in family court sentencing (all were Navajo). Gross found that 81 percent of peacemaking participants found the hearing to be fair while only about 50 percent of the family court participants felt the court to be fair. Furthermore, 79 percent of peacemaking participants experienced a Navajo concept of internal peace, *hozho*, from the circle process, whereas only 64 percent of family court participants had a similar experience. Thus, it is no surprise that similar statistics held for agreement with the settlement: for peacemaking participants, 80 percent were satisfied, while only 50 percent of family court participants were satisfied. Eighty-six percent of peacemaking participants believed they had an opportunity to express their feelings, but only 50 percent of court participants believed they had this opportunity. The author found a recidivism rate of 29 percent for peacemaking participants, and 64 percent for family court participants. Although the author notes some problems in making direct comparisons between these two groups of participants, these findings suggest that the Navajo peacemaking system may be more effective than a traditional family court for everyone involved. >>>

Cameron (2005)

argues that for RJ

to be successful

it should at least

include the following:

Victim safety...

Adequate resources...

Advocacy and

support...Autonomy

and decision-making

power...Reducing

gendered power

imbalances.

Fulkerson, Andrew. 2001. *The Use of Victim Impact Panels in Domestic Violence Cases: A Restorative Justice Approach*. *Contemporary Justice Review* 4(3, 4): 355-368.

Fulkerson investigated the use of Victim Impact Panels (VIP) for domestic violence offenders and victims, a program usually used in conjunction with court sentencing rather than as a diversion. Fulkerson surveyed 340 victims and 391 offenders in Arkansas, comparing those who went to trial only with those who went to trial and to a VIP. Fulkerson found that VIPs do not alter either the victim or the offender's sense of fairness at a trial, nor did it improve their overall satisfaction with the criminal justice system. However, those who attended a VIP responded positively to the panel and to its place in the criminal justice process. Eighty percent of victims and 57 percent of offenders believed it to be a worthwhile procedure.

Although each of the above studies

suggest positive results in the use of restorative practices in domestic violence cases, much more research is necessary to address the concerns raised by critics. Cameron (2005) argues that for RJ to be successful it should at least include the following:

- *Victim safety*: programs need to provide close supervision of offenders and safety planning for victims throughout the restorative process.
- *Adequate resources*: programs must provide treatment options for victims and offenders.
- *Advocacy and support*: programs will provide individual counseling before and after face-to-face meetings.
- *Autonomy and decision-making power*: victim participation will be determined through informed consent and free of any coercion. The program will remain neutral on reconciliation or leaving the relationship, providing the necessary supports for either decision.
- *Reducing gendered power imbalances*:

programs must be sensitive to the risks inherent in domestic violence cases with regard to gender and power. Mediated decisions, for example, cannot be assumed to be equal or fair.

## References

Cameron, Angela. 2005. *Restorative Justice: A Literature Review*. Vancouver, B.C.: The British Columbia Institute Against Family Violence. [http://www.bcifv.org/pubs/Restorative\\_Justice\\_Lit\\_Review.pdf](http://www.bcifv.org/pubs/Restorative_Justice_Lit_Review.pdf)

Edwards, Alan and Susan Sharpe. 2004. *Restorative Justice in the Context of Domestic Violence: A Literature Review*. Edmonton, Alberta: Mediation and Restorative Justice Centre. <http://www.mrjc.ca/forms/CM Documents/RJ-DV Lit Review PDF.pdf>. >>>▲

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*David R. Karp is an Associate Professor of Sociology at Skidmore College in Saratoga Springs, New York. Dan Pratt graduated from Skidmore College in 2005 with a degree in Computer Science and is pursuing graduate work in computer science at Northeastern University.*

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# 2005 APPA Award Recipients

The American Probation and Parole Association annually presents several prestigious national awards that recognize your most distinguished professional achievements and allow you to share best practices ideas with your peers. APPA is proud to acknowledge the 2005 recipients who were recognized at APPA's 30th Annual Training Institute in New York, New York, July 24-27, 2005.

## Scotia Knouff Line Officer of the Year Award



**John M. "Mike" Ehrlich**  
Adult Probation Officer  
Yuma County Adult Probation Dept.  
Arizona

Mr. Ehrlich is a graduate of Arizona State University and is very active in his community, routinely volunteering time for his church, Hospice of Yuma and the Special Olympics. His work receives high marks from supervisors, co-workers and probationers and he makes every effort to help those he supervises to succeed. Numerous graduates of Yuma County's Drug Court name Mike Ehrlich as one of the driving factors in their success. Mr. Ehrlich serves as an excellent role model for all levels of probation staff and is a real agent for change in the lives of many.

## APPA President's Award

### FAST-START (Finding Alternatives for Safety Treatment-Stabilization Through Assessment, Rehabilitation and Treatment)

FAST-START is a program of the Clayton County Juvenile Court in Georgia, is a worthy recipient of this year's award. The program began in 2000 as a strategy to reduce the unnecessary detention of juveniles while simultaneously reducing recidivism. Since FAST-START's inception, detention rates among youth have been reduced by 44% and the re-offense rate of those released during the program was reduced by 50%. While these numbers are remarkable, the real success of the FAST-START program is in the lives of the youths who may otherwise have been placed in detention and the offenses that may have been committed without the efforts of the FAST-START staff and those who work to make the program so successful.

## University of Cincinnati Award



**Mark W. Lipsey, Ph.D.**  
Senior Research Associate  
Vanderbilt University  
Nashville, Tennessee

Dr. Mark Lipsey earned his Bachelor's degree in Applied Psychology from the Georgia Institute of Technology and his Ph.D. in Psychology from Johns Hopkins University. An author of five books and over seventy articles in various journals and periodicals, Dr. Lipsey's work has been used by a diverse group of fellow researchers, criminal and juvenile justice professionals, community providers, legislators and directors of government agencies. His dedication to providing information that helps decision makers create policies keeping our communities safer, is an inspiration to all those working in community corrections technology.

## Joe Kegans Award for Victims Services in Probation and Parole



**Bonnie Andrews**  
Program Manager  
Court Services and Offender Supervision Agency-Victim Assistance Program  
Washington, D.C.

In 2000, Ms. Andrews helped to establish the program which she now manages. Prior to this program, there had been few services for the thousands of victims annually whose offenders are sentenced to probation in the District of Columbia. The Victim Assistance Program is able to provide quality information, crisis intervention, counseling and cross-training programs that help allied justice and victim assistance programs in D.C. to coordinate efforts with Court Services. Ms. Andrews' efforts have created a place for the voices of victims to be heard and services to be rendered for victims and their families in the D.C. area.

## Sam Houston State University Award



**Gerald R. Hinzman**  
Director  
Sixth Judicial District Dept. of Corrections Services  
Cedar Rapids, Iowa

Mr. Hinzman is responsible for all community corrections services including pre-trial, presentence, probation, work release and parole for a six county area. Approximately 4,300 offenders are supervised by over 200 employees in the Sixth Judicial District. The dedication and experience brought by Mr. Hinzman into the arena of community corrections is valued by his peers, colleagues and his community. Gerald Hinzman has published extensively in such professional journals as Executive Exchange, Corrections Management Quarterly, Journal of Offender Monitoring, Perspectives, Police Chief Magazine, Weed and Seed Magazine, ICCA Journal and Topics in Community Corrections published by the National Institute of Corrections.

## APPA Award for Excellence in Community Crime Prevention

### National Youth Court Center

Created by the Office of Juvenile Justice and Delinquency Prevention, with support from the National Highway Traffic Safety Administration, the National Youth Court Center (NYCC) is a central point of contact for youth court programs across the United States. NYCC was nominated and recognized by this award as the representative agency for all the youth courts, teen courts, peer courts and student courts that rely on the information, training and technical assistance offered by the Center. Youth courts are one of the fastest growing prevention and intervention programs in the country and are beneficial in providing youth education on the legal and judicial system, involving youth with community leaders and presenting sentencing options to participants that reinforce community norms. Currently, there are nearly 1,000 youth court programs in 48 states and the District of Columbia.

## Walter Dunbar Memorial Award



**Ronald R. Goethals**  
Director  
Dallas County Community Supervision and Corrections Dept.  
Dallas, Texas

Mr. Goethals has been instrumental in the development of a number of programs and initiatives to better serve the courts, the community and the offender population. Most notably are his efforts in community-based intensive supervision, offender drug treatment and a variety of residential services. He has been a mentor to countless probation executives and is known for his willingness to provide technical assistance to jurisdictions both within the United States and internationally. Ron Goethals' support for staff training and development is another example of his dedication to providing his community the best in probation supervision.

## APPA Member of the Year



**James Birrittella**  
Director of Programs  
Westchester County Probation Dept.  
New York, New York

James Birrittella has been an active member of APPA for nearly ten years. His participation as co-Chair of the Revenue Enhancement Committee has been vital to its continuing efforts to provide more and better services to APPA members. Mr. Birrittella also serves on the Corporate Relations Committee and regularly volunteers to help with exhibits and registration during APPA Annual and Winter Training Institutes. Nominated by four different individuals for this year's award, James Birrittella is an outstanding example of how much just one person can achieve within a large organization and APPA is made a better association through his tireless efforts.





# 2006 APPA Awards Nominations Criteria

Please use the following entry form for submission of award nominations. The supporting documentation for each award is described on the nomination requirements (see page 26) must also be submitted along with this form.

The American Probation and Parole Association presents several prestigious awards that recognize your most distinguished professional achievements and allow you to share best practice ideas with your peers! Everyone is encouraged to participate in the nomination process to assure that community corrections professionals as well as community based programs and agencies receive this worthy national recognition.

**The Scotia Knouff Line Officer of the Year Award** is the most competitive and perhaps the most prestigious practitioner award offered by APPA. This award honors a probation, parole or community corrections officer who has performed assigned duties in an outstanding manner and/or made significant contributions to the probation, parole or community corrections profession at the local, regional or national level. The recipient may also have brought credit or honor to the profession through participation or involvement in community activities or programs. The recipient of the Scotia Knouff Line Officer of the Year Award will receive complimentary registration to attend the APPA 31st Annual Training Institute held in New York City on July 24-27, 2005 as well as travel expenses associated with acceptance of this award.

**The Walter Dunbar Memorial Award** is the oldest APPA practitioner award. This award recognizes significant contributions by a practicing professional or a retired practitioner in the field of probation and/or parole, and is presented in honor of one of APPA's most distinguished colleagues, the late Walter Dunbar. Mr. Dunbar served as director of the California Department of Corrections, chairman of the U.S. Parole Commission and director of the New York State Division of Probation.

**The University of Cincinnati Award** is a non-practitioner award, presented to an individual who has made significant contributions to the field of probation, parole or criminal justice technology. Recipients typically are individuals from an academic research or government agency not engaged in providing probation and parole services.

**The Sam Houston State University Award** honors a practitioner who has published an article concerning probation, parole or community corrections that provides new information and insight into the operation, effectiveness or future of the community corrections profession. For such recognition an article must have been published in a national or regional journal.

**The Joe Kegans Award for Victim Services in Probation and Parole** honors an individual working in community corrections who has provided exemplary services to victims of crime. This distinguished award was established as a tribute to the late Judge Joe Kegans, a founding member of APPA's Victim Issues Committee, who devoted her career as a jurist to bettering the lives of all with whom she came into contact. Nominees for this award may be living or deceased, and preference will be given to community corrections professions or volunteers who have personally experienced criminal victimization and have used that experience to help others.

**The APPA Member of the Year Award** recognizes the work and energy of a worthy APPA member. This award is presented to a current APPA member who has been a member for at least one year and has provided significant contributions to the organization through promotion of the vision and mission of APPA. Any APPA member may submit a nomination for APPA Member of the Year. The recipient of the Member of the Year Award receives a complimentary ten year membership in APPA. Elected members of the APPA Board of Directors or the Executive Committee are not eligible for nomination.

**The APPA Community Awareness Through Media Award** recognizes a media broadcast, publication or film capable of reaching a national audience that broadens the public's awareness and understanding of issues in the American criminal justice system in an accurate, fair and balanced manner, through sharing the vision of APPA. Such media coverage has the potential to improve community awareness and understanding of the community corrections profession.

**The APPA President's Award** recognizes exemplary community corrections programs or projects which serve to advance the knowledge, effectiveness and the integrity of the criminal justice system. APPA seeks to recognize visionary organizations that have exemplified the management and innovations necessary to lead community corrections into the next decade. The APPA President's Award will be given to the community corrections program which meets a combination of the following criteria:

- The program either changes or contributes to the broad field of community corrections and helps to move the field forward.
- There is a clear correlation between the goals of the program and their effect (impact).
- The program makes a difference that is supported by impact data.
- The elements of the program which make a difference can be replicated by others.
- There is clear evidence of the supportive nature of its environment.
- The program will be qualitatively evaluated on the following characteristics: program implementation process; client assessment practices; program characteristics which match the client's needs; therapeutic integrity; relapse prevention techniques; and staff characteristics and evaluation.

**The APPA Award for Excellence in Community Crime Prevention** seeks to recognize community corrections agencies, or community crime prevention programs coordinating with a community corrections agency, that have integrated community crime prevention initiatives into the traditional roles of supervision, intervention and sanctioning of offenders.



# 2006 APPA Award Nomination

Supporting documentation is required for each nomination and is detailed to the right of each award or group of awards. The supporting information should be submitted with the completed form on page 27.

Scotia Knouff Line Officer of the Year Award – 2006 Annual Institute

Walter Dunbar Memorial Award – 2006 Annual Institute

University of Cincinnati Award – 2006 Annual Institute

Sam Houston State University Award – 2006 Annual Institute

Joe Kegans Award for Victim Services in Probation and Parole – 2007 Winter Institute. *NOTE: Recipient must have a national presence and influence and have provided a significant contribution to APPA*

**Education** – Date of degree(s) awarded; school(s) attended. Specify information for all universities attended including course work towards a degree.

**Employment History** – Current job title; location of employment; periods of employment (cover past 15 years of employment).

**Professional and Community Activities** – Identify memberships, offices held and awards received.

*\*Note – A Vitae or resume containing this information above may be substituted.*

**Written Justification** – Description of justification and/or contributions the nominee has made that support the award.

**Testimonials** – Two testimonials from a variety of different supporters from the profession, treatment services, law enforcement, victims, clients or the community, as appropriate for each award.

**Photograph** – A 3"x5" or larger, recent photo, will only be required of the award recipient.

APPA Member of the Year Award – 2006 Annual Institute

**Membership** – Indicate length of time nominee has been a member of APPA (must be at least one year).

**Justification** – Description of justification and/or contributions the nominee has made that supports the recommended award.

**Photograph** – A 3"x5" or larger, recent photo, will only be required of the award recipient.

APPA President's Award – 2007 Winter Institute

**Program/Project Goals** – List the goals of this program/project, population served, staffing and budget.

**Program/Project Description** – Describe the program/project (include methodologies, if any), technologies used, program/project outcomes (site supporting data) and anticipated outcomes, if any.

**Program/Project Benefits** – Describe the benefits of the program/project to the community, "field" and agency.

**Justification** – Describe why this program/project warrants award nomination.

APPA Community Awareness Through Media Award – 2007 Winter Institute

**Date** – Publication or broadcast date of nominated project.

**Justification** – Description of justification that supports the media project. Include awards received or reviews.

**Sample Copy** – If possible, provide a copy of the publication or a tape of the broadcast or video. If not available, briefly describe why this media project warrants the award nomination. If applicable, include the name of associated newspaper, magazine, book, TV station or movie.

APPA Award for Excellence in Community Crime Prevention – 2007 Winter Institute

**Program Summary** – Describe the program's mission, goals, timeline, date of inception and evaluation process.

**Community Partners** – Describe how this program involved and partnered with other community agencies and citizens.

**Crime Prevention Principles** – Describe (with appropriate explanation and documentation) how the principles of crime prevention in community corrections are at work in this program by answering the following questions:

1. Does the program increase an individual's assets and resiliency?
2. Does the program strengthen families?
3. Does the program reinforce community norms?
4. Does the program promote connectedness?
5. Does the program educate? Is education reinforced?



# APPA 2006 Awards Nominations Form

Please use the following entry form for submission of award nominations. The supporting documentation for each award as described on the nomination criteria (see page 25) must also be submitted along with this form.

## Information on Award Nominee:

Award this person/program is nominated for \_\_\_\_\_

Name (or name of contact person if program/project or media project) \_\_\_\_\_

Title \_\_\_\_\_ Agency \_\_\_\_\_

Address \_\_\_\_\_

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

Daytime phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Email \_\_\_\_\_

Name of program/project or media project (if applicable) \_\_\_\_\_

Address (if different from above) \_\_\_\_\_

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

## Nomination submitted by:

Name \_\_\_\_\_

Title \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_

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

Daytime phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Email \_\_\_\_\_

### Eligibility

1. With the exception of the APPA Member of the Year Award, recipients of the APPA awards are not required to be a member of APPA.
2. Members and non-members of APPA may submit multiple entries in each award category.
3. Nomination entry form and all supporting materials must be submitted by March 1, 2006.

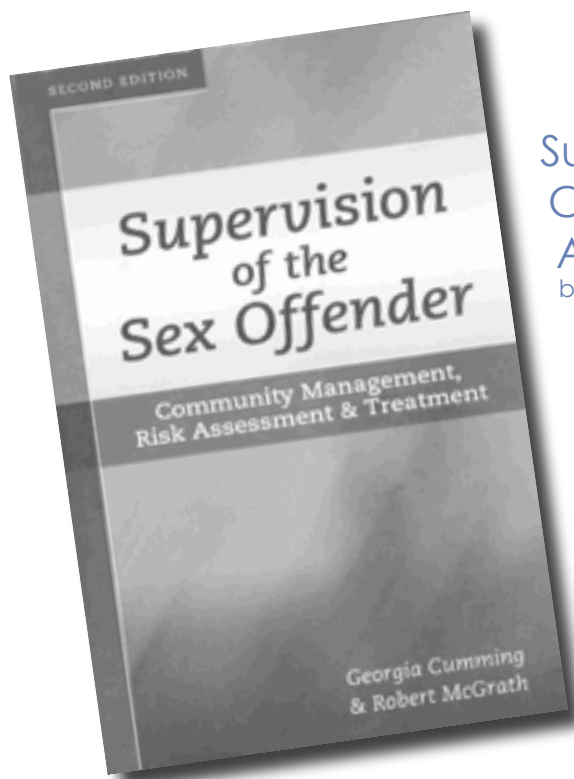
### Award Recognition

In an effort to give each recipient the recognition deserved for such outstanding work, APPA has divided the presentation schedule between the Annual and Winter Institutes. The nomination schedule will not change with all nominations due by March 1, 2006 for awards presented at the Annual and following Winter Institutes. Recipient schedule is noted on the award requirements page.

### Submit this form along with all supporting documentation by March 1, 2006 to:

APPA Award Nominations, American Probation and Parole Association, 2760 Research Park Drive, Lexington, KY 40511-8410, Fax: (859) 244-8001.

Questions concerning APPA Awards may be directed to Diane Kincaid at (859) 244-8196 or [dkincaid@csg.org](mailto:dkincaid@csg.org).



## Supervision of the Sex Offender Community Management, Risk Assessment and Treatment

by Georgia Cumming and Robert McGrath

**S**EXUAL OFFENDING BEHAVIOR and the supervision and management of sex offenders living in the community has been an issue of concern across the country for many years. During the past decade, legislation and policy development directed at the management and treatment of these offenders has proliferated. Federal mandates, such as Megan's Law, The Jacob Wetterling Act, The Campus Sex Crimes Act and The Pam Lychner Act were passed with the expectation that they would make it easier for law enforcement agencies to identify and track convicted sex offenders. In many states, agencies, boards and task forces have created standards and guidelines for working with sex offenders in an effort to keep communities safe and provide direction for professionals working with sexual perpetrators. In addition, the passage of laws such as sex offender registration, genetic testing of sex offenders, lifetime supervision for certain sexual offenders and the creation of specialized and intensive supervision programs for sex offenders help illustrate policy makers' concerns regarding this population.

In the case of managing sex offenders, the treatment world has been far ahead of the criminal justice supervision and policy world. We are now in the third decade of an abundance of research and professional literature regarding theories of sexual deviance, sex offender typologies and treatment protocols. The recent decade has witnessed a strong emergence of sex offender risk assessment research and literature development. What has not kept up is a parallel set of literature for the community supervision officer, regarding the safe and effective management of sex offenders in the community.

In 1997, Georgia Cumming and Maureen Buell published *Supervision of the Sex Offender*, which was one of the first books to offer specific and practical information to the field supervising officer. The revised edition of *Supervision of the Sex Offender – Community Management, Risk Assessment and Treatment* by Georgia Cumming and Robert McGrath, published in 2005, builds on the initial publication, but offers even more in terms of practical suggestions and recommendations for the officer supervising sex offenders in the community.

The book is an excellent resource for the first time reader as well as for those who read the first edition. This publication is a tremendous resource for both seasoned officers and those just beginning to manage this challenging caseload of offenders, and it should be required reading for anyone who is or will be supervising sex offenders. It is definitely a must-have on the reading list. The book is structured in a logical fashion and is full of practical knowledge, tips for skill building and advice on how to manage this complicated caseload. Through >>>

This publication is a tremendous resource for both seasoned officers and those just beginning to manage this challenging caseload of offenders, and it should be required reading for anyone who is or will be supervising sex offenders. It is definitely a must-have on the reading list.



the use of case examples, the authors provide useful guidance on how to use each of the techniques they recommend.

The book takes the reader through all of the important aspects of community supervision of sex offenders, from writing useful pre-sentence investigation reports and setting up a supervision plan to understanding risk assessment, treatment and what the research tells us about characteristics of these offenders. Cumming and McGrath do an excellent job of incorporating the most recent relevant research findings into the book. The book is written in a straightforward fashion and provides all of the basic information a supervising officer needs to supervise a caseload of sex offenders with confidence.

The book is structured into four sections. The first section on Community Management covers the fundamentals of developing and writing a strong pre-sentence investigation report that can set the stage for good case management throughout the offender's sentence. Strategies for interviewing, elements of community supervision and testifying in court are the additional topics covered in this section. The authors make a strong argument for developing a strong community support network to assist both the offender and the officer in ensuring successful supervision. Interviewing models are provided, with practical advice on how to create an environment in which the offender feels both supported in his efforts to change and held accountable for his actions along the way. The section ends with a useful discussion regarding the use of the relapse prevention model in supervision and how to identify and manage lapses and relapses in behavior.

The Risk Assessment section offers a good review of why and how risk assessment is used in the supervision of sex offenders. The authors describe why it is important to specifically assess for the risk of sexual recidivism, as opposed to general recidivism only. The authors provide a solid overview of the types of risk assessment available and their relative strengths and weaknesses. They provide a useful table which outlines the most

frequently used instruments along with their predictive ability. Also in this section is an excellent overview of the recently enacted federal community notification legislation and, where applicable, the research findings associated with their impact on sexual recidivism. The authors provide a useful guide for navigating through whether and when community notification might be useful with offenders, and caution to be wary of such behaviors on victims and the community at large.

The third section on Treatment provides an overview of specialized sex offender treatment and examines its cost-effectiveness and describes effective program practices. The chapter ends with a helpful set of suggestions for jurisdictions or agencies who are struggling with how to develop such resources in their communities. This section also provides guidance to professionals struggling with questions about family reunification, special populations, including developmentally disabled sex offenders, adolescents and females and contains an important discussion on cultural considerations that must be attended to when supervising offenders of this type. The section ends with a chapter that is far too often overlooked in the corrections field: burnout and self care.

The final section entitled Explanations and Characteristics presents an overview of commonly understood motivations that drive sexual offending behavior and examines the psychological, biological, social, cultural and situational factors that predispose individuals to sexually offend. The authors also describe sexual offenders' typical behavior over their life span, describing the typical onset, range of victims, "crossover" behavior, which is the range of sexual behaviors in which an offender might engage, and general tendencies toward decline. The section ends with a chapter describing what is understood about sex offender typologies. The authors contend that the information set forth in this chapter is important, not to justify sex offenders' behavior, but for officers to understand the motivations and actions to better understand

how to manage them.

Cumming and McGrath offer the most comprehensive publication to date regarding how to safely and effectively manage sex offenders in the community. Their illustrative use of examples and scenarios provides the reader with practical information that is easily transferable for daily use. While this book is aimed at professionals who supervise sex offenders, it is an extremely sound resource for judges, administrators, attorneys and others who come in contact with this population. >>>▲

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*Suzanne Tallarico, M.A. is a Senior Court Management Consultant for the National Center for State Courts and Former Research*



# A

## MANAGEMENT TOOL CALLED “COMPSTAT”

*has revolutionized many police  
agencies across the United States.*

*By using peer pressure and real-time  
data to hold managers accountable  
for performance, Compstat has  
transformed departments from  
reactive responders chasing 911  
calls into proactive problem solvers  
making a substantial impact on the  
quality of life in communities.*

# COMPSTAT

## FOR COMMUNITY CORRECTIONS

Similar management techniques hold tremendous promise for other public sector organizations, especially community corrections agencies. Most juvenile and adult probation and parole departments remain in a purely reactive posture, scrambling to process cases, hoping to avoid a tragedy and the ensuing public scrutiny. Performance evaluations of probation officers and their supervisors are typically based more on their workload and personal relationships with their managers than on the success they’ve achieved with their cases. The data that is measured generally tracks inputs and process goals, such as meeting offender contact standards, instead of the real outcome goals of supervision: reduced recidivism and drug use, improved school attendance or employment and the like. The result is massive unmet potential to turn around troubled lives and prevent repeat offending.

There are important differences between policing and community supervision and between the agencies that execute them. But adaptation of the Compstat approach from community policing to community corrections should be relatively rapid and easy. And the payoff should be at least as spectacular.

### THE NEW YORK EXPERIENCE

The story of the stunning drop in New York City’s crime during the late 1990s has many protagonists. Battles over turf in the city’s bustling crack cocaine market had largely been settled. Addicts had burned out. Thousands of dealers had gone to prison or to their graves. The Internet revolution was creating wealth and jobs. But those plots were unfolding in other major American cities as well, without yielding similar reductions in crime. What was different in New York was “Compstat.”

Introduced in 1994 by Police Commissioner William Bratton, Compstat is a simple management strategy that produced near-miraculous results. Unceremoniously short for “computer statistics,” Compstat focuses on a weekly meeting at which the top police brass gather all of the unit commanders together in a single room and uses real-time data to hold them accountable for their performance. Using the data, the chiefs and their deputies question the individual commanders, one by one, about the crime patterns, hotspots and hot suspects in their jurisdictions. Commanders who are on top of their jobs are applauded in front of their colleagues for attacking nuisance

offenses that create a sense of disorder and other problem areas with creative strategies and driving down reported crime. Those who fall short are certainly embarrassed and often replaced. In the first five years of Compstat, homicides in New York City fell by 75 percent, and from 1993 to 2003 overall serious felonies dropped by 66 percent.

Criminological wisdom long held that good police work could tinker with crime on the margins, but couldn't impact the basic level of crime in a community. New York's Compstat destroyed that notion. Due to its remarkable success, the Compstat process has been adapted by police departments, large and small, across the nation.

## KEY ELEMENTS

Weekly staff meetings hardly sounds like the stuff of legend. However, several elements of the Compstat weekly meetings dramatically elevate their effectiveness:

- **Peer Pressure:** At traditional staff meetings, employees sit around a table and discuss agency issues on an agenda. At Compstat, the agenda is the performance of individual staff members and their units. The entire senior staff attends each meeting, and some or all supervisors are called individually to the front of the room to stand behind a podium. Once in the hot seat, the supervisor provides an update on his/her progress during the past week. Top department managers, seated together at a head table, ask questions about trends and developments based on their knowledge and interpretation of data. This practice creates enormous incentive for supervisors to have already identified problems and sought creative solutions, especially those that involve partners in the room and outside the agency.
- **Real-Time, Objective Data:** At the beginning of the meeting, everyone receives a copy of a one-page summary for each supervisor that tracks key indicators, noting changes over the past week, past month, and year to date. The use of objective data puts the various supervisors on a level playing field in terms of their performance evaluations, minimizing the role of (and rumors surrounding) personal friendships and relationships among staff. Because the data is provided in real time, Compstat ensures that staff is shifting strategies and tactics quickly to meet changing circumstances and helps provide immediate feedback about the effectiveness of such adjustments. Though the main subject of Compstat meetings is the data, discussion easily can turn to a specific incident or case if warranted.
- **Focus on Outcomes:** Before Compstat, police executives were plenty willing to take credit when crime dropped. Few would accept blame when the numbers went up. There were too many intervening factors, they argued, such as drugs, the economy or the breakdown of the family. By placing responsibility for achieving an agency's ultimate outcomes squarely on the shoulders of unit supervisors, Compstat refuses to accept excuses for issues that are out of our control or to trivialize the whole agency endeavor by

settling for measures of workload, such as the number of arrests. Because external issues affect the various units in more or less the same way, measuring the outcomes produced by individual managers and their units is not only fair, it refocuses the energy and culture of the organization where it should be: on results.

- **Responsibility and Authority:** Holding supervisors responsible for results means giving them greater authority to manage their resources. Compstat commanders must follow core department policies and procedures, but are awarded wide latitude to craft strategies that fit their communities, their staff and their personal management styles. Greater autonomy from standardized rules sparks innovation and lets the real stars shine.
- **Reward and Reprimand:** Compstat meetings are not supposed to be forums for leaders to rant and rave. Questioners must be careful to deliver a balanced mix of darts and laurels. Staff should fear embarrassment and come well-prepared to avoid it. But they also should expect to be applauded for making progress and see the meetings as an opportunity to share their success and learn from others.

## MISSION: CRIME CONTROL

In the mind of the public and the media, local rates of crime are linked directly to the performance of the police. Every year around New Year's, reporters call the police chief to ask why crime is up or down. If crime is up, the chief says it's the fault of drugs or gangs. If the numbers are down, it's because of the police crackdown on drugs, gangs or some other new law enforcement tactic. Generally, it's as simple as that. Call the police chief. Get the explanation. End of story.

When was the last time there was a probation or parole executive quoted in a news story about the crime rate? Despite being responsible for the supervision of more than five million criminals, community corrections officials are rarely, if ever, held to account for their role in controlling crime. It's not just the media who fail to grasp the job of community supervision. How many community corrections administrators have been in their governor's offices for meetings to devise crime or drug strategy?

For many agency heads, being ignored is bliss. Sure it would be nice to be on the boss's radar, especially at budget time, but it's better to hang back in the shadows, out of the line of fire. Besides, if there was more money, they'd have to show that they reduced recidivism, and that would be, difficult.

Just like the pre-Compstat police, community corrections officials offer an endless list of reasons why the crime rate or recidivism rate is out of their hands – economic and job situation, poverty, poor education, family breakdown, not enough staff, not enough treatment programs, not enough support from judges or the parole board, etc.

Too often, those things are true. Yet the police faced the same circumstances and confronted them. Commissioner Bratton was >>>



# COMPSTAT

## performance plan - phase 1

### I. Define performance measures

- Identify and convene stakeholders (probation/parole agency representatives, judges, prosecutors, defense bar, police/sheriff, schools, community, etc.)
- Identify outcomes, outputs and inputs by unit (intake, detention, court-based, field-based, others)
- Reach and finalize consensus on performance measures

### II. Design new reports

- Unit status report (to provide 1-page summary of performance measures over selected periods of time for each agency unit)
- Individual case status “face” sheet (to provide 1-page snapshot of most important and current case information, including relevant outcomes, outputs and inputs)

### III. Identify data sources and real-time data sharing process

- Identify current and needed data sources based on selected performance measures (Court/agency information system, police, schools, others as necessary)
- Adopt or ensure effective administration of an offender assessment instrument (for a variety of reasons but in this case to “level the playing field” and make fair comparisons among officers and/or units with caseloads that vary by offender risk)
- Establish internal protocols and external MOUs (if necessary) to ensure timely, accurate, complete reporting
- Establish baselines for each performance measure

### V. Design periodic performance meetings

- Decide who is present
- Decide who asks questions
- Decide who is questioned
- Decide what issues (if any) are off the table
- Determine frequency, location, equipment/materials needs

### VI. Training

- Train questioners in most effective methods of inquiry (including delivery of compliments as well as criticism)
- Prepare supervisors/staff for what is coming

emphatic about the need for more NYPD officers and resources, and he got more. He was equally determined to squeeze the best results out of what he had by boosting incentives for excellence.

Community corrections leaders must assume the same posture, and in some ways are in an even better position to do so. Bratton went to battle armed mostly with his cocky attitude; probation and parole are strapped with new research on what works to reduce recidivism, new technologies to monitor offenders, and new information systems with data that is managed and shared that replace officers’ little black books. With these advances and others, many community corrections agencies now have the tools they need to make meaningful reductions in recidivism. The missing piece is accountability for solid implementation and turning the research into practice.

### DEFINING PERFORMANCE MEASURES

The first and most critical task in crafting a Compstat system for community corrections is to decide exactly what to measure. There is substantial consensus in the field on the chief goals of supervision, and these measures (in raw numbers and rates) would likely top the monthly Compstat report for each officer and supervisor:

- Offenders who were rearrested
- Offenders who absconded
- Offenders who were killed or injured
- Offenders who are employed (full- and part-time) or for those in school or vocational training programs, the average daily attendance
- Offenders living in stable housing
- Clean drug tests
- Hours of community service
- Collection of restitution, fines and other fees

Those outcomes and others represent reduced crime and the achievement of other public goals such as restoration of victims and communities. As such, they must take center stage in the Compstat process. At the same time, there are many supervision processes that have a clear and direct relationship to crime reduction or to mandates from the court or parole board. These ought to be tracked and counted as indicators of performance as well.

The range of these process or output goals is much broader than for outcome goals. The measures selected would likely vary much more between agencies. Different indicators need to be identified for specialized supervision, diversion or court-service units. Several should focus on time frames since swift action is critical in shaping behavior and preventing offenders from falling through cracks in the system. Some process measures might include:

- Offenders who are engaged in required treatment or intervention programs
- Reduction in risk as measured by an assessment/re-assessment instrument
- Successful completion of supervision
- Average time between offenders’ release from prison and employment



- or engagement in services
- Percentage of detected violations that received a sanction
- Average time between detection of violations and imposition/completion of sanctions
- On-time completion of pre-sentence reports

In addition to the definition of performance measures, other key factors that would determine the shape of a Compstat initiative in a state or local community corrections agency include the size of the agency, its data capabilities, and the preferences of top executives. While some agencies initially may not have all the capabilities or resources for a full-blown Compstat, the process can begin at any point using the most current data and the best resources agencies can muster.

### Adapting Compstat to Community Corrections

The following outline summarizes the fundamental steps necessary to adapt the Compstat strategy from community policing to community corrections, in either the juvenile or adult justice system. The various police agencies that have adopted the Compstat model modified it to fit their particular circumstances; so too would probation and parole authorities.

### Conclusion

Many community corrections agencies have improved their performance over the past 15 or 20 years. New research into “what works” in reducing recidivism is being incorporated into practice, so there is less feel-good programming and more intervention that targets offenders’ criminogenic needs. New data management systems and offender monitoring technologies provide a quantum leap in the ability to supervise and track offenders’ whereabouts and behavior. Expanded partnerships with law enforcement, victims and other community members are boosting awareness that offender success is not the sole responsibility of the PO. Graduated sanctioning systems strike a more just and effective balance between punishment and rehabilitation.

Despite these positive developments and others, community supervision remains held in relatively low regard, among the public as well as many judges and prosecutors. “He got off on probation” is still what people say when a defendant isn’t sent to the slammer. That low level of confidence translates into perpetually low levels of funding and staff, and that, in turn, leads to low expectations for success by correctional administrators.

Compstat for community corrections, perhaps more than any other strategy, can reverse both the perception and reality of underperformance. To be sure, many agencies need additional resources to raise results to where they ought to be, just as the NYPD’s force strength and funding were increased during Commissioner Bratton’s tenure. But for Commissioner Bratton, the purpose of Compstat was not only to boost the performance of his department; it was to prove that the

## COMPSTAT

### performance plan - phase 2

Completion of the above tasks would put community corrections agencies on solid footing to implement a Compstat meeting strategy. Performance should improve immediately. Depending on current agency performance management systems, a second phase could solidify and extend the gains made by the Compstat process. Key additional steps of a comprehensive performance plan, based on Compstat, would include:

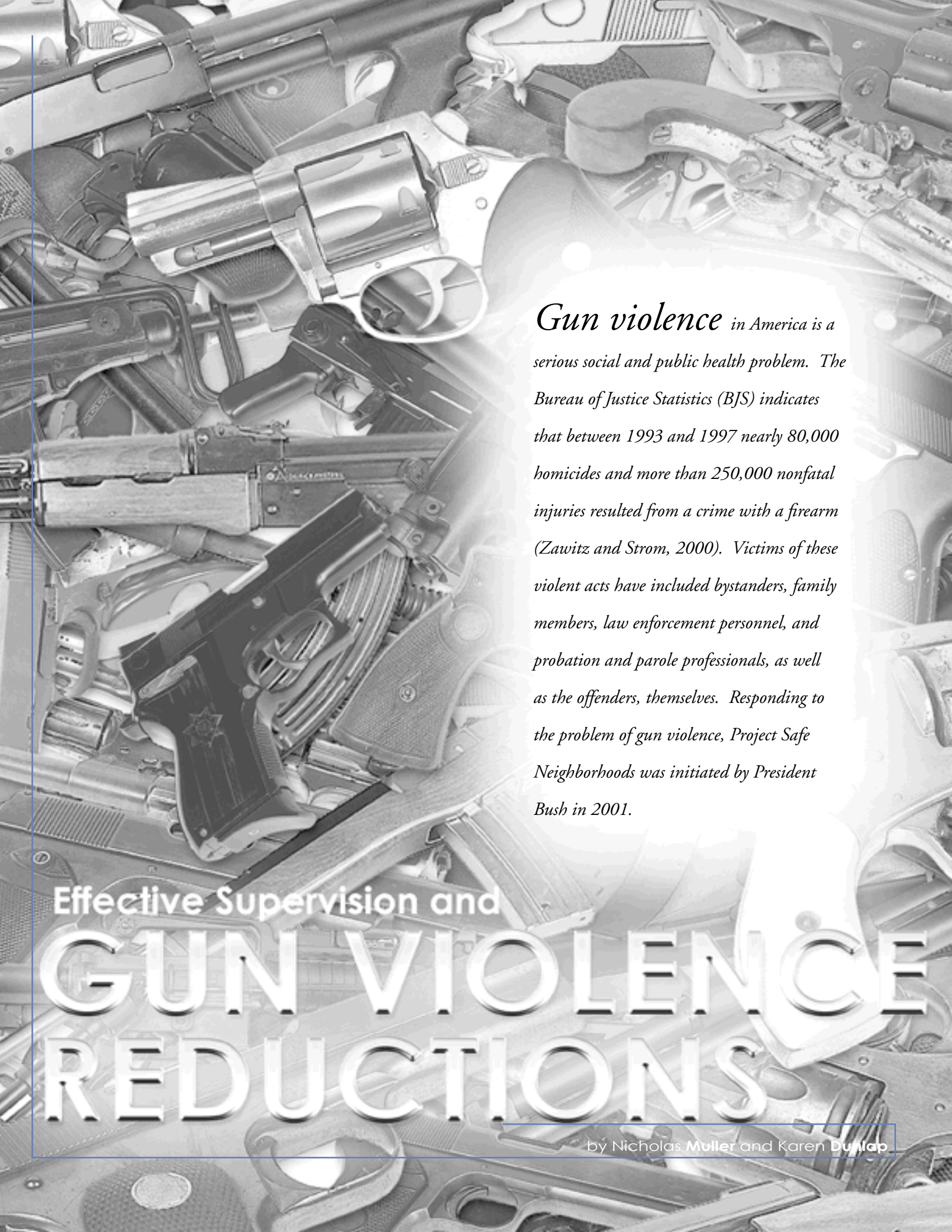
- I. Synchronize employee position descriptions with established performance measures
- II. Synchronize job performance appraisals with job description performance measures
- III. Develop and implement additional staff performance incentives
- IV. Develop public performance reports (for print and Web)

police could bring down crime. They did, and by adopting a similar strategy for accountability, parole and probation can too.

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- For information on the reduction in New York City crime, see: <http://www.nyc.gov/html/nypd/pdf/chfdept/cscity.pdf>
- For information on other police Compstat programs, see:
- Philadelphia, Pa.: [http://www.ppdonline.org/hq\\_compstat.php](http://www.ppdonline.org/hq_compstat.php)
- Atlanta, Ga.: <http://www.atlantapd.org/Index.asp?nav=pob>
- Detroit, Mich.: <http://www.ci.detroit.mi.us/police/dept/compstat/compstat.htm>
- Arapahoe County, Colo.: <http://www.co.arapahoe.co.us/Departments/SH/PublicSafety/COMPSTAT.asp> >>>▲

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*Gun violence in America is a serious social and public health problem. The Bureau of Justice Statistics (BJS) indicates that between 1993 and 1997 nearly 80,000 homicides and more than 250,000 nonfatal injuries resulted from a crime with a firearm (Zawitz and Strom, 2000). Victims of these violent acts have included bystanders, family members, law enforcement personnel, and probation and parole professionals, as well as the offenders, themselves. Responding to the problem of gun violence, Project Safe Neighborhoods was initiated by President Bush in 2001.*

# Effective Supervision and GUN VIOLENCE REDUCTIONS

by Nicholas Muller and Karen Dunlap

**T**HE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT (1994) PLACED NEW RESTRICTIONS ON TYPES OF INDIVIDUALS PROHIBITED FROM POSSESSING FIREARMS (I.E. FELONY CONVICTIONS, OUTSTANDING WARRANTS, DOMESTIC VIOLENCE OFFENDERS, ETC.) AND INCREASED PENALTIES FOR USING A FIREARM IN THE COMMISSION OF A CRIME.

PROJECT SAFE NEIGHBORHOODS (PSN) IS PRESIDENT BUSH'S INITIATIVE TO REDUCE GUN VIOLENCE. IT HAS GENERATED A MASSIVE INCREASE IN PROSECUTION FOR FIREARMS RELATED OFFENSES, AS A RESULT OF PROVIDING SUPPORT AT THE FEDERAL, STATE AND LOCAL LEVELS FOR LAW ENFORCEMENT AND PROSECUTORIAL INITIATIVES. FROM THE OUTSET, IT HAS FEATURED A COLLABORATIVE EFFORT TO REDUCE GUN CRIME, MARSHALLING THE FORCES OF LAW ENFORCEMENT, LOCAL LEADERS AND INTERESTED PARTIES, EDUCATIONAL AND RESEARCH EXPERTISE, FAITH-BASED PROGRAMS, AND OTHER CRIMINAL JUSTICE AND COMMUNITY PARTNERS. MANY READERS WILL HAVE SEEN BILLBOARDS AND BUMPER STICKERS AS PART OF THE PREVENTIVE FOCUS OF PROJECT SAFE NEIGHBORHOODS THAT WARN THAT CRIMES INVOLVING FIREARMS CAN RESULT IN SERIOUS PENALTIES, NOT THE LEAST OF WHICH IS FEDERAL PROSECUTION.

AMONG THE EARLY SUCCESSSES WERE BOSTON'S OPERATION CEASEFIRE AND RICHMOND, VA'S PROJECT EXILE, WHICH UTILIZED POLICE/PROBATION/COMMUNITY PARTNERSHIPS TO MOUNT FOCUSED, PROACTIVE STRATEGIES TO ADDRESS INDIVIDUALS WHO WERE CONSIDERED A HIGH RISK TO ILLEGALLY POSSESS AND USE FIREARMS.

THE BOSTON CEASEFIRE PROJECT FOUND THAT OF 125 OFFENDERS INVOLVED IN THE 155 HOMICIDES IN THE CITY, 80 PERCENT WERE ON PROBATION OR PAROLE AT THE TIME OF THE OFFENSE AND 56 PERCENT OF THE VICTIMS OF THE HOMICIDES WERE ALSO PROBATIONERS OR PAROLEES. MANY VICTIMS AND PERPETRATORS WERE ALSO YOUNG AND GANG INVOLVED. PROBATION AND PAROLE OFFICERS WERE KEY PLAYERS IN THIS ENDEAVOR AND THE EFFORTS WERE HUGE SUCCESSFUL.

IN HER BOOK "WHEN PRISONERS COME HOME," JOAN PETERSILLA NOTES THAT CURRENTLY MORE THAN 4 MILLION ADULTS ARE UNDER COMMUNITY SUPERVISION AND MORE THAN 90 PERCENT OF THE 1.4 MILLION INCARCERATED ADULTS WILL BE RELEASED. NEARLY 600,000 ADULTS ARE RELEASED FROM INCARCERATION TO RETURN TO THEIR COMMUNITIES EACH YEAR. PROBATION AND PAROLE OFFICERS ARE TASKED WITH THE DUTY TO PROTECT THE PUBLIC BY MONITORING AND INTERVENING WITH THESE OFFENDERS.

IN A BJS SURVEY OF INMATES IN FEDERAL CORRECTIONAL FACILITIES, 1997, THE DATA SUGGESTS THAT THE MAJORITY OF FEDERAL INMATES WHO REPORTED POSSESSING A FIREARM (83 PERCENT) MAY HAVE BEEN PROHIBITED FROM LAWFULLY POSSESSING A FIREARM STATUTORILY FOR ONE OF THE FOLLOWING REASONS: HALF OF THE INMATES INDICATED THAT THEY HAD A PRIOR SENTENCE TO INCARCERATION; A THIRD WERE ON PROBATION OR PAROLE AT THE TIME OF THEIR CURRENT OFFENSE; ABOUT HALF INDICATED ILLEGAL DRUG USE WITHIN A MONTH OF THE CURRENT OFFENSE. THIS IS NOT SURPRISING TO PROBATION AND PAROLE OFFICERS REGULARLY DEALING WITH REPEAT VIOLENT OFFENDERS.

IN JUNE 2004 THE AMERICAN PROBATION AND PAROLE ASSOCIATION WAS AWARDED A GRANT TO CREATE A REPOSITORY OF INFORMATION ON PROACTIVE

probation and parole supervision activities relative to reducing gun violence. Further, the project was to develop and offer training and technical assistance to probation and parole agencies toward their efforts which may include referral of dangerous offenders found in possession of firearms to United States Attorneys for federal prosecution. A goal of the project is to enable probation and parole professionals to join with the existing Project Safe Neighborhoods partners in preventing and combating gun crime.

Probation and parole agencies have the ability to make a significant impact in the reduction of gun crime in many ways. They include providing intelligence to criminal justice partnerships, using proactive searches to monitor offenders for gun possession, and identifying potential high risk gun offenders before they victimize someone or become victims themselves.

In the earliest stages of almost any period of supervision, a probation or parole officer meets with the offender to discuss behaviors and acts that are governed by the releasing authority (e.g., the court, the parole board). It is only fair that the offender and those close to the offender be issued warnings as to the consequences of firearms possession during supervision and afterwards. Ideally, the offender will heed the restrictions and refrain from any future illegal possession of guns. If, on the other hand, the offender violates the federal and/or state prohibitions regarding firearms possession, it will have been done knowingly, and serious consequences should be no surprise. Some jurisdictions have strong practices in this regard. The Philadelphia, PA County Adult Probation Department has made the prohibition of guns its first condition on the list that governs the acts of all persons on supervision. Also, they provide a form that outlines how offenders can legally divest themselves of firearms that they may have possessed at the time of beginning supervision.

In the fall of 2004, the APPA PSN project asked for input from the field about proactive supervision, especially search procedures aimed at the discovery and seizure of firearms in the hands of prohibited offenders. It was generally reported that only about half of the responding agencies are actively involved in such supervision practices. When asked what would be required to initiate this practice, there were three issues in the forefront. Administrators wanted to be assured that if officers were to be tasked with the type of proactive supervision that would address illegal gun possession, officers should be well trained in proper search technique; they should be given training in safety so they would return home at the end of the day; and that they should be endowed with sufficient knowledge to do it legally.

The APPA PSN initiative has established a web site to enable interested probation and parole officers and agencies to learn about this sort of proactive supervision, including examples of effective programs already in operation. Additionally, the field has been informed how to establish contact with local U.S. Attorneys' Offices to begin discussion about joining in the PSN efforts. APPA >>>



Every jurisdiction should develop and implement strategies and policies designed to enable their staff to work safely and effectively in this dangerous environment.

### **Strategies:**

1. Educate staff about local, state and federal laws concerning firearm prohibitions for probationers and parolees.
2. Incorporate notice about the laws and consequences into forms, brochures, posters and other written materials. Conditions of supervision should be modified to reflect those laws and prohibit possession of firearms.
3. Train staff to inquire at every stage of an offender's involvement in the criminal justice process about possession of firearms. This includes pretrial release, pre-sentence interviews, prerelease, and sentencing. Give the judges, releasing authorities and officers as much information as possible so they can fashion the appropriate conditions of release and supervision, and to enable safe supervision.
4. Incorporate information about firearms possession into pre-sentence reports, sentencing memoranda, and prerelease plans, as well as contact with family members and victims of domestic violence. Encourage judges and releasing authorities to admonish offenders about the consequences of possessing firearms.
5. Collaborate with local law enforcement agencies (police, sheriff) to accommodate surrender of firearms.
6. Train staff about safe handling of firearms, even if they are not armed.
7. Train staff extensively in field safety, based on the policies of the agency (armed or not, sworn officers, arrest powers, etc.).
8. Search and seizure policies must be developed and staff fully trained. Any officer on a home visit can encounter contraband in plain view and should know what to do. Agencies with more aggressive planned search policies will obviously need increased training that would include securing evidence that may lead to new charges.
9. Establish partnerships with law enforcement, other justice and human service agencies and the community.
10. Supervision records should clearly indicate any firearms involvement of the offender. In the event that another officer has to cover a case due to the absence of the assigned officer, it should be abundantly clear that this is a case with firearms history or involvement.

has developed training that is tailored to the unique needs of probation and parole and delivered by trainers with hands-on experience. Given the various levels of proactive supervision in existence already, the training is adapted to specific localities, whether a jurisdiction or agency is interested in beginning a program or just needs help with one or more aspects of an already successful one.

APPA's association with Project Safe Neighborhoods comes at a time that coincides with a renewed interest and revitalization of probation and parole officers' work with offenders. Similar to practices in policing that had evolved over time the venue of our work has changed. In recent years the emphasis on police work has taken officers out of cars and into the street. Police officers can be seen on foot, on bicycles, and even on scooters; they are where the people are. The shift in probation and parole work is not movement from a car, but movement out of an office.

The predicate to this effort is at once simple and straightforward, and enormously complex and challenging. It is this: Probation and parole supervision must be done in the community - where the offenders live, work and go to school, and it must be done when the offenders are likely to be around. This means officers will be out of their fortress offices and in the neighborhoods during non-traditional working hours.

The roots of this predicate are most recently seen in the work of the Reinventing Probation Council, known as Broken Windows Probation. That work is based on the results of many research projects and operational programs that have shown the value of community-based supervision. Officers are expected to monitor, intervene, assist and enforce – all activities which can only be done effectively in close proximity to the offenders and their activities.

But this type of strategy will inevitably put officers in dangerous places at high risk times. Probationers and parolees, as well as other current and former offenders live and work there, and drugs, guns and violence are a fact of life. If probation and parole is to carry out its mission, agencies have to prepare, train and equip officers to work in this dangerous environment. They can't back away from community based supervision, and they must do it safely and effectively.

APPA's work with Project Safe Neighborhoods is an effective way to address departments' demands for safe, informed and legal approaches to proactive supervision. The grant has given APPA the means to reach out to departments and help them provide the kind of supervision that will help prevent re-offending as well as to control the behavior of offenders.

## Conclusion

By federal and/or state law, felons, unlawful drug users and fugitives from justice as well as many domestic violence offenders are prohibited from gun possession. In the exercise of proactive probation and parole supervision, it is likely that officers will supervise probationers and/or parolees who are armed or have access to guns. Through the American Probation and Parole Association's Project Safe Neighborhoods project, training and technical assistance is available to probation and parole professionals to assist in keeping officers safe. Training and technical assistance may include areas such as preventive measures, search, seizure, officer safety and legal issues related to prohibited offenders with firearms.

If you would like to join in the national effort to get guns out of the hands of prohibited offenders contact the American Probation and Parole Association for more information. We encourage you to visit our website at [www.appa-net.org/PSN/default.html](http://www.appa-net.org/PSN/default.html) to learn more about Project Safe Neighborhoods and what probation and parole officers in America are doing to help in the national effort to reduce gun crime.

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## Note

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## OPERATION FALCON



Operation FALCON is a nationwide fugitive apprehension operation coordinated by the United States Marshals Service (USMS). The resources of federal, state, city and county law enforcement agencies are combined to locate and apprehend criminals wanted for crimes of violence.

Operation FALCON was conducted April 4, 2005 through April 10, 2005 across the United States and its Territories.

The emphasis centered on gang related crimes, homicides, crimes involving use of a weapon, crimes against children and the elderly, crimes involving sexual assaults, organized crime and drug related fugitives, and other crimes of violence.



TREATMENT  
ENCOURAGEMENT  
RESPONSIVITY

# Entering the Business

ENFORCEMENT  
CONFRONTATION  
PUNISHMENT

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by Michael D. Clark

*This article begins a two-part series on increasing motivation with involuntary clients, focusing on mandated offenders placed under probation supervision by court orders. Motivational Interviewing (Miller & Rollnick, 1991) is an approach that was first developed and applied in the field of addictions but has broadened and become a favored approach for use with numerous populations across a variety of settings (Burke, Arkowitz & Dunn, 2002). In our own field of criminal justice, evidence-based practice as outlined by criminologists has recommended that justice staff be responsive to motivational issues with offenders (Andrews & Bonta, 2003). This series attempts to lend substance to that recommendation with suggestions for direct practice application.*

**P**ROBATION STAFF CLAMOR FOR “HOW TO’S” AND SEEK KNOWLEDGE AS THEY WORK HARD TO MANAGE HIGH VOLUME CASELOADS. THE SECOND ARTICLE OF THIS SERIES WILL ADDRESS SUCH STRATEGIES AND TECHNIQUES FOR THE FIELD OFFICER. BUT PATIENCE IS NECESSARY AS MOTIVATIONAL INTERVIEWING (MI) IS NOT JUST A COLLECTION OF TECHNIQUES TO APPLY TO AN OFFENDER. RAISING MOTIVATION LEVELS AND INCREASING AN OFFENDER’S READINESS TO CHANGE REQUIRES A CERTAIN CLIMATE — A HELPFUL ATTITUDE AND A SUPPORTIVE APPROACH THAT ONE WOULD TAKE WITH AN OFFENDER. THIS CLIMATE BECOMES GROUND FOR DEVELOPING A HELPING RELATIONSHIP, AND IT IS IMPERATIVE THAT THIS RELATIONSHIP OCCUR BETWEEN AGENT AND PROBATIONER IF ENDURING CHANGE IS TO OCCUR. THIS ARTICLE WILL EXAMINE THIS TYPE OF CLIMATE ACROSS THE CRIMINAL JUSTICE FIELD (THE MACRO PERSPECTIVE), WITHIN PROBATION DEPARTMENTS (THE MESO PERSPECTIVE) AND INTO THE INDIVIDUAL PAIRING OF ANY OFFICER AND OFFENDER (THE MICRO PERSPECTIVE).

### **Across the Criminal Justice Field (macro): What Business Are We In?**

Duncan, Miller and Sparks (2004), promoting outcome-informed efforts, recall a landmark article by Theodore Levitt, a Harvard business professor. Levitt (1975) recounted the rise of the

# of Behavior Change:

## Motivational Interviewing for Probation Staff

railroad industry throughout much of the 1800s and into the next century. The railroad industry vaulted to tremendous success as it laid track from city to city, crisscrossing and connecting our continent. Millions of dollars were pocketed by those laying the track and building this nation’s rail infrastructure. The pace of life quickened, and demand rose for speedy travel.

However, as the first baby-boomers began to leave their nests in the 1960s, the railroads were in trouble — actually in serious decline. Why? Railroad executives would answer that it was due to the need for speedier transportation and faster communication that was being filled in other ways (i.e., cars, trucking industry, telecommunications, etc.). That reasoning made no sense to Levitt. To this business professor it begged a question. Duncan, Miller & Sparks (2002: 80) note the irony:

The railroad industry, Levitt (1975) argued, was not in trouble ‘because the need was being filled by others...but because it was *not* filled by the railroads themselves’ (p. 19). Why did the industry not diversify when it had the chance? Because, as it turns out, railroad executives had come to believe they were in the *train* rather than the *transportation* business.

Due to this limiting conception, trucking and airfreight industries prospered while locomotive engines fell into disrepair, parked on rusted track in the back of neglected railroad yards. The railroad industry had come to believe they were in the railroad business instead of the transportation business. >>>



It would seem that probation, as a criminal justice entity, is much like the railroad industry of our past century — for it has come to believe that it is in *probation business* rather than the *behavior change business*. Our field seems primarily concerned with the process of probation — insuring adequate supervision, compliance to probation orders and the completion of mounds of attendant paperwork. Process takes center stage rather than a principal focus on strategies and techniques that will encourage positive behavior change (outcomes).

The problem lies in the mindset that pervades the probation and parole field that allows outcomes to take a back seat to process. Consider a recent lament by a deputy director who manages a fairly large community corrections division. Engaged in a discussion regarding the “business of probation” during a recent training session, he offered his state’s probation officer of the year award as an example. This annual contest awards much more than a certificate or a new wristwatch — the prize is a week-long vacation in the Caribbean! As can be imagined, staff keep a constant eye on their efforts and work hard to win the prize. However, this deputy director noted the field is so process oriented that whatever agent might win this trip would do so because of timely paperwork completion, more face-to-face meetings than required, comprehensive report writing and punctual court appearances. Yet if outcomes were considered, this same officer, enjoying the sun and waves from a relaxing beach-side cabaña, might be embarrassed to know their caseload detailed a 30 percent absconding rate or a 60 percent recidivism rate. Sadly, this situation is not one-of-a-kind. Another state’s officer of the year award is even easier to determine; it is awarded to the staff member who has the highest rate for collection of court fees. Process is king. The business of probation occupies the limelight.

For those who might bristle at this implication, a quick inventory is telling: If your department requires new-agent training, how much of that orientation curriculum involves motivational enhancement training or strategies/techniques to encourage positive behavior change? Consider any continuing education training recently conducted by your department. More often than not, training titles would have included phrases such as, “Managing the...,” “Supervising the...,” “Officer Safety,” “Computer Training,” “Risk Assessment” or the ubiquitous phrase, “How To Deal With The...(sex offender, dually-diagnosed, hostile client,

etc.)” This is not to imply these training topics as unimportant, but rather to point out the sheer absence of any tactical curiosity regarding positive behavior change. Whether training topics or journal articles, both appear pertinent to probation services — not behavior change. The business of probation proliferates. Managing trumps motivating. Supervision obscures relationships. Intimidation overshadows encouragement. Compliance remains in ascendancy. Change is left wanting.

Looking to our past may help us to understand the present, allowing us to examine why we find ourselves in this current state. It would seem we were born into a correctional world that had always known tension between the ideals of punishment and treatment. Our field seems unable to extricate itself from a seemingly hypnotic-hold of a “tough-as-nails” approach. To try and understand how the probation field became mesmerized is to appreciate two swings of the crime control pendulum that have occurred over the last 50 years. Psychological and sociological theories of criminal behavior gained prominence in the 1940s and helped the principle of rehabilitation of offenders (offender treatment) to flourish throughout the 1950s and 1960s (Gendreau & Ross, 1987). However, evidence to support the treatment paradigm did not keep pace by tracking outcomes and building supportive evidence, so the pendulum swing of correctional policy started to move back to the punishment and “just desserts” approach. Rehabilitation lost favor by the late 1970s and began to recede during the 1980s.

One swing followed another as the ideal of punishment lost ground. Clive Hollin (2000) notes, “If the 1980s saw the fall of the rehabilitation ideal, then the early 1990s witnessed a spectacular resurrection... (this) resurrection of treatment can be directly traced to the impact of a string of meta-analytic studies of the effects of offender treatment published towards the end of the 1980s and into the 1990s.” The predominance of punishment had not demonstrated effectiveness, and in many instances, was shown to increase recidivism. With the advent of the 1990s, supervision and treatment has enjoyed more certainty of success (Andrew & Bonta, 2003; Bernfield et al., 2001).

With the current pendulum swing back to treatment, there is a call for motivational enhancement of offenders. With the rise of evidence-based practice, Andrews, et al (1990) details “three principles of effective intervention” that include, (1) risk assessment, (2) targeting criminogenic needs and (3) responsivity. The rubric of “responsivity” is defined as an effort that will “insure that individuals are suited to the treatment intervention. Be responsive to temperament, learning style, *motivation*, culture and gender of offenders undergoing treatment when assigning and delivering programs.” (emphasis added - pps. 374-375)

How then, is probation staff to be responsive to motivational issues and work to enhance offender readiness to change, when a good portion of our criminal justice culture (macro) remains stuck in an

#### Motivational Interviewing

makes a lot of sense to me

– I mean, it seems to be a

lot like banking. We’ve got

to make a deposit before

we can expect to make a

withdrawal.

- Training participant, 2005

adversarial get-tough atmosphere? Anthropology may offer an explanation. Steven Pinker, in his 1997 landmark book, “How the Mind Works” notes there are parts of our current human brain and body that once served a survival purpose in our primordial cave-dwelling past. Yet, today these same body parts no longer serve any real function. These anthropological remnants become an appropriate analogy for the tough-as-nails stance that many embrace within our probation field. What worked for the sole emphasis on punishment and penalty (stopping negative behavior), continues only as an obstacle for increasing motivation and assisting change (starting positive behavior).

## A Second Pendulum Swing?

We’ve witnessed the pendulum swing between the punishment and treatment camps in our field, yet could there actually be two pendulums? I propose there are two, one that is research-based and another that is practice-based. The research pendulum swings in the foreground, set in motion by criminologists who suggest what course of action will reduce crime. However, I believe there is a second pendulum, with a swing moving in the background, moving much slower and shadowing the first. This pendulum swing involves the atmosphere and attitudes of those who work within the probation field. This article calls attention to this “practice pendulum,” that is created by — but not always in sync with — the research pendulum. To understand this second pendulum is to understand that our field seems shackled by a lag-effect; out-of-date attitudes held by many in the field who seek not only compliance from offenders but dominance and primacy over them as well. This hold-over from the just desserts/punishment era remains alive, suppressing behavior change as it limits an offender’s involvement to passive and submissive roles. The brain is dead, but the body continues.

## Within Probation Departments (mezzo): The Obstacle of the “Either/Or”

What about this recent pendulum swing has brought our field back to a focus on treatment? What is this business of behavior change? How does change occur? And more importantly to our field, how can department policy and a probation officer’s efforts increase an offender’s readiness to change? These questions can guide our departments toward a fundamental change in both attitude and objectives. Questions this two-part series will attempt to address.

Change is a process that often takes time. It can occur by sudden insight or dramatic shifts (i.e., epiphanies, wake up calls) but the vast majority of change occurs slowly and incrementally. The Stages of Change theory (Prochaska & DiClemente, 1983) has even mapped out these incremental steps, lending support to the idea that change is a process rather than a point-in-time event. When working with probationers new to our system (or those returning) who may pose harm to themselves or others, initial objectives must begin with offender stabilization. Those who are out of control must be brought

into control, hence compliance becomes an all-important first step in offender supervision. If we did not, we would be neglecting our primary mission of social control at the community’s peril.

It’s time to expose a form of “either/or” conceptualization by probation staff that ends up as a stumbling block for improved outcomes. This block is analogous to brewing tea. To enjoy a cup of tea, it’s not hot water *or* tea leaves, rather it’s hot water *and* tea leaves, the key combination that allows the brew to be served. However, there are those that would strip this sensibility from our own field of probation. Their concrete thinking would have us believe in a limiting contrast; that we either secure compliance *or* increase the readiness to change, that one either imposes sanctions *or* establishes a helping relationship. As a fish might ask, “what water?” this contrast is so pervasive it is seldom noticed or examined. Motivational Interviewing contends that objectives of control and motivation can exist side by side. This “both/and” inclusiveness will be sketched-out later in this article.

Those that show little respect to offenders and adopt an adversarial style are only successful in imposing (once again) another type of unproductive either/or contrast: Either one is tough or soft. A tough, unyielding approach could be characterized as “holding the line.” Those who take a tough approach justify their harsh attitudes and abrasive conduct towards offenders believing this hardened stance is the only true option. To do otherwise would constitute a soft approach which is merely “wanting to be liked” or “trying to be friends.” While heavy-handed advocates may not achieve acceptable levels of success with their adversarial approach, they feel a relief that (at least) they will never be accused of acting indulgent or pandering to the offender. It has long been a reaction in our field to blame the offender when change does not occur (Clark, 1995). Rather than examine our own efforts, a lack of improvement is explained away as more evidence of the intractable nature of probationers.

Why is a tough approach tolerated in our field? How can it be purged? Our field needs to dissuade the “us vs. them” mindset as it becomes a hindrance to all — hampering the officer/probationer relationship, department objectives, offender improvement and ultimately the safety of our communities. Space prohibits a review of the multitude of studies (Miller & Rollnick, 2002; Hubble, Duncan & Miller, 1999) that find a confrontational counseling style limits effectiveness. One such review, (Miller, Benefield and Tonnigan, 1993) is telling. This study found that a directive-confrontational counselor style produced twice the resistance, and only half as many positive client behaviors as did a supportive, client-centered approach. The researchers concluded that the more staff confronted, the more the clients drank at 12-month follow up. Problems are compounded as a confrontational style not only pushes success away, but can make matters worse.

It would seem that those who swagger and take delight in adopting a tough approach do so without knowledge of this large body of research regarding counselor style. It is at this juncture that many >>>

probation staff claim, “We’re not counselors! Our job is to enforce the orders of the court.” This claim only serves to disappoint and underscore that our field remains fixated on the business of probation — not the business of behavior change.

This brings to mind staff who do not adopt this abrasive style but must work around those who do. These staff witness the insensitive attitudes and disrespectful treatment of offenders and become reactive to it. However, much like a crowd that shrinks back in a bully’s presence, these same department colleagues and supervisors fall silent and fail to challenge this callous conduct.

It is understandable why many are reluctant to confront. The defense used by the tough crowd is as insidious as it is absolute. Tough-as-nails staff again evoke an either/or contrast. They contend that to challenge their insensitive behavior could only come from someone who was soft, and staff thought to be soft lack authority and substance. This incredulous mindset shields them from criticism and any subsequent self-evaluation. Shielded because anyone who might call their behavior into question would be thought to lack credibility for the sole reason that they disfavor heavy-handed ways! The criticism, or the person who might raise it, would be dismissed — a priori — as lacking integrity.

I am reminded of a probation supervisor who tried to confront a staff member who was known for intimidation tactics and would brag in back-office chatter about his ill treatment of probationers. When the supervisor tried to contend that his use of intimidation was both unethical and ineffective, the officer confounded the interchange by a numbing use of the either/or contrast.

The officer retorted, “So, what you’re saying is that I should molly-coddle them (probationers)?”

“No” the supervisor answered, “But you can’t use the stick all the time, there are times to use the carrot as well.”

The officer retorted sarcastically, “So, I’m supposed to be their friend, right?”

“No” again replied the supervisor, “But I speak of basic respect.”

“Respect?” cried the officer, “Respect these people after what they’ve done?”

“Look,” the supervisor pleaded, “it’s just not effective to constantly go after them.”

The officer rejoined with a rhetorical question, “So, you’re telling me that hugging them is more effective?”

After several go-rounds the exasperated supervisor finally stated, “I guess what I’m trying to say is that you just need to be a little more ‘touchy-feely’ with those you supervise.”

The probation officer finished the exchange with the mocking statement, “That’s right! When I touch them, I want them to feel it!” Frustrated by the close-mindedness, the supervisor withdrew.

With overwhelming research in hand that a confrontational style inhibits outcomes, it would seem that allowing the voice of those who say the world is flat to coexist with those who know it to be round, brings assurance and honor to no one. Our field cannot rise to become change focused if a confrontational style is tolerated as an acceptable way of doing business. A heavy-handed approach is a backwards style that becomes an obstacle for the field in toto.

A clarification is necessary. Motivational Interviewing considers “confrontation to be the goal, not the counselor style.” That is, the goal of all helping is to create a self-confrontation that prompts offenders to “see and accept an uncomfortable reality” (Miller & Rollnick, 1991, pg. 13). This awareness, of coming face to face with a disquieting image of oneself, is often a prerequisite for intentional change. However, one would not try to impose this awareness by forcing it upon someone through a confrontational style. To do so often makes matters worse. Multiple research studies (Rollnick, Mason & Butler, 1999, Tomlin & Richardson, 2004) repeatedly demonstrate that a harsh, coercive style often prompts a paradoxical response in that the more one is directive and presses, the more the other backs away. Rather than evoking change it causes an offender to become more entrenched in the problem, arguing and defending their current negative behavior. Probation agents are familiar with this backing away. It can take either active or passive forms, gearing up with the strong emotionality of arguing and tense opposition, or alternately, by shutting down through the absence of emotions, as with passive-aggressive silence or a “Who cares?” dismissal.

How probation officers can help an offender to see and examine their situation clearly and change accordingly — all while avoiding the active or passive forms of this paradoxical response — will be outlined in the next article.

## Finding the Middle Ground

To understand and further behavior change is to understand the interpersonal climate between officer and probationer that encourages change. Motivational enhancement steers clear of both the hard and a soft approach. The hard approach is overly directive and places offenders in passive, recipient roles. A soft approach correspondingly places the officer in a role that is too passive. A soft approach is also vulnerable to a condition characterized as professional dangerousness (Turnell & Edwards, 1999) where an officer, in attempting to keep a hard-won relationship at all costs, refuses to bring violations to the court’s attention when they should (“I won’t tell this time — but don’t do it again”). Here the officer has swung too far to the opposite extreme and is not directive enough. The hope and belief that the officer can build an alliance and work together with an offender to make things better is not the same as ignoring violations. Believing that offenders are worth doing business with is not at all the same thing as adopting the easiest way of doing business with them.

It would seem neither side wins this debate as both approaches reduce offender outcomes, each for a different reason.<sup>1</sup> An emerging motivational approach finds middle ground by those who understand the both/and inclusion. With motivational interviewing as utilized by probation staff, officers are taught to cooperate with the offender, not the criminal behavior. Probation staff can examine how to impose sanctions *and* build helpful relationships, and with training, agents can build the skills to supervise for compliance *and* increase the offender's readiness for change.

This is not new to our field. Start your own single subject research by asking any probation supervisor to offer a frank (but discreet) evaluation of their department staff they supervise. Many supervisors can easily walk down their department hallways, and with candor, point to the offices of agents who have the abilities to build helpful alliances with offenders without compromising probation orders. These staff seem to understand that compliance and behavior change are not mutually exclusive efforts. What are the traits and skills that make these agents so different? With an eye to effective relationships that are so essential for encouraging change, why are not more probation departments hiring with these inclusive (therapeutic) abilities as criteria for employment?

As noted, there is an abundance of research citing how a confrontational approach repels those we work with and becomes an obstacle for change. Probation departments must speed-up this practice pendulum swing by finding their voice; labeling the tough approach for what it is — an obstacle. Departments must become empowered to establish a climate that will both ensure compliance and foster hoped-for behavior change.

## Into the Individual Pairing of Officer and Offender (micro): A Helpful Mix

I am unrepentantly optimistic as movements are occurring both outside our field and within our own ranks. All to help the second pendulum swing of officer attitudes to keep pace. There are efforts underway that sketch a helpful mix for how to hold the line with offenders, while at the same time encouraging positive behavior change in probation work (Clark, 1997; Mann et.al., 2002).

A further contribution involves a critical look at the power attributed to a probation agent and how that power is used. I have argued elsewhere (Clark, 2001) and repeat my contention that a therapeutic relationship in probation work can be established through (1) perspective, (2) role-taking by the officer and (3) skillful negotiations with the probationer.

### (1) Perspective

To utilize motivational interviewing, probation staff must adopt a lens, or a way of viewing the offender, that is consistent with the Strengths Perspective (Clark, 1997, 1998). The Strengths Perspec-

tive in the justice field is first and foremost a belief in the offenders' ability to change. Although it would be naïve and disingenuous to deny the reality of the harm inflicted by those we work with, Saleebey (1992) cautions:

*If there are genuinely evil people, beyond grace and hope, it is best not to make that assumption about any individual first... even if we are to work with someone whose actions are beyond our capacity to understand and accept, we must ask ourselves if they have useful skills and behaviors, even motivations and aspirations that can be tapped in the service of change and to a less-destructive way of life? (pg. 238)*

This strengths perspective embraces the science of "getting up." For the previous 40 years, criminal justice has focused on the science and classification of falling down as evidenced by our sole focus on deficits, disorders and failure.<sup>2</sup> The strengths perspective pays attentions to what strengths, resources and assets probationers might turn to as they attempt to manage and overcome their troubles. Any probation officer could easily bemoan, "But so many offenders don't care to overcome; they don't believe change is important; they don't seem ready or willing to change." The reader will see in the next installment in this series the techniques that can prompt an offender into taking steps towards positive behavior change — seeing change as something they should do and can do.

### (2) Role-taking

There is great power attached to a court. When used appropriately, it can help to change the trajectory of someone's life, bringing health and improvements that radiate throughout a family and across the larger community. But when this power is abused or misapplied, the trauma and pain that results can continue long after court documents yellow with age. Who wields this power that holds such potential for benefit or harm? A helpful motivational perspective answers, "Not the officer!" The locus of power is actually centered in the judicial bench rather than to any individual officer. To bring this power home to roost with the officer is not only incorrect but can limit or stifle the very relationship that becomes the conveyor of positive behavior change. Take for example a short passage included in a chapter entitled, "Ethical Considerations" found within the latest edition of Miller and Rollnick's text on motivational interviewing (2002: 166):

"...consider a counselor who works with offenders on parole and probation and who has the power *at any time* to revoke that status and order incarceration." (emphasis added)

Although this excerpt speaks to the power of "counselors" who work with offenders, it could be argued that the power attributed to the supervising probation officer would be even greater. However, accurately stated, no officer is truly vested with the power to jail an offender, apply new consequences or to increase consequences by personal decision or whim. This is not a case of splitting hairs with

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a play on words. An agent must petition the court. The court then works to substantiate the alleged violations of probation in a formal hearing and it is the court that determines guilt or innocence and imposes additional sanctions where appropriate.

There is no intent to disparage those who may not understand the judicial process, only to point out how pervasive this misperception has become across our culture. The statement that the probation officer "...has the power at any time to revoke that status and order incarceration..." demonstrates something akin to an unfounded urban legend that gains credibility only through the endless retelling. Legend becomes fact. This mistaken attribution of power is not only limiting for the motivational-inclined officer, but an incorrect understanding of probation jurisprudence.

I do not gloss over personal abuses of power, or even systemic bias that prompts disrespectful treatment of offenders. Officers can and do illegitimately grasp at this power base ("I'll lock you up!") or consistently intimidate as a personal style, heaping abuse dissolutely on offenders. However, abuses of power are not specific to probation agents and can occur within any helping endeavor. Abuses may well crop up with greater frequency in the criminal justice field, yet I would assert that this becomes an *ex post facto* argument for the greater expansion, rather than preclusion, of motivational interviewing within our ranks.

Misperceptions are understandable and easy to overlook when proffered from outside the criminal justice field, but far more troublesome when furthered by criminologists within the field. Consider this short treatise from Mills (1980: 46).

The distinguishing feature of corrections that differentiates it from other helping professions is the large amount of socially sanctioned authority, both actual and delegated, carried by the corrections official...The officer must learn to become comfortable with his authority, and to use it with restraint in the service of the officer and client's objectives.

The reaction of some inexperienced officers is to banish the "big stick," and go hide it in the judge's chambers or in the warden's office. Such officers seem to believe that social casework and counseling can proceed in corrections in the same basis as in an outpatient clinic, that their "good guy in the white hat" image is somehow tarnished by the possession of so much power over their clients. Officers who conduct investigations and counseling while denying their own authority are usually perceived as being weak, and are subject to easy manipulation by their clients.

With all due respect, my suggestion is that officers do exactly what Mills cautions against! Motivational interviewing, as utilized within the field of probation, is determined not to personally assume the big stick. It furthers an officer's ability to influence change when they place the stick with the judge, their supervisor or even to use agency policy as a convenient catch-all. This becomes not a weakness as purported by Mills, but rather a strength. When using motivational interviewing with mandated clients, I am mindful of the distinction

of power versus force: greater power to increase readiness to change and improve outcomes can be harnessed with the use of motivational interviewing by establishing fit with a probationer ("Are we together on this?"), than with use of adversarial force from the me vs. you nexus of dominance.<sup>3</sup> I believe the ability to create and maintain a therapeutic relationship — so essential to the spirit of motivational interviewing — can only be realized by placing the big stick with others.

### *(3) Skillful Negotiation*

Miller and Rollnick (2002: 173-174) detailed a helpful example of this negotiation with probationers. It begins with an honest explanation of the duality of an officer's roles: certainly to supervise and report compliance to probation orders but also to act as a helper and lend assistance:

I have two different roles here, and it is sometimes tricky for me to put them together. One of them is as a representative of the court, to ensure that you keep the conditions of probation that the judge set for you, and I have to honor this role. The other is to be your counselor, to help you make changes in your life that we agree would be beneficial. There are also likely to be some areas we'll discover, where I am hoping to see a change that you're not sure you want to make. What I hope is that by talking together here (when you report), we can resolve some of those differences and are able to find areas of change we can agree on. I'm sure I'll be asking you to consider some changes that right now don't sound very good to you, and that's normal. We'll keep exploring those issues during our time together, and see if we can come to some agreement. How does that sound to you?

Should compliance become an issue, the officer negotiates "How do we (you, significant others and myself) keep them (the judge, the court, agency policy) off your back?"

In training, I find staff new to motivational interviewing have a hard time negotiating these dual roles. Concrete thinking of either/or tends to dominate. "I either supervise or seek compliance (applying sanctions for failure to comply) or I practice motivational interviewing and try to motivate and establish a therapeutic alliance." It's not tea leaves or water; it's a good-enough blend that creates the brew. Helping staff to adopt a both/and conception is central to the business of behavior change.

Our field's ambivalence regarding intimidation and heavy confrontation must be systemically addressed. There is a tiresome practice of privately judging this behavior as reprehensible — yet publicly we say nothing. If behavior change is truly paramount, then intimidation and heavy-handed treatment is inappropriate and must be openly denounced across our field and within our departments. Only then will we stop the false dichotomy of tough/soft which continues to drain our field of its effectiveness. Only then will probation departments be populated with staff that can enforce orders and increase the readiness to change. Only then will a true decision be made as to whether we're in the business of probation or whether we're in the business of behavior change.

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## End Notes

<sup>1</sup>This is similar to Bazemore & Terry's (1997) treatise on viewing offenders in a dichotomy as either villains or victims. Those adopting a "tough" approach may well be influenced by the villain view while those adopting a "soft" approach may do so if they view offenders through only a victim lens. A villain lens would reduce outcomes as villains "don't care" and "don't want to change." A victim lens would hold progress back since as victims, they're not responsible and since they didn't cause the trouble, they shouldn't be involved in the resolution. These authors suggest adopting a third view (or lens). Since offenders will come to us as villains or victims, we need to move beyond these limiting views to see offenders with a third lens—as capable and as a resource in the process of change. This "third lens" as proposed by Bazemore & Terry corresponds with a motivational approach (middle ground) that lies between the extremes of "tough" and "soft."

<sup>2</sup>A good example of this sole focus is evidenced by our fields skewed use of "risk" factors. The terms "Risk and Protective factors" came from resiliency research, started in the 1950's. Risk and protective factors were thought to be indivisible, much like the natural pairing of two eyes or two ears—they came as a pair, inseparable from each other yet complimentary to each other. One could not speak of risk factors without noting protective factors as well. However, as evidenced in our field, "risk factors" came to the forefront and now exclusively dominates while "protective factors" are seldom mentioned—much less assessed and integrated in probation plans.

<sup>3</sup>This contrast of power vs. force, so pertinent to which type of influence should be applied by probation staff can also be found as a book title by David Hawkins (2002) *Power vs. Force: The Hidden Determinants of Human Behavior*. In this book Hawkins states, "Whereas power always results in a win-win solution, force produces win-lose situations...the way to finesse a (solution) is to seek the answer which will make all sides happy and still be practical. ...Successful solutions are based on the powerful principle that resolution occurs not by attacking the negative, but by fostering the positive." Hawkins concludes, "Only the childish proceed from the assumption that human behavior can be explained in black and white terms. (pps. 138-139) I would contend the "either/or" conception is similar to the "black and white terms" as noted by Hawkins. ▢▢▲

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May 21-25

**Annual Training Conference & Jail Expo. Visit** [www.corrections.com/aja](http://www.corrections.com/aja) for more information.

Jan. 18-19

**Real World Motivational Interviewing**

APPA Selected Trainings. St. Louis, MO. Visit [www.appa-net.org](http://www.appa-net.org) or contact Karen Dunlap at (859) 244-8211 for more information.

Jul. 23-26

**APPA's 31st Annual Training Institute**, Hilton Chicago, Chicago, IL. Visit [www.appa-net.org](http://www.appa-net.org) or contact Kris Chappell at (859) 244-8204 for more information.

Jan. 28-Feb. 1

**American Correctional Association 2006 Winter Conference**, Nashville, Tennessee. Visit [www.aca.org](http://www.aca.org) for more information.

Aug. 12-17

**American Corrections Association 136th Congress of Correction**, Charlotte, North Carolina. Visit [www.aca.org](http://www.aca.org) for more information.

Feb. 14-16

**Community Anti-Drug Coalitions of America National Leadership Forum XVI**, Washington, DC. For more information, visit <http://cadca.org>.

Feb. 15-16

**Evidence Based Practices**, APPA Selected Trainings. Kansas City, MO. Visit [www.appa-net.org](http://www.appa-net.org) or contact Karen Dunlap at (859) 244-8211 for more information.

Mar. 18-19

**Safety Strategies for Mental Health and Social Workers**, APPA Selected Trainings. St. Louis, MO. Visit [www.appa-net.org](http://www.appa-net.org) or contact Karen Dunlap at (859) 244-8211 for more information.

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

Darlene Webb

American Probation and Parole Association

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fax (859) 244-8001, email [dwebb@csg.org](mailto:dwebb@csg.org)





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