

PERSPECTIVES

the journal of the American Probation and Parole Association

w w w . a p p a - n e t . o r g
Volume 31 Number 3 Summer 2007



Proactive

Community Supervision

President's Message

by Mark E. Carey

It is Mother's Day. I am writing my last President's message on a revered day – a day in which millions of sons and daughters are fondly remembering an individual who both brought us into the world and who shaped our very beings. We all have had people in our lives for whom we are more grateful than words can convey--parents, coaches, mentors and friends. Mom, I know you are not a member of APPA and you won't see this in *Perspectives* but I want you to know how much I appreciate your sacrifices. It wasn't easy raising 12 (yes, 12) kids especially on such a meager income. You are my hero!

No, this is not a message about our mothers. It is a message about appreciation. My guess is that we have all worked in toxic organizations, with toxic personalities—people who are petty, self absorbed, ambitious to the point they will take advantage of others. We have worked in organizations that have cultures of blaming and a lack of responsibility or accountability. These memories sting and they stain our professional soul. The salve to these painful experiences can be found in the reverse: from people who inspire us, believe in us; help us become greater than we are. They are like our mothers in that they have helped shape us and who unconditionally had faith in us when there was no rational reason to do so. Yet, we rose to their expectations. There is no melody more pleasant or influence more resilient than that which comes from unwavering support and a calm but persistent voice that whispers, “we can do this.”

As I think about Mother's Day and reflect on all that we have to be thankful for, my mind and heart are swept up in the fond memories of Dennis Maloney. Dennis was tragically killed in a car accident near his home in Bend, Oregon in February, 2007. This news was a shock to the more than 900 community corrections professionals that met in Atlanta at APPA's Winter Institute the day after his funeral service. Most of the attendees either knew Denny personally or through his work, his writings, his speeches or his reputation. He was a personal friend of many in the profession and a trusted long-time colleague. His untimely death has had an impact on us all.

Dennis was not just a friend to us but also to the profession. He was a great advocate for children, a visionary and pioneer, and a man of strength who so many of us turned to when we needed clarity and encouragement. His life has touched thousands over the years. His memory, his work and his undaunted spirit will continue to live in us as we strive to carry forward his message of restoration and belief in the human spirit. APPA is in the process of determining how to immortalize our memory for his passion and work.

It is through a reflection of Dennis' life that I am reminded of his life lesson to us that it is a gift to serve others. As the outgoing President of APPA I want you to know that it has been an honor to serve in this capacity. During my term, I have tried to focus on just a few things: improving our profession's outcomes through evidence based practices and effective reentry techniques, the development of a leadership institute and the “branding” of our field's image and promise to the public. Two years as president is a short time; and all the more reason to make each message count. Each printed and spoken word represents an opportunity to influence perhaps one person, to advance maybe one idea, to challenge a damaging distortion or to celebrate a compelling and worthy cause.

In recognition of this, I want to spend the last few words I have through this column in *Perspectives* to thank so many people for their strong and steady hand. People like our committee chairs and those who serve our association in a volunteer capacity, our own Carl Wicklund, our previous Presidents, a fantastic Executive Committee, the APPA staff, our APPA elected Board and committee members, and so many of you who I now share not just a professional bond.....but that of deep friendship. Thank you for your passion, your character, your dedication and your compassion. Let us all give Gary Hinzman and the newly elected APPA leadership our full support as we move ahead to a new vision and era.

Oh, and yes, I want to thank you above else, Mom. >>>▲

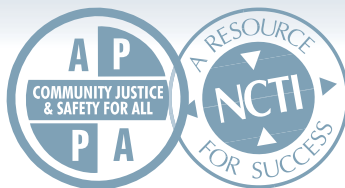


A handwritten signature in black ink, appearing to read 'Mark E. Carey'.

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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 kmucci@csg.org in accordance with the following deadlines:

Winter 2008 Issue – August 21, 2007 • Spring 2008 Issue – November 11, 2007 • Summer 2008 Issue – February 17, 2008 • Fall 2008 Issue – May 20, 2008

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

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

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

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

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Editor's Notes

by William Burrell

Welcome to the Summer issue of *Perspectives*. Our lead article by Judy Sachwald and Ernest Ely is about the implementation of the Proactive Community Supervision (PCS) strategy in the Maryland Division of Parole and Probation. This is an exciting and significant endeavor for a number of reasons. First, it validates the efficacy of Evidence-Based Practices (EBP) for community supervision. Much has been written about EBP, but we have precious little hard data on how it works in community corrections. The evaluation demonstrates significant improvement in outcomes, validating the faith that many of us have had. The PCS implementation is significant because it also is evidence-based in terms of the change strategies utilized for the organization and the staff. Change of this scale is a challenge, and it makes sense to heed what the empirical evidence says here as well. The partnership with the academic community is also significant and contributed in great measure to the success. Lastly, the implementation is noteworthy for the profound respect shown for the staff as they underwent a fundamental transformation in how they do their work. Substantial time and resources went into training, dialogue, follow-up and coaching. The PCS implementation is well documented and we encourage you to follow-up on these resources.

We are seeing a substantial increase in the use of electronic monitoring. As Joe Russo notes in the Technology Update, jurisdictions are exploring new ways to use GPS monitoring. The use of GPS with sex offenders is probably the fastest growing application of electronic monitoring. Yet, as Alvin Cohn notes in his article, the evidence about the effectiveness of electronic monitoring is disturbingly sparse. Despite more than 20 years of experience, there is little to suggest that the historical popularity of or the new found enthusiasm for electronic monitoring is justified. This is not just an academic concern. The current expansion will have a significant impact on probation and parole as increasing numbers of sex offenders are being subject to lifetime supervision with GPS monitoring. That will be compounded as other types of offenders are added to the GPS mix. This is an area where more attention should be given in the policy making process to what the evidence reveals.

The evidence about sentencing patterns reveals that community service is a very popular option, particularly with juvenile offenders. The article on community service learning (CSL) by Charles Degelman and his colleagues focuses on a largely unexplored aspect of community service—its potential to provide more than unpaid work. The CSL concept establishes community service as part of a larger effort of youth education and development. The authors explore the link between the CSL concept and APPA's vision, showing how CSL can contribute to advancing our vision.

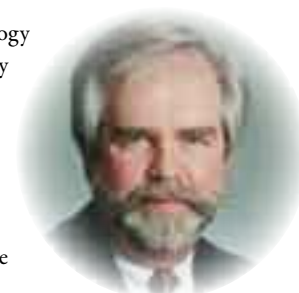
Working with juvenile offenders can be a challenge, particularly for those with developmental disabilities. Natalie Pearl's article explores some of the challenges of dealing with this population of juveniles. They tend to be over-represented in juvenile correctional institutions and on probation caseloads. Clearly supervision in the community is the preferred option and the article provides recommendations for improving probation's response to this group of youthful offenders.

With the tragedy at Virginia Tech still fresh in our minds, David Karp's Research Update and Bob Thornton's Spotlight on Safety deal with two aspects of the gun problem. Karp summarizes the research on efforts to control the presence and use of guns, particularly by offenders. Thornton addresses the issue of staff safety generally, emphasizing the need to practice for situations that are thankfully very rare. With the easy access to guns and the willingness to use them increasing, probation and parole officers must be well trained in safety strategies and practices. Shootings may still be rare, but that is no reason to let down our guard.

While the impact of gun control policies may be difficult to assess, the impact of our sentencing and correctional practices over the past three decades is evident. We have had record numbers of persons under correctional supervision. In his new book, Todd Clear explores the impact of these policies, both on the rate of crime (their intended target) and on the individuals, institutions and communities where the effects of the policy of mass incarceration are concentrated. This is a complex problem, and Dr. Clear provides sound and sobering analysis as well as a hopeful vision for the future.

With this issue, we publish the last President's Message from Mark Carey. He notes that it is a gift to serve others. Mark's term as president has been one marked by his extraordinary service to this organization. He will remain a presence as past president, and for that we are thankful. In the next issue, we will welcome Gary Hinzman to these pages, and to the leadership of APPA.

We hope you enjoy this issue and as always, we welcome your feedback. >>>▲



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Register online or for a complete list of available topics, please visit our website at www.appa-net.org - click "Professional Development Training Opportunities."

For additional information regarding APPA Professional Development Program, Selected Trainings contact:

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The Many Uses of GPS Technology

Legislation mandating the tracking of sex offenders by GPS is sweeping the country but there are other offender groups that can be effectively monitored through this technology. One such offender group is gang members. The California Department of Corrections and Rehabilitation (CDCR) is one agency taking this approach. In partnership with the City of San Bernardino, a pilot program was established in 2006 to track gang members in the community. The program's main goal is to enhance public safety by tracking the whereabouts of these offenders, restricting

them from certain geographic areas and alerting authorities when they were near a crime scene. In theory this will reduce the offender's likelihood of continued engagement in gang activity. To help determine the effectiveness of this approach the CDCR has contracted with the University of California at Irvine to do an independent evaluation of this and other GPS pilot programs.

A number of jurisdictions are also using GPS technology to monitor domestic violence offenders. The strategy is to track the offender's whereabouts to determine if he

is complying with court orders to stay away from the victim's residence or place of work. If the offender enters one of these exclusion zones the authorities and the victim is notified. The technology can be an effective way of identifying and documenting stalking patterns especially in cases where contact with the victim has not been made (e.g. offender driving past victim's house at night). Earlier this year legislation was signed in Massachusetts that authorizes courts to require domestic abusers who violate existing restraining orders to wear a GPS tracking device. Of critical importance

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with respect to this approach is obviously the timely response to violations and managing the victim's expectations of safety.

Driving Under the Influence and Driving While Intoxicated offenders are also being targeted for GPS monitoring. A pilot program in place in Riverside County, California uses the technology to determine if offenders are frequenting bars, liquor stores or restaurants that serve alcohol.

Clearly, the utility of GPS and other tracking technologies goes well beyond

sex offender management. Many new applications are just beginning to be explored such as crime scene correlation; identifying criminal associations, residence, employment and treatment participation verification; movement pattern identification; recognition of deviations from routines and traffic law compliance (speeding).

The opportunities are there for community corrections agencies to use these tools in a variety of ways to enhance public safety. The challenge of course is being open

to new approaches and figuring out how to best implement the tools within the overall supervision plan.

For further information on the APPA Technology Committee please feel free to contact Joe Russo at 800-416-8086 or jrusso@du.edu. >>>▲

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

The Other Side of Evil Memoirs of a Predatory Sex Offender By Mitchell K. Stephens Ph.D.

Covers the development of the sex offender from childhood through adult years. Relationships with children, adults and the criminal justice system are described as well as his deviant reasoning.

About the Book

No crimes in modern history have generated as much interest as the deviant sexual acts committed against children. The mystique of these deviants who seek out young boys and girls has created much curiosity and concern among the general public who wish to know more about their motivations.

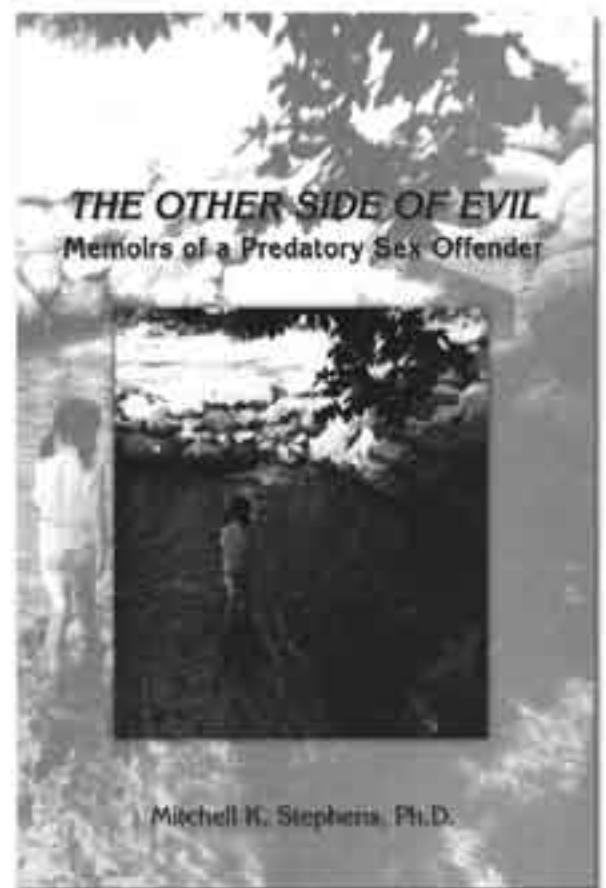
The Other Side of Evil shows how a Predatory sex offender develops from an early age to become the adult destroyer of innocent youth. The techniques he uses to lure children to him, often under the noses of their parents, are revealed as this man makes his way from victim to victims. Even when arrested and under the supervision of the Corrections System, this unrepentant abuser continues to locate and create new tragedies for families.

Written in the first person, the offender unashamedly discloses the justifications for his antisocial thoughts and actions up to the time that his burgeoning ego and carelessness causes severe errors in judgment and his undoing. His relationships with probation and parole officers, sex offender treatment providers and polygraphers show that this man has no respect for the law or any rules of society.

About the Author

The author is a psychologist who has studied, researched and taught college courses on sociopathy and sex offenders to Law Enforcement personnel for over thirty years. His contact with hundreds of these offenders has taken place in institutions and private settings and resulted in a keen understanding of the motivations and desires of these people.

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We Must Practice Most For The Things We Do Least

Many of us will go through our entire career and not experience a hazardous duty situation. Yet statistics show that daily, on average, three officers somewhere in the U.S. will have to deal with a hazardous duty situation. For officers that encounter a threat to their safety, they will only experience the situation once or twice in their entire career. So why should we spend valuable training time and funds on something that happens so infrequently? The answer is obvious. Though it happens rarely it does happen and we know it will happen, thus, as an agency and as individuals we must prepare. When a threat occurs it has significant ramifications. Officers and offenders can be seriously injured or killed and significant liability issues exist for the agency.

Those involved in training know one of the best ways to increase skill levels and skill retention is through simulation training (also referred to as scenario training and reality based training). Any good simulation-based training program is designed to allow participants to take safety training from classroom theory to a real world setting. But simulation training involves more than just having role players act out a situation and having the participant respond. The following eleven steps that will enhance the preparation, delivery and effectiveness of your simulation training.

1. Always teach from the simple to the more complex. No participant should go into a simulation without prior instruction in the skills required in the simulation.

To put participants in simulation training without classroom instruction in the skills necessary to succeed in the simulation is to set them up for failure. Train the skill, have the

individuals practice the skill at least in a static environment and provide them feedback and practice until you, as the instructor, know they have learned the skill.

2. Training should be as realistic as possible without sacrificing safety.

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provided. But avoid over-protection that is not needed and will detract from the realism. If dynamic handcuffing is involved you will probably need to provide the role player with protection for body areas that may be struck or could be injured if the role player is taken to the ground. To provide full coverage of the level that would be required in impact weapon or full contact training will create an unrealistic environment and detract from the learning experience.

3. Each simulation must have a safety officer.

Simulation training is labor intensive. You may be tempted to cut back on staff—don't do it! Have someone that is skilled in force issues acting as a safety officer.

4. Assure that all training aids are safe. Check, then double check!

With the quality of firearms training equipment such as Simunitions and Airsoft there is no reason to have live firearms in the training environment unless you are doing live-fire training. The majority of training deaths have involved live ammunition and firearms getting introduced into the training environment. This safety concern also extends to OC spray, batons, knives, etc. Ensure specifically designed training aids are used in all scenarios and participants are searched to assure they don't inadvertently bring real weapons into the training area.

5. Have specific training objectives for each simulation and make sure your role players are aware of the training objectives for the simulation.

We aren't there to play stump-the-student. Like any training, program simulations need to have specific objectives and the role players need to understand that it is their job to cause the participant to react in a way that demonstrates their skill or lack thereof of the training objective. If the objective is for participants to use verbal de-escalation skills then having a role player that behaves in a manner requiring physical force is

counter-productive to the objectives of the simulation.

6. Brief and control all role-players in order to achieve the desired training objectives.

To assist in ensuring the training objectives are met, role players should be provided scripts that list the training objectives and how the role players should act to facilitate learning. It can get boring for role players to perform the same role repeatedly. There is often a temptation on their part to "change things up" to make the simulation more interesting for them. While they may have performed the role many times it is a new experience for the participant. Watch for signs of behavior by your role players that detract from the set objectives of the simulation.

7. Correct significant errors quickly. If remediation needs to take place, do it.

This can be a new concept for some. In some simulation training, instructors have allowed the participant to go through the simulation and respond in ways that could have gotten them killed or significantly injured in the real world and not address the error until a final debriefing which may be some time later. If your goal is to teach as opposed to merely allowing the participant to "experience" the situation, it is imperative to correct significant errors when they are made. This involves stopping the simulation, discussing the issue and the reasons the participant took that particular action and then having them go back and perform the skill until they do it correctly.



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8. Avoid telling a participant that he or she has been killed or is dead during a simulation. Participants need to learn not to give up and do whatever it takes to go home that day!

Some instructors feel that they need to get the participant killed so the participant will understand the seriousness of the job. I think most officers know how serious our job can be. We have a greater issue in community corrections and that is when attacked some officers do not respond in a manner to either disengage from the attack or stop the threat. They simply go into a freeze reaction mode. We need to train our officers to either get out of the situation if possible or fight until they have stopped the threat.

9. Never make a simulation impossible to win

Most would agree that we increase our skills through success—not failure and positive reinforcement works better than criticism (not to be confused with an honest critique). The lower the skill level the greater the opportunity for success. As participants become more proficient we can narrow the window of “winability” to assist them in enhancing their skill level.

10. Train within organizational policy and make the training relevant to the participant's job tasks.

To train against agency policy is to set your participants up for problems, both within the agency and possibly legally. If you, as the instructor, disagree with agency policy, make a conscious attempt to get it changed before the training. If you can't, make sure participants understand the limitations set by the agency, especially if they have been trained differently in another agency or other training.

11. Watch closely for any signs of a critical incident by any participant. If signs are observed, provide debriefing by a person skilled in Critical Incident Debriefing.

It doesn't happen often, but periodically someone will experience a situation that, for them, results in a critical incident. Usually this involves a situation where their actions would have resulted in either their death or the death of a partner in a real-life situation. They may not say anything about the situation but the effect can be seen in their actions. They may withdraw or show other emotional signs directly related to the impact of the situation.

Instructors need to be aware of this possibility and to observe participants closely. Should any signs materialize, instructors should seek out the individual and provide critical incident stress debriefing. No participant should be allowed to leave without debriefing

and the instructor ensuring either the issues has been resolved or steps have been taken to provide follow-up counseling.

Simulation training provides effective, realistic safety training in a controlled environment, thus maximizing learning potential. It also helps meet the legal challenges which dictate that static (lecture type) training is not enough when issues of performance under stress are involved. By using the eleven steps outlined above, agencies can develop training that is specific to their needs, their safety and provides the highest level of skill retention for participants. When the time comes that we are called upon to use our survival skills we won't have time think about what we should do—we must be able to instinctively react in an effective and reasonable manner. ▷▷▲

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



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Recent Research on Gun Control Policies

A recent special issue of the journal of Criminology & Public Policy was devoted to gun policy. The leading researchers of gun crimes evaluated the best available evidence and identified the most promising approaches.

A notable milestone occurred in the United States in the Fall of 2006 — the population surpassed 300 million. But there is a disquieting parallel. There are also 300 million privately owned firearms in America — one for each of us.¹

Guns, of course, are not evenly distributed across the population—they are most likely to be owned by adults, males, Southerners, Republicans and perhaps surprisingly nonurban residents.² Forty percent of Americans report having a gun in their home.³ Gun owners are likely to own multiple guns, with one third of gun owners owning two thirds of all guns.⁴ The prevalence of guns in American society has to do with the Second Amendment and substantial public support for gun ownership. More than 60 percent of Americans do not think that handguns should be banned and only a slim majority favors additional gun control measures.⁵ Since the early 1990s support for stricter laws covering the sale of firearms has actually been decreasing.⁶

Because guns are so effective at killing people, their prevalence can explain why U.S. homicide rates are so much higher than other countries. For example, England has a similar crime rate to the U.S., and even has higher robbery and assault rates. But these gun-free violent crimes are rarely lethal. In 1996, firearms were used in 68 percent of U.S. murders while in England they only accounted for seven percent.⁷ There are approximately 10,000 gun homicides and 350,000 nonfatal violent gun crimes committed each year. About \$80 billion is spent annually on police, prisons and court fees related to these crimes.⁸

Although most gun owners are not criminals and most guns are not used for

criminal activity, the sheer abundance of firearms makes it difficult to keep them out of the hands of offenders. Over the last three decades, politicians have had heated debates about gun control. There have been four major pieces of legislation that regulate firearms since the 1960s. The Gun Control Act of 1968 enhanced the regulatory system by increasing restrictions on the sale and purchase of firearms. The Armed Career Criminal Act of 1984 established sentence enhancement for gun crimes. The Handgun Control and Violence Prevention Act of 1993, commonly known as the Brady Law, instituted mandatory background checks and furthered the list of disqualifying criteria for gun purchase and raised the price of a Federal Firearms License. The most recent major piece of legislation was the Assault Weapons Ban of 1994, limiting the possession, importation, manufacture and sale of assault weapons.⁹

Despite these regulations, gun ownership is protected at a much higher level than most other countries. If the U.S. were to place the same limits on gun availability that other countries do, then our homicide rate might be significantly lower. However, given public opinion and the strength of the gun lobby in the U.S., it is unlikely that large scale “supply side” gun control policies will be implemented and even if they were, that the current supply would not be sufficient to arm criminals for a long time to come. If we cannot simply remove guns from the population, then what can be done to stop them from getting into the wrong hands?

Disrupting Illegal Gun Markets: The Case of the Boston Gun Project

The Boston Gun Project was a researcher and law enforcement partnership designed to reduce gang-related youth violence in Boston.¹⁰ The project focused on the availability of guns and reducing illegal distribution— a “supply side” approach.

Only one in six gun crimes are committed with legally obtained guns.¹¹ Therefore, identifying and disrupting illegal access to guns may have a sizable impact on gun crimes. Gun sources are divided between primary and secondary markets. The primary market refers to sales by licensed retail dealers and accounts for about two thirds of gun sales.¹² The secondary market includes legal sales by unlicensed individuals, for example, by individuals selling at trade shows or through classified ads. The large scale of the secondary market is important because these sales are essentially unregulated; they do not require background checks or any other form of record keeping (effectively nullifying the effectiveness of broad-based supply side regulations).

About one half of illegal guns are obtained by theft, either from dealers or private owners. The other half comes from illegal transactions: corrupt primary dealers who sell to known felons (or fail to check), “straw purchasers” who purchase guns for ineligible individuals and the fencing of stolen guns.

The Boston Gun Project coordinated efforts to identify where the youth obtained their guns and to disrupt these supply lines through arrest and prosecution of suppliers.

The project's focus on decreasing the availability of those guns used most often by youth, primarily new semi-automatic pistols was not particularly effective. While the effort was successful in reducing the number of new handguns recovered by the police, older and or used guns were quickly substituted. This finding echoes a core theme in the gun control debate. Given the abundance of guns nationally, approaches that try to limit the supply of guns available to criminals have limited effectiveness.

Sentence Enhancements for Illegal Gun Possession and Use: Project Exile and Project Safe Neighborhoods

Because gun markets are elastic and the availability of guns is widespread, offenders can easily find alternative sources if their preferred market is disrupted. A second approach to gun control is to increase the penalties associated with illegal gun possession and use. Richmond, Virginia's Project Exile is an example of such an effort.¹³ Project Exile emphasized zero tolerance for gun offenses by prosecuting in the Federal system, effectively increasing penalties. Based on early reports of success, the Federal Government generously funded a multi-dimensional approach to gun crimes called Project Safe Neighborhoods, offering states over \$1 billion in funds to improve background checks, disrupt illegal gun markets, distribute gun safety locks, offer school-based prevention programs and provide sentencing enhancements similar to the approach taken by Project Exile. Jens Ludwig's analysis of the effectiveness of Exile and Project Safe Neighborhoods, however, is discouraging. None of these approaches appear to have dramatically impacted gun crime.

Targeted Patrol: Increasing the Certainty of Arrest in Kansas City and Pittsburgh

Of the variety of approaches evaluated, only one appears to have obtained significant results. This is a two-part strategy of

identifying gun crime hot spots through crime analysis and mapping followed by intensifying police patrols in those areas with police specifically focused on finding illegal guns. In the Kansas City Gun Experiment, two similar high-crime neighborhoods were compared—one with the targeted patrols and the other as a control group with no policing changes from traditional patrols. Researchers identified no changes over the study period for the control neighborhood, but found a 65 percent increase in the number of guns seized by police and a 49 percent reduction in gun crimes in the targeted patrol zone.¹⁴

A similar study was conducted in Pittsburgh. In this study, five high crime neighborhoods were selected, two for targeted patrols and three as control groups. The Pittsburgh Police Department provided one additional patrol team in two zones characterized by unusually high crime rates. During the summer of 1998, these additional teams worked from 8:00 p.m. to midnight Wednesday through Saturday nights. One zone saw a 25 percent increase in patrol officers and the other increased their presence by 50 percent.

The Pittsburgh targeted patrol program not only reduced the number of gun shots by one-third, but also reduced gunshot injuries by more than two-thirds. The program was also extremely cost effective. Approximately \$35,000 was spent to increase patrolling, while the savings were estimated to be as large as \$25 million.

Link the Certainty of Arrest with the Severity of Punishment.

In a reaction essay to the gun policy, studies contained in the special issue of *Criminology & Public Policy*, Richard Rosenfeld argues that the best strategy for reducing gun crime is a combination of targeted patrol which increases the risk of being apprehended with an illegal gun and sentencing enhancements that increase the severity of punishment for illegal gun carrying.¹⁵ Jens Ludwig argues that targeted patrols are highly effective, but must be done

respectfully and with the support of the local community. Increased stop-and-frisks inevitably raise the number of "false positives," or frisks of people who are not carrying illegal guns. Ludwig points out that while the New York Police Department's Street Crimes Unit generated significant tension with the community, Pittsburgh's efforts did not and it is therefore possible to have an effective targeted patrol program while still fulfilling community policing ideals. ▸▸▲

Endnotes

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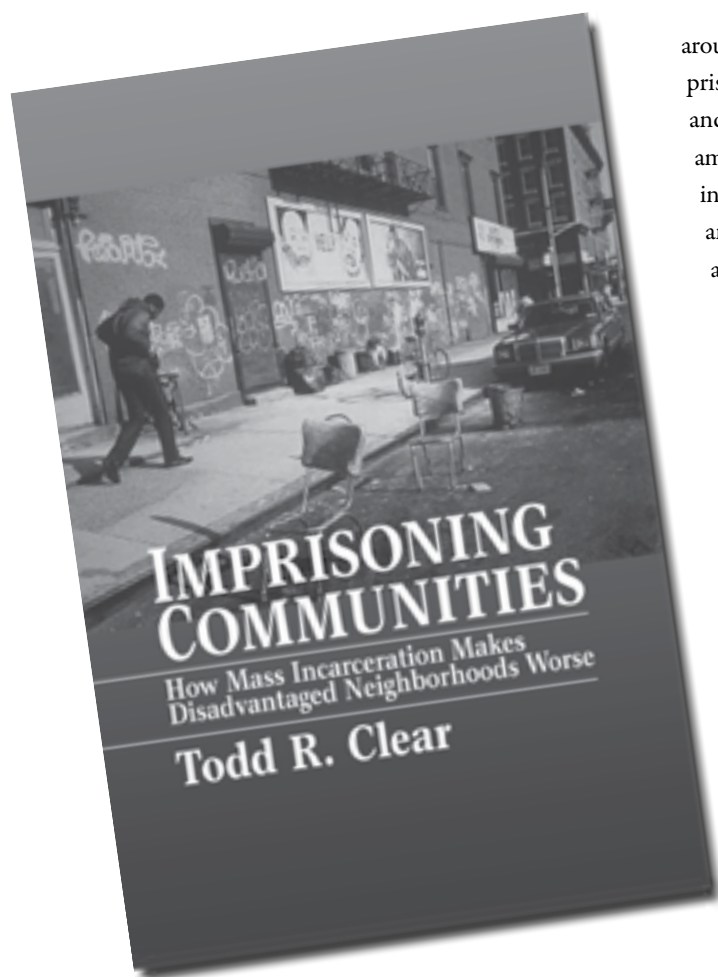
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Imprisoning Communities

by Todd R. Clear

Oxford University Press, June 2007

Ever since Jeremy Travis began sounding the alarm about offender reentry around the turn of the millennium, the question of what to do about returning prisoners has occupied the time and attention of a broad range of people and organizations within and outside government. With such prodigious amounts of time and attention has come a persistent flood of written material including policy analysis, quantitative and qualitative research, evaluations and recommendations contained in monographs, agency reports, journal articles and books — it never seems to end.

One result of this extraordinary body of work is a greater understanding of the impact of mass incarceration on the people, institutions and communities of our society. It is daunting to try and keep up with this body of information, but one new book deserves your attention. I suggest that it should go to the top of the list of things for you to read to better understand the social and political challenges in this difficult area.

Imprisoning Communities is written by Todd R. Clear, Distinguished Professor of Criminal Justice at John Jay College of Criminal Justice in New York City. Dr. Clear is an APPA award winner (1986 University of Cincinnati Award) and a well known and respected scholar of community corrections. In the interest of full disclosure, Dr. Clear and I have been professional colleagues and friends for more than 25 years.

In the book, Dr. Clear challenges the basic assumptions of the predominate U.S. correctional policy of the last 30 years and recommends a fundamental redirection in the way we deal with the problem of criminal offenders. The challenges he poses are not merely personal opinion or philosophical differences, they are

based on a thorough review of the research on the effects of incarceration. The redirection calls for adopting a strategy that is much more likely to create the kind of future that we as a society can sustain. The destructive effects of a policy of mass incarceration documented in the book are profound and mind boggling in their costs, both financial and human. It is well past time to consider an alternative future.

The first assumption to be challenged has to do with our belief as a society that sending people to prison prevents crime. Upon this foundation is built the incredibly large and costly American incarceration apparatus. We believe that prisons prevent crime based on the twin theories of deterrence and incapacitation. In chapter two, Clear marshals an impressive body of research to show that the deterrent and incapacitative effects of prison do not meet our expectations. The inability of incarceration to meet our basic expectation should be reason enough to reconsider this strategy. Following up on his conclusion that incarceration is not preventing crime, Professor Clear then proceeds to explore the negative and largely unintended consequences of mass incarceration from a variety of perspectives.

The first perspective is geographical. As we all know, the problems of crime and criminals are not evenly distributed across our country. They are concentrated in certain areas which tend

to be largely urban, minority and poor. In chapter three, Clear explores how incarceration as a strategy affects poor people in poor places disproportionately. These people and places start out at a disadvantage, so the effects of mass incarceration are multiplied.

In chapter four, Professor Clear explores the disruptive effects on the social structure, support networks and social and human capital of communities through a process labeled “coercive mobility”. This refers to the involuntary, legally coerced removal of large numbers of young males, predominately minorities, from the community and their abrupt return years later. This process, which is often repeated for an individual offender, tears at the social fabric and diminishes the community’s ability to exercise its natural end, informal social controls. One result is increased crime and disorder.

Chapter five presents the negative effects of mass incarceration on the individuals, groups, processes and dynamics of life. The research reveals that almost no aspect of life in areas of concentrated incarceration escapes unscathed. From children, families and marriage to economics and the labor market, to property values and political participation, vital aspects of individual and collective functioning are negatively and significantly affected by mass incarceration.

In a shift from the predominately empirical focus of the rest of the book, chapter six gives voice to individuals affected by these policies through interviews conducted in Tallahassee, Florida. This qualitative perspective enriches the picture by adding the real life experiences dealing daily with the effects of prison and translating the mountains of empirical data into human terms.

Dr. Clear notes that the situation we find ourselves in is one created by a series of deliberate policy choices. Politicians and policy makers assumed that increasing incarceration would reduce crime and then acted upon those assumptions to create a mind-boggling incarceration boom. Fixing the problem will also require a series of deliberate choices to go in a different direction. To have sufficient impact on the problem, these choices must be of a scale in order to match the problem. Tinkering at the margins or making incremental improvements will not work. The problem is too big.

Some readers may be surprised to read that the three strategies that are popular within our field are dismissed as incapable of solving the problem. Rehabilitation programs (as embodied in evidence-based practices), alternative to incarceration programs and reentry programs cannot, according to Clear, help very much with the problem of mass incarceration. They are good ideas, worthy of implementation and expansion to deal with any of the symptoms of the problem of a flawed sentencing system. These programs will have a limited impact because

they do not match the scale of the problem.

What is needed is radical sentencing reform, including creating a new strategic direction for dealing with the challenges of crime and offenders. It should come as no surprise to those familiar with Dr. Clear’s writing that the new strategy he endorses is community justice. Much as Dennis Maloney and his colleagues did in their 2001 article in *Perspectives* entitled “The End of Probation and the Beginning of Community Justice”, Clear calls for fundamental sentencing reform—the end of current practices like mandatory minimums and three strikes laws. The beginning here is also community justice, the development of a new philosophy to guide sentencing and corrections, indeed guide the entire justice system.

Everything about this book is ambitious – the dimensions of the problem it addresses, the amount of research and information it presents and the scope of the reform it recommends. The potential reader should not be put off by the ambitions. It is immensely informative, thought-provoking and very readable. It presents a logical and rational case for change in one of the most complex and perplexing problems of our time. Only a book so ambitious can have the potential to mobilize the political will to create this new and more hopeful future.



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Community Service 101

Court-mandated community service is one of the most frequently assigned sanctions handed out by justice professionals in the United States. According to definitions of community service listed under “Promising Practices,” in the National Institute of Justice’s *Restorative Justice Online Notebook*, “community service is effectively used in all 50 states and at the federal level as a component of criminal sentences and juvenile adjudications involving diversion, probation and parole.” (Maloney, NIJ 1998-99) Clearly, mandated community service plays a prominent role in the probation and parole process, as it does in the larger justice community.

Why is community service so popular? Many justice professionals believe that court-mandated community service has value beyond punishment. They know that well-planned and implemented community service can provide offenders with a method to “give back” to those they have harmed. They believe that, with this “giving back” approach, community service supports principles of balanced and restorative justice by helping address victims’ needs, repairing community harm and encouraging offenders to become positive and active members of their community.

by Charles **Degelman**, Carolyn **Pereira** and Scott B. **Peterson**

School-Based Service Learning

If mandated community service carries this restorative potential, how might justice professionals improve the quality and impact of their community-service sanctions? One answer lies with a school-based teaching strategy called *service learning*.

Many educators believe community service has value as a learning tool. Schools use service-learning projects and programs to link classroom study with projects designed to address school or community problems. Many teachers believe that service learning can help their students learn more about curricular topics while it helps them develop critical-thinking and problem-solving skills and recognize the value of constructive change within a community. Service-learning projects can strengthen young peoples' sense of their own effectiveness and help them develop meaningful relationships with local government, businesses and community members outside their own peer and cohort groups.

Just what is service learning? According to Constitutional Rights Foundation (CRF) Chicago (1994), in their pamphlet "Service Learning in the Social Studies," service learning...

...is a method by which young people learn and develop through active participation in thoughtfully organized service experiences that...

- *Meet actual community needs;*
- *Are coordinated in collaboration with the school and community;*
- *Are integrated into the curriculum;*
- *Provide structured time for a young person to think, talk and write about ...the actual service activity;*
- *Provide young people with opportunities to use ...academic skills and knowledge in real-life situations in their communities;*
- *Enhance what is taught in the school by extending student learning beyond the classroom; and*
- *Help to foster the development of a sense of caring for others.*

How do we know that service learning is effective? Alan Melchior conducted an independent, three-year evaluation of the service-learning components of Learn and Serve America's School and Community-Based Programs. Melchior's report (Melchior, 1998) found that service-learning programs have a positive impact on young peoples' civic and educational attitudes and school performance while they meet community needs.

In an independent evaluation of the Constitutional Rights Foundation's *CityWorks*, a supplemental service-learning oriented

curriculum about local government, evaluators Joseph Kahne, Bernadette Chi and Ellen Middaugh found that "the *CityWorks* curriculum promoted greater commitments to participatory citizenship, *justice-oriented citizenship* and interest in service than non-*CityWorks* classes." (Kahne, et al 2002)

These studies reveal that service learning has enjoyed measurable success as a teaching aid while it fosters notions of civic responsibility and meets real community needs.

What's the difference between community service and service learning? While fulfilling a court-mandated sanction, respondents might, for example, remove trash from a local streambed. In this capacity they are providing a community service.

By comparison, when students in a science class study water pollution; identify it as a problem with causes and consequences; implement a plan to remove polluting trash from streambeds; design a presentation to share the results of their research and practice with residents of the neighborhood; and develop long-range strategies for reducing local pollution, they are providing a community service and engaging in an educational process—hence, the term *service learning*.

A Service-Learning Project Profile

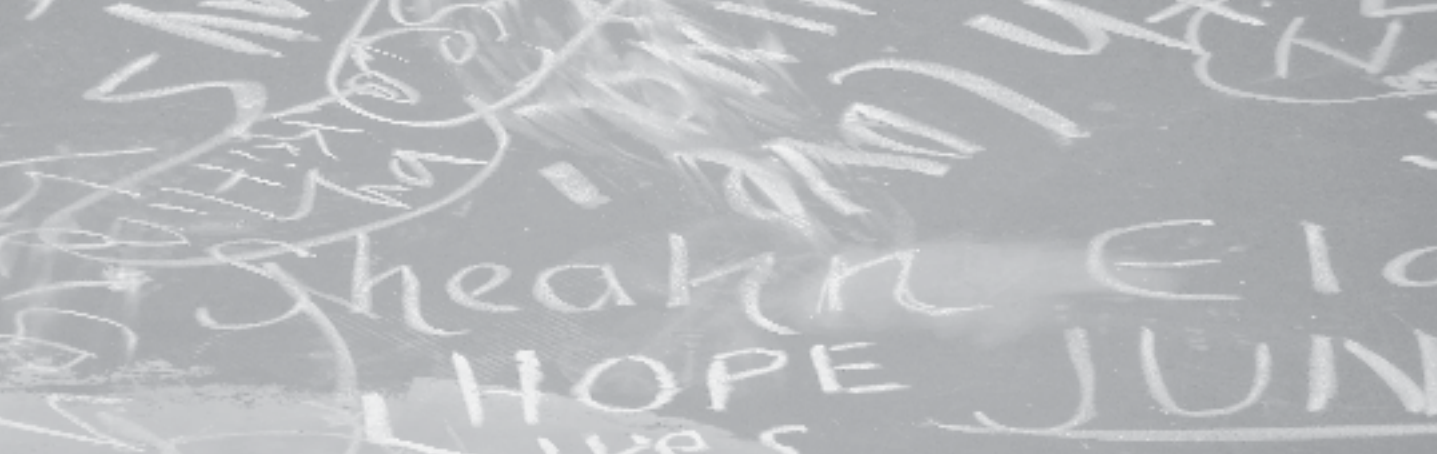
To begin a school-based, service-learning project, San Antonio social-studies teacher Joseph Kulhanek asked his high school students to define their community. (Kulhanek, 2002) These classroom discussions led students to identify differences between their own school and community and other San Antonio neighborhoods. Wishing to bridge the gap between themselves and other San Antonio students, they reached out to form a partnership with a school from a less affluent neighborhood. The two schools began working on a series of videos about community history, city planning and public housing. They presented the videos and the information they had gathered to other schools, local government officials, law enforcement agencies and the community at large.

According to teacher Kulhanek, "these first-hand experiences enabled students to escape the four walls of their classroom and interact with a larger world. Classroom study extended into the real world, with suburban kids interacting with inner city kids, local government, businesses and the media to create projects aimed at improving both their communities."

If service learning can be effective in schools, how might it be applied to justice settings? The answer lies in a methodology called *community service learning* (CSL).

What is Community Service Learning?

Community service learning differs from school-based service learning because it places special emphasis on the needs of the courts, offenders and the specific characteristics of their offenses. With community service learning, court-mandated community service can incorporate certain school-based teaching goals, methods and strategies to meet the specific needs of our judicial systems.



Obviously, a typical justice organization with a broad agenda and limited resources cannot put the kind of attention into a service-learning project that a school can. However, community service learning can become a practical approach for justice agencies. Why? According to *Giving Back: Introducing Community Service Learning*, CSL shares many goals and objectives with balanced and restorative justice (BARJ). (Degelman, et al, 2006) Specifically, when properly applied, community service learning can enable offenders to:

- Understand the legal and judicial system.
- Repair harm that offenders have inflicted on victims and the community.
- Evaluate their own needs and the needs of others, specifically of victims and the community.
- Develop skills and competencies that will help them become responsible and productive citizens.
- Understand the impact their actions have on others, specifically, victims and the community.
- Identify and act upon opportunities to make meaningful contributions to their families, schools, peer groups and communities.
- Develop a personal stake in the future of their communities.
- Learn about the specific laws that pertain to their crime, offense or violation.
- Understand possible future consequences that could result from their arrest and or conviction.
- Increase life and coping skills.

How can a court-based community service project or program achieve these goals and objectives? Fortunately, justice professionals can turn to an already functioning juvenile-justice model to help them introduce the “learning” into their community service programs. Currently, over 1100 youth courts are registered with the Federal Youth Court Program (FYCP). According to the FYCP, 99 percent of these youth courts use community service as a sanction and many of them actively integrate recognizable “learning” components into their community-service programs. (Fisher, 2003)

How do we know this? A national study, “The Impact of Teen Court on Young Offenders,” conducted by Dr. Jeffrey Butts and colleagues at the Urban Institute, found that the application of community service

in youth courts coincided with lower recidivism rates than were found in youth courts using more traditional sanctions such as incarceration or probation. (Butts, et al, 2002)

How do we know that youth courts are incorporating learning components into their community-service programs? Although the results are inconclusive, the Urban Institute study does list factors found in youth-court community service that may help reduce youth court recidivism rates and qualify under the community service-learning goals and objectives outlined above. For example, youth courts often promote volunteerism, thus more effectively connecting young people to their communities; youth court respondents and volunteers learn about the legal and judicial system and about the specific laws that pertain to their offense; youth court participants tend to develop problem-solving and decision-making skills, helping them interact positively with adults, their peers, their community and society as a whole.

A Youth Court Community Service-Learning Profile

The East Harlem Youth Court handles low-level cases including truancy, shoplifting and public drinking. They focus on respondent offenses and typical learning-oriented sanctions include anger-management workshops, letters of apology and directed community service.

In 2006, CRF’s *Service-Learning NETWORK* conducted interviews with staff members at the center that houses the East Harlem Youth Court. According to Program Director Ray Barbieri, 94 percent of the court’s mandated participants complete their sanctions and more than 50 percent continue their involvement with the court as volunteers, thus encouraging mentoring opportunities. (Barbieri, 2006)

In order to further emphasize the “learning” element of their community-service projects, the East Harlem Youth Court allows high levels of youth participation and decision making. Projects are often implemented through partnerships between the court and local schools, businesses and faith-based organizations. They introduce respondents and young volunteers to the legal and judicial system and the need for the rule of law. They educate respondents about the specific laws they have violated and their rights as citizens and teach young offenders about the impact of their actions on others. The recidivism rate among participants in the East Harlem Youth Court’s

Although the results are inconclusive, the Urban Institute study does list factors found in youth-court community service that may help reduce youth court recidivism rates and qualify under the community service-learning goals and objectives outlined above.

community-service projects is currently at 13.7 percent, significantly lower than the national average for that age group. (Barbieri, 2006) Efforts such as the Harlem Youth Court demonstrate how community service learning can be introduced into already existing community-service programs; apply to a wide range of offenses and sanctioning needs; introduce respondents and young volunteers to BARJ goals and objectives; and improve visibility in the community by demonstrating to the public that justice systems can be fair, effective and humane.

Putting the “Learning” into Probation and Parole Community Service

If community service learning can potentially generate these restorative elements in youth courts, how can probation and parole departments take advantage of community service learning? The chart below indicates several possible “overlaps” that link the goals and objectives of balanced and restorative justice to the goals and objectives of probation and parole agencies.

Community Service Learning “Overlaps”

- **Balanced and Restorative Justice** seeks to “help young offenders, victims and other participants to understand the legal and judicial system.”
- **APPA** works to “raise crime-prevention awareness through community involvement.”
- **Balanced and Restorative Justice** strives to “identify the causes and effects of community problems.”
- **APPA** resolves to “consult with the community as a source for problem solving strategies that highlight education and awareness.”
- **Balanced and Restorative Justice** works to “develop competencies that will enable respondents to become responsible and productive citizens.”
- **APPA** works to “guide youth toward active citizenship in their communities.”

Giving Back

Just how practical is it for a busy probation and parole agency to consider introducing learning components into their community service? Anticipating the need for a direct, flexible approach to

community service learning, the OJJDP has introduced a handbook for juvenile-justice supervisors and respondents. The manual, *Giving Back: Introducing Community Service Learning*, is designed to serve as a resource for adapting community service-learning methods to a broad range of juvenile-justice agency needs, including probation and parole departments. (Degelman, et al, 2006)

Published by the CRF in Los Angeles and Chicago with a grant from the OJJDP, *Giving Back* draws upon CRF’s extensive experience in the fields of service learning and law-related education to provide methods and materials designed to engage justice professionals, juvenile offenders and volunteers in meaningful community service-learning activities.

Using the *Giving Back* handbook (now in its second edition), justice agency supervisors and case workers can assign simple, flexible methods that enable participants to explore their community, identify its problems and implement projects for addressing ten of the most predominant juvenile crimes. Because *Giving Back* community service-learning projects are simple and flexible, agencies can also use many of the same exercises to deal with other offenses as well.

How Does Giving Back Work?

How would a probation and parole agency use *Giving Back*? The APPA suggests that agencies “strengthen links between court, family and community and guide young people toward active citizenship in their communities.” Correspondingly, *Giving Back*’s “What’s a Community?” provides methods and materials for participants to discuss the meaning of community, the purpose of community service and how they—and their community—will benefit from building community awareness.

The APPA suggests that agencies “contribute to crime-prevention efforts originated within the community, particularly those incorporating community problem-solving strategies.” In “What’s the Problem?” *Giving Back* offers a reading about crime as a community problem. Participants then discuss the problem of crime in terms of causes and effects and brainstorm a list of crime problems they think are important.

The APPA suggests that agencies “implement policies and practices to create a fair, just and safe society where community partnerships embrace a balance of prevention, intervention and advocacy.” As described earlier, partnerships such as these provide a valuable resource for putting the “learning” in community service. In

“Building Your Own,” *Giving Back* offers options for participants to plan and implement community action projects that can strengthen court and community partnerships. For example, “Volunteering” projects provide methods for participants to “plug into” a community-service agency.

Giving Back’s “Teach-In” projects provide participants with teaching methods and strategies to address issues of crime and crime prevention to younger students. A well-designed Teach-In project can help participants develop problem-solving and communication skills as they interact with younger students and teachers and gain knowledge about a specific topic related to their own offense.

In keeping with the APPA’s guiding goals, objectives and strategies, *Giving Back*’s “Done in a Day” section provides simple projects that participants can complete with relatively little supervision. These projects are organized under ten common juvenile offenses: theft, vandalism, substance abuse, disorderly conduct, assault, curfew, truancy, criminal mischief, harassment and animal neglect.

For example, *Giving Back*’s projects for the offense of theft are designed to help youth participants develop a deeper understanding of theft, specifically shoplifting and its causes and effects. In one theft project, participants talk to owners or managers of local stores to find out about the impact of shoplifting and write a letter to the editor of the school or local paper about the subject. The object of this project is to raise young people’s awareness of the impact of shoplifting on offenders, victims, and the community.

As an important component in *Giving Back*’s CSL process, participants are given as much responsibility as possible in the planning and implementation of their action project. This helps offenders gain confidence in reaching out to the community, thus building civic participation skills. For example, to research the topic of shoplifting, participants are encouraged to make their own appointments to talk local store managers to find out about shoplifting and its consequences. They prepare questions about shoplifting and how it impacts businesses and the community and then interview their subjects. Using resources in the manual, participants then write a letter about shoplifting and its consequences on victims and the community.

After the letter is reviewed by their supervisor, participants send a copy of the letter to the editor of their school or local newspaper and complete a reflection component that helps them identify what they learned and how it affected them. *Giving Back* is available in free, downloadable pdf format from:

- Constitutional Rights Foundation www.crf-usa.org/YouthCourt/GivingBack_home.html
- The Federal Youth Court Program www.youthcourt.net/publications/GivingBack_2006_final.pdf

Court and Community Partnerships

Community service-learning efforts benefit greatly from interaction between court and community partnerships and dovetail nicely with

existing parole and probation approaches to community service. According to the APPA, partnerships lie at the core of court-community crime prevention. Accordingly, court and community partnerships can be of great service to the implementation of community service learning.

- **APPA** stresses in its vision statement the necessity “to create a fair, just and safe society where community partnerships embrace a balance of prevention, intervention and advocacy.”
- **Balanced and Restorative Justice principles** support the notion that participants can make meaningful contributions to their schools and communities and community service learning objectives include forming “meaningful working relationships with community groups and individuals.”

Sustainable, mutually beneficial partnerships allow agencies to avoid wasting time and energy on repetitive searches, introductions and partnership growing pains. With sustainable partnerships, courts using community service learning can focus on developing activities that are more responsive to the needs of both their courts and the community partners who are providing the service.

Generally, court-community partnerships can help develop fruitful two-way relationships between respondents, agencies and the communities they serve. Working with active citizens can give probationers and parolees a sense of validation and strengthen belief in their personal effectiveness. For community members, community service learning helps them understand the contributions that young people, even charges of the court, can make to the well-being of the community and that local justice systems can have a positive impact on victims, offenders and the communities they serve.

Reflection and Evaluation

Service learning stresses another component that is highly relevant to justice settings—reflection. According to “Reflection: K–12 Service-Learning,” (Service-Learning Clearinghouse. 2003), reflection in service learning can be defined as “the use of creative and critical thinking skills to help prepare for, succeed in and learn from the service experience and to examine the larger picture and context in which the service occurs.” Similarly, reflection in a justice setting can help offenders realize the significance of their actions; that they have vital connections to their community; and that they can serve a useful role within it. In this way, reflection can promote positive knowledge and skill development factors that can help reduce recidivism.

Conclusion

Community service learning is a flexible process that combines the best of school- and justice-based methods and experience. Properly designed and implemented, community service learning provides well-tested methods to identify real community needs and come up with ways

to address those needs with the active participation of the courts, the schools, businesses, non-profits, local government agencies, offenders, victims and concerned citizens.

With *community service learning*, respondents can explore their potential as citizens by helping communities meet their educational, public safety, human and environmental needs. With *community service learning*, respondents become resources who provide service, rather than recipients who are always in the role of being served. Hopefully, by planning and implementing well-designed goals objectives and strategies and building and sustaining court-community partnerships, justice practitioners can help young offenders become better citizens while they “give back” to the community. >>>▲

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Probation, Parole and Community Supervision

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A black and white photograph of a smoke detector mounted on a ceiling. Smoke is rising from the detector, creating a dramatic visual effect. The smoke detector has concentric circular vents and a small lens in the center. Text is visible around the perimeter of the detector's base.

Proactive Community Supervision

A Second Chance for Community Corrections and Supervisees^{1*}

by Judith **Sachwald** and Ernest **Eley**, Jr.

The Maryland Division of Parole and Probation (MDPP) is in the process of transforming itself and the way we supervise the populations under our jurisdiction. The changes are more than cosmetic adjustments in the boxes of an organizational chart or routine updates to longstanding policies. The changes are fundamental and comprehensive; they affect all of us and everyone with whom we work.

Almost every MDPP team member has played a part in this change effort, whether as leaders in the implementation of the Proactive Community Supervision (PCS) strategy, as participants of training in the principles and practices upon which this strategy is built or as constructive critics pushing us to find better methods for translating science into practice. PCS is a carefully conceived approach which incorporates empirical evidence with what our intuition and common sense were already telling us about managing supervisees. It is based on scientific study and research that demonstrates there are tools and techniques that can make a noticeable difference in the lives of those under supervision and by extension, the lives of those they encounter.

The confirmation that PCS is promising was presented to us in February 2006 by the University of Maryland and Virginia Commonwealth University. Their study of Maryland's four PCS pioneer areas¹⁷ found that the application of the philosophy and procedures which characterize PCS had a measurable and substantial impact on the success of supervisees, as evidenced by a greater than one-third reduction in new arrests and technical violations (Taxman, Yancey, and Bilanin, 2006).

The lessons we have learned from PCS transcend PCS as a supervision strategy. They have expanded beyond the boundaries of a specific initiative to become an essential part of all that we do. From modifying our chain of command policy to revising our supervision manual and making it available to employees on an intranet site to the introduction of automated reporting and case notes systems; from developing a new supervision plan format to revising supervisory review procedures, we are in the process of aligning our activities and resources with practices that will help us to achieve our mission.

Offices operating under the PCS strategy have developed working environments that are conducive to change through continuous learning and organizational development. Input and ownership are sought from every level of the organization. Quarterly town hall meetings are conducted in the PCS offices to obtain feedback from team members on all aspects of PCS implementation. A team approach to resolving issues is encouraged. Candid debate and discussion based on data is valued.

We have recognized that no program or strategy, however effective, can be expected to forever meet all the challenges of community supervision. We cannot turn back now from an awareness that the stability and comfort of tradition is an unacceptable justification for continuing along paths that do not lead us toward our goals. Our needs, and those of the communities we serve, are constantly shifting and evolving and we must evolve as

well. We must constantly monitor and analyze our efforts to confirm their continued effectiveness. We must always remain flexible and open to refining our policies and procedures on the basis of our growing knowledge and experience.

Supervision Practices Based on Science

What do we think we are doing? A question was asked at a meeting not long ago in regard to the extensive changes underway throughout MDPP. We think we are doing what must be done to enhance the health, economic vitality and safety of our communities and—by working together as a highly motivated, well-prepared and fully committed team—to encourage and assist supervisees to re-enter our communities as law-abiding and contributing residents. Community corrections agencies may be part of the criminal justice system but to really succeed they must embrace education, treatment, housing, transportation and economic development programs and services.

We think that to accomplish this and to play a part at all in helping people to alter the course of their lives, we must make every effort to understand their lives. We have to pay attention to them. We have to acknowledge them as individuals and attempt to identify the unique circumstances and problems that influence their behavior. We think our job is not to count the things we do, but to do the things that count. We think that if we focus our attention precisely where it is needed and apply our energy and resources to those needs, we can make a difference in the lives of both the people we supervise and the people we serve.

FIGURE 1
MARYLAND MODEL



MISSION

The Division of Parole
and Probation will
ensure the safety of
its employees and
enhance public safety
by holding supervisees
accountable to victims
and the community
and by helping
supervisees through the
process of becoming
law abiding and
productive.

In the mid 1990s, MDPP introduced a series of well intended community corrections programs designed to divert offenders from incarceration and to reintegrate them into the community. From a careful assessment of the strengths and weaknesses of these various efforts, MDPP learned important lessons. It became apparent that something more than compartmentalized innovation was required if the agency was to have the kind of substantial impact on recidivism that it sought. Therefore, over the past several years, MDPP has been making fundamental refinements in its practices, with emphasis on enhancing the role that the agency plays in engineering change – change focused primarily on the successful transformation of supervisees into productive members of the community, but ultimately requiring the transformation of the agency itself.

PCS is a comprehensive, community-based approach to supervision which seeks to increase public safety by holding supervisees accountable to their victims and the communities in which they live and by helping supervisees to become responsible and productive members of their communities. It is a balanced approach which has included substantial expansion of MDPP's Warrant Apprehension Unit and partnerships with law enforcement and criminal justice agencies. PCS acknowledges that for a community supervision agency to be effective it must work with and within the communities it serves.

Under traditional supervision, most interactions between agents and supervisees occur in an office environment, which isolates both the agents and supervisees from the people and experiences that actually affect them. The PCS approach enables parole and probation agents to spend more of their time in the neighborhoods in which supervisees live, thus providing agents with greater exposure to those elements of the supervisee's world which exert the strongest influence. A greater presence in the community may contribute to supervisees feeling that they are being more closely watched and more importantly, it contributes to the agents' familiarity with supervisees and a better understanding of the factors contributing to their criminal behavior.

In place of formulaic supervision practices, PCS emphasizes a simple and eminently logical approach: using the best tools available, agents attempt to determine what factors cause a supervisee to engage in criminal activity; then, using the resources available, they address those factors in order to reduce the supervisee's potential for further criminal activity. Through the use of effective interviewing and intervention skills and scientifically developed assessment instruments, PCS agents facilitate the change process by identifying and encouraging the offender to recognize those issues that influence the supervisee's behavior. Through productive contacts driven by the motivational interviewing skills the agents have been trained to employ, supervisees are steadily encouraged to make a commitment to increasing their own potential through behavioral change. Once the supervisee has made that investment, agent-supervisee contacts focus on helping the supervisee to develop and act on a realistic strategy to effect that change.

The Supervision Model. Under the PCS model, agents supervise between 50-55 high-risk and or high-need supervisees or approximately 200 low-risk and or low-need supervisees. For high-risk supervisees, agents conduct a thorough assessment and prepare an individualized case plan and behavioral contract based on the supervisee's risk and needs. The assessment includes the LSI-R and a supervisee self-assessment called the O-SELF. This instrument was developed to give supervisees the opportunity to give input and thus increase their personal investment to the case plan by soliciting their priorities on physical health, family life, relationships, education, employment, religious involvement, drug abuse, alcohol abuse and criminal behavior.

Agents also go into the community to interact frequently with supervisees; and work with police, family, employers and community resources. These various interactions provide additional resources that an agent can draw on to gain insight into a supervisee's life and the development of an ever

evolving case plan. By building relationships with the families, friends neighbors of supervisees, as well as their service providers, the agents are alerted to any trouble supervisees may be moving toward. Agent's armed with information can intervene before the supervisee commits a new crime and connect supervisees with services such as drug and alcohol treatment, housing assistance, food and medical assistance and to acquire basic education, job and employment skills.

Agent-supervisee contact takes on a different character in the PCS model. The traditional contact focuses on compliance monitoring. Under PCS, agents use all contacts as interventions or opportunities for guiding supervisees toward acting responsibly and lawfully. This supervision model also emphasizes the agent's role as a manager of supervisee's behavior. Like good managers in other settings, the agent's role is to help motivate and craft circumstances that enable the supervisee to succeed by guiding, facilitating and reinforcing the change process. By using effective communication and intervention strategies to guide the contact, the agent facilitates the change process by helping the supervisee to recognize the issues and to establish or reinstate a strategy to change directions. The agent's role is to be the catalyst for change, as well as the impetus for expeditiously returning non-compliant supervisees who pose a public safety risk to custody. (Sachwald, Eley, Taxman, 2006) The goal is to ensure that the agent uses effective intervention tools to achieve both immediate and lasting public safety.

Defining a Case Plan. University of Maryland researchers assisted MDPP in developing a scientifically tested and validated triage tool — the PCS Risk Screener — which is completed at intake to direct supervisees to the proper level of supervision. It saves time and conserves

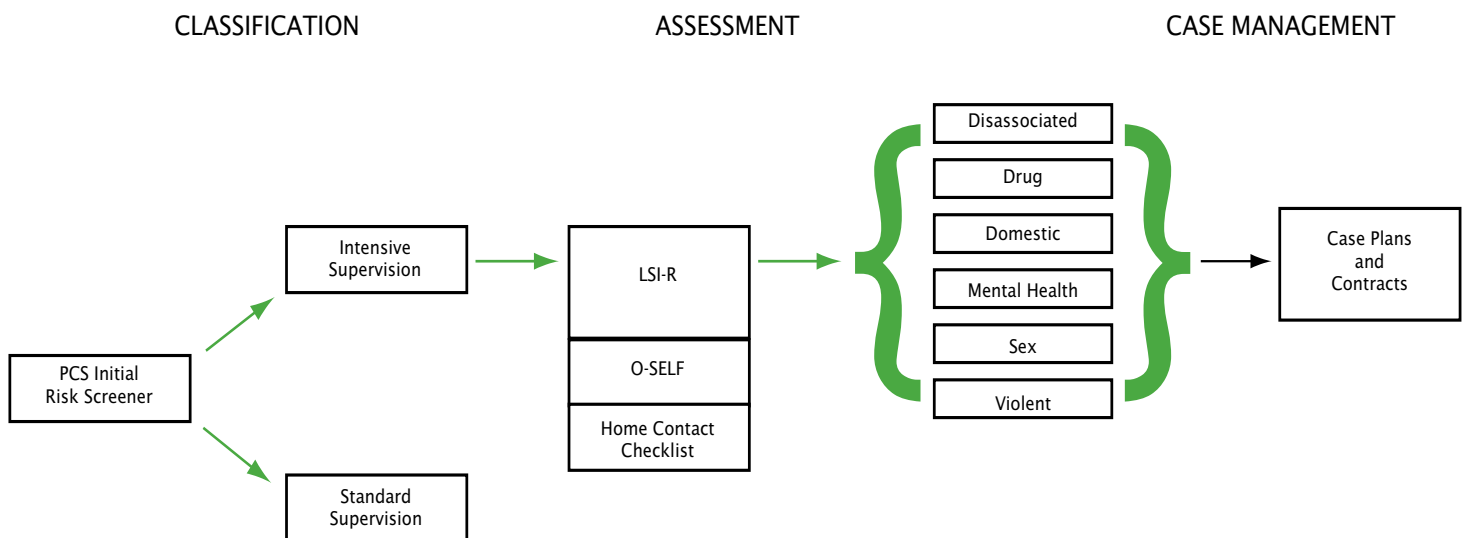
resources by pinpointing low-risk supervisees who do not need the full LSI-R risk and needs assessment and or case plan development. According to Dr. Edward Latessa, Professor and Head of the Division of Criminal Justice at the University of Cincinnati:

Why waste our programs on offenders who do not need them? This is a waste of resources and more importantly, research has clearly demonstrated that when we place lower-risk offenders in our more structured programs, we often increase their failure rates and thus reduce the overall effectiveness of the program.

Traditional community supervision is a reactive style of case management. For example, most interactions happen in an office setting and agents take the approach, "I tell you what you can and cannot do and then I react to your compliance or non-compliance" (Hershey & Blanchard, 1998). In contrast, PCS's most basic tenet is to employ a holistic approach to case management from the viewpoint that supervisees need to reconnect with the community in a positive way; and agents help make that happen. It is not the gut reaction or intuition of an agent that guides the level of supervision, but the use of a validated and comprehensive risk and needs assessment tool. Supervisees classified as "high-risk" receive intense supervision.

MDPP developed a case supervision model (see Figure 1.) that allows agents to identify supervisee risk factors, develop feasible supervision plans that include accountability measures and monitor the progress of the plan's implementation. The model process applies the tenets of PCS and has the following components:

FIGURE 1
PCS Model of Supervision: Defining a Case Plan



- Intake and risk screening to select high-risk supervisees
- Initial supervision visit to define the obligations of supervision for the supervisee
- Risk and need assessment to identify factors related to the supervisee's involvement in criminal behavior. MDPP uses the Level of Service Inventory-Revised (LSI-R) to develop electronic comprehensive case plans and behavioral contracts for supervisees
- Comprehensive supervision plan that targets services to offender needs and community resources which establishes minimum levels of supervision for the supervisee and
- Supervision that utilizes sanctions and incentives.

Organizational and Professional Development

The PCS model calls for a very different set of skills for agents and supervisors. The PCS team must be an enthusiastic, energetic group of professionals who think creatively, want to take an active role in executing a supervision plan and can work cooperatively within a team. They must be able to make decisions and be empowered to act on them. Training in a variety of areas of such as interpersonal and leadership skills, conflict management and team building is intensive and ongoing. This is necessary because teams must be able to work effectively with supervisees and members of the community and because promotions, transfers and resignations result in changes to each team's composition. The loss of a dynamic supervisor can be a temporary setback for a team.

More than 700 agents and 100 first- and mid-level supervisors participated in MDPP's initial communication and skills development. MDPP conducted training in three phases: pre-training, comprehensive classroom training and booster training. Pre-training sessions were conducted by facilitators from the University of Maryland, Bureau of Governmental Research as a three-hour introduction to the concepts of PCS and a briefing on the menu of training the agents and supervisors would receive in preparation for their transition to the PCS model of managing their caseloads. Trainers conducted the pre-training session at each of the offices selected for PCS to keep agents and supervisors in a familiar setting where they felt at ease. The trainees received a variety of materials that described PCS concepts, such as the manual entitled "*Nuts and Bolts of PCS*", (BGR, 2001). Other handouts were distributed that outlined the training topics and concepts the agents and supervisors would be learning in preparation for the new direction MDPP was taking in community supervision.

A team of outside facilitators and MDPP employees, who had been trained as trainers in the topics covered in the three-day PCS training session, conducted comprehensive training sessions off-site. The MDPP employees understood the nuances of case management, had a thorough understanding of the agency's workings as well as a good rapport with

their colleagues. The inclusion of MDPP trainers who knew the work environment provided the trainees a level of comfort and credibility about the things they were going to learn and implement. The topics covered during this intensive training session included Motivational Interviewing, Interpersonal Communication, Team Building, Conflict Management and Resolution, Decision-Making, Fundamental PCS Practices, Evidence-Based Practices and Strengthening Community Partnerships.

The learning climate of any training is extremely important to its overall effect. Learning tools can enhance an environment by compelling employees to interact with each other and the trainers during the session and by eschewing the regular lecture and listen strategy. (Taxman, Shepardson & Bello, 2004) The use of role-play scenarios proved to be a very successful learning tool for the trainees. The process of acting out familiar agent-supervisee scenarios was an effective exercise in allowing trainees to use their new skills. MDPP trainers used an interactive CD-ROM (Bureau of Governmental Research, 2001) that presented the community supervision flow process a supervisee moves through as he or she becomes invested in rehabilitation. The CD-ROM included policies, games, videos of scenarios and quizzes to test participants' knowledge. These interactive tools actively engage the trainees in the learning process, which ultimately increases participant retention (Taxman, Shepardson & Bellow, 2004)

MDPP reassigned 12 field supervisors and formed a cadre of trainers who conducted comprehensive communication skills training during the second year of PCS implementation. Booster training reinforces concepts and skills previously learned, addresses questions and doubts about the underlying science and provides supplemental information about those skills. Trainees also have the opportunity to speak freely about any difficulties they may have had in using the new practices.

PCS implementation was staged to accompany the development of new communication, interviewing and contingency management skills needed by agents and supervisors to be successful managers of behavioral change. First, MDPP introduced motivational interviewing and other communication strategies to provide agents with interviewing verbal communication techniques. Consequently, guidelines were established regarding the use of socially acceptable decorum for dealing with supervisees; (i.e., using salutations to address them and establishing eye contact with them). These techniques were designed to ensure that MDPP created an office environment where supervisees could learn social skills through interactions with their agents. MDPP employed a coaching model where front-line supervisors used Quality Contact Standards to monitor agents' use of the techniques and as a structured mechanism to provide feedback to develop staff skills. (Taxman, Yancey and Bilanin, 2006)

The Quality Contact Standards (QCS) form is a tool in the PCS model to measure communications skills. It is also a key tool for evaluating agents and measuring accountability to ensure that communication skills are maintained. The first-line supervisor uses the tool during random observations of agent and supervisee interactions to evaluate how well the agent employs the various components of the QCS process. Quality Contact Standards are reviewed in booster training to reinforce and sustain learned skills.

The QCS form gauges an agent's ability to accomplish several skills during a contact including:

- Deportment and Manner with the Offender (e.g., posture, politeness, preparation for interview and achievement of the meeting's goals)
- Assessment and Planning (e.g., use of appropriate communications skills, reinforcement of positive behaviors, review of supervisee's progress, ongoing assessment and verifying case status information)
- Treatment and Service Referral (e.g., focused on supervisee's problem solving abilities, appropriate referrals made and helped the supervisee plan for both goals and obstacles while guiding the change process)
- Sanctions and Ground Rules (e.g., reminding the supervisee of the rules and the legal consequences and conducts sanctions in a clear and fair manner)

Case plans were the focus for the next level of professional development. This involved training on the use of the selected case plan instrument (Level of Service Inventory-Revised - LSI-R), how to identify criminogenic traits through interviewing supervisees and how to address criminogenic traits in the resulting case plan. The emphasis on professional development acquainted agents with the supervision toolbox (e.g., drug tests, community services, treatment, vocational education, employment and support networks) and on how the different tools can be used for the purpose of improving supervision outcomes. A software tool called MOCSE (Maryland Offender Case-planning Software for Empowerment) was also provided to agents to assist with the process of translating all of the data collected about the supervisee into a meaningful case plan. The software requires front-line supervisors to certify the content of the proposed case plan. (Taxman, et al, 2006). MDPP is now developing an alternate process for case plan drafting that does not require the use of MOCSE and will enable agents to develop plans when they are off-site.

Tools of the Trade. In December 2004, *Tools of the Trade: A Guide to Incorporating Science into Practice* (Taxman, Shepardson and Byrne, 2004) was jointly published by the National Institute of Corrections and the Maryland Department of Public Safety and Correctional Services

to assist community supervision professionals with integrating the science of effective offender management into their day-to-day activities. Much of the content in *Tools* is based on PCS. *Tools* is available online at www.nicic.org/pubs/2004/020095.pdf. MDPP employees in the PCS pioneer areas and general supervision offices make use of *Tools* in both formal and informal professional development activities. Like the booster training sessions, it serves as an excellent vehicle for reinforcing evidence-based practice knowledge and skills.

Community Engagement

Community engagement is a fundamental element of successful supervision. As previously mentioned, community residents are an excellent source of information about a supervisee's behavior in the community. Equally important are the programs and services that are available in the community. Part of the goal of using supervision to help offenders become productive and law-abiding includes helping them develop the knowledge and ability to seek needed services in the community independently. It is likely that some time after parole or probation has ended, that the former supervisee or a significant other in the former supervisee's life will need drug or mental health treatment, education or new job skills. When these needs are triggered the supervisee needs to be capable of identifying and accessing community resources.

PCS implementation in Maryland followed the horrific tragedies of September 11, 2001 and the resulting budgetary constraints necessitated that we supplement service delivery capacity by developing partnerships and collaborative relationships with community partners. Community outreach is a vital part of partnership creation and an effective means for educating and engaging community stakeholders. MDPP relentlessly pursues development of formalized relationships in all Maryland communities and has formalized relationships with non-profit organizations, treatment providers, law enforcement agencies, educational, social services, other government agencies, private industry and faith-based organizations. These organizations and agencies have the capacity to provide many of the services supervisees need. MDPP found that several of these service operations were surprisingly under-utilized and welcomed a steady stream of clients to meet their goals and objectives as well as to fulfill the terms and conditions set by their funders.

Effective utilization of existing community resources — whether under contract or partnership — helps to reduce supervisee risk factors. In addition, collaborations and partnerships enable agents to move supervisees along a continuum of services and sanctions, which increases community safety and impacts offender behavior. Important resources like *Tools of the Trade* also should be exchanged with community partners and cross-training should be actively pursued.

In Maryland, the volume of opportunities for expanded partnering with a variety of community groups was found to be far greater than envisioned. Indeed, the possibilities for collaboration are limited only by the imagination, creativity and persistence of those seeking them out. In Baltimore City, for example, during a meeting in a church to discuss what services the church could provide to supervisees in that community — the PCS Administrator realized at the end of a meeting that he was in the wrong church but the pastor had the same last name as the pastor at the church where he actually had an appointment. Seizing on this opportunity, the PCS Administrator got commitments from both churches that day.

MDPP also has formed a noteworthy partnership with the police department in Baltimore City in which police officers join agents in making at home contacts and the two agencies share both information and intelligence. In addition, police officers and agents are cross-trained in the other's policies and procedures; MDPP agents and supervisors attend weekly COMSTAT meetings and participate in the police commissioner's monthly meeting with district commanders; agents utilize space in all nine police district precincts as alternative work sites; and regular meetings are held at the patrol and field and command and executive staff levels to improve and maintain a productive relationship between the agencies. MDPP also assigned half of its warrant apprehension officers to the Baltimore Metropolitan Warrant Task Force.

Evaluation and Evolution. In February 2006, a team of researchers from the University of Maryland and Virginia Commonwealth University led by Dr. Faye Taxman presented MDPP with a report entitled, *Proactive Community Supervision in Maryland: Changing Offender Outcomes*. This report provides MDPP with an analysis of PCS implementation and how it is affecting offender supervision. The report clearly shows that PCS is making a difference in helping offenders to remain crime and violation free while in the community. The evaluation, which used a random selection and individual match design to study outcomes for 548 supervisees, concluded that:

- PCS participants are 38.3 percent less likely to be arrested for new criminal behavior than the non-PCS group; and
- PCS supervision resulted in a 38 percent reduction in the probability of a warrant being filed for a technical violation.

While the evaluation of PCS found that significant progress had been made through the implementation of this evidence-based practice model, it also identified actions that MDPP needed to take to strengthen implementation:

- Develop agents' expertise in typologies
- Develop management strategies for ambivalent team members
- Develop a process for ensuring focus on high-risk/high need supervisees
- Develop supervisor expertise in areas of case planning and monitoring to improve skills.

Within 60 days of receiving the evaluation, the PCS offices developed comprehensive corrective action plans with timetables including specific assignments of tasks to address gaps as noted from the evaluation. The teams continue to chart progress on the action steps, as well as developing a number of tools to address the gaps cited in the evaluation report. Some examples are:

- The PCS forms were modified to include an assessment of correct typology assignment, supervisee responsibilities, agent responsibilities, criminogenic needs and triggers. This modification serves as a means of measuring and evaluating how agents are doing their specific tasks and if they are doing them correctly. The modified forms focus on: level of case activity, case staffing, supervision case review and community activity observation.
- *Reinforcement, Research and Reality* (The Three "R's") – A learning environment has been created through consistent reinforcement of policy, protocol, procedures and best practices. This reinforcement of "research" and "reality" happens during case staffing, supervisory review of case plans, monthly caseload reviews, team meetings and during supervisory reprimands.
- *Tools of the Trade* is used at team meetings. Some supervisors reinforce best practices by reviewing sections of the manual. Other supervisors have the agents take charge of reviewing and teaching sections of the manual at team meetings.
- The offices are pursuing the creation of visual tools (posters) on Typologies and Stages of Change.
- Agents will be offered ongoing skills training through the MDPP training unit.

"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."

(Dr. Seuss, *The Lorax*, 1971)

Within MDPP, the evolution of evidence-based practices and successful implementation relies on the core values and motivation of the employees. As stated before, the PCS team must be an enthusiastic, energetic group of professionals who think creatively who want to take an active role in executing a supervision plan, can work cooperatively within a team and most importantly want to find the best and most productive ways to do their jobs. Allowing employees the creativity and freedom to find the best ways to tweak, change and to provide feedback to manage an evermore challenging criminal population may be our best approach to protecting public safety. ▶▶▲

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Endnotes

"MDPP consciously chose the term pioneer over the term pilot. We made a commitment to implement supervision strategies based on research and believe that these practices will evolve along with new research findings. In the interest of public safety, we cannot revert to old, failed practices.

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A black and white photograph of a hand holding a syringe. The syringe has a label that reads "ELECTRONIC MONITORING: Panacea or Palliative". The hand is holding the syringe by the plunger, and the needle is pointing downwards. The background is blurred.

**ELECTRONIC
MONITORING:**

**Panacea
or Palliative**

*The panacea,
named after the Greek
goddess of healing, was
supposed to be a remedy that
would cure all diseases and
prolong life indefinitely. It was
sought by the alchemists as a
connection to the elixir of life and
the philosopher's stone, a mythical
substance which would enable the
transmutation of common metals into
gold.*

Electronic monitoring (EM) has been utilized as an adjunct supervisory tool for the past 20 years in the correctional arena, including jails, as a consequence of technological advances and ideological commitment (See Gable and Gable, 2007). Initially viewed as a panacea to reduce institutional populations, it has also

served as a diversionary tactic as well as an intermediate sanction for offenders. Yet, as Renzema and Mayo-Wilson (2005), Lilly (2006) and Cohn (1997, 1999) have reported, there is little evaluative evidence to indicate that EM has proved to be a success, however that term is defined and, therefore utilized as a programmatic palliative. Moreover, Mair (2006:57) states:

Despite, or perhaps because of, a remarkable lack of empirical evidence to demonstrate its effectiveness, growth in the use of EM does not seem to have been held back. Indeed, EM would now seem to have become normalized as a criminal justice tool....But, expectations regarding EM are high because those who manufacture the technology wish to sell it and thus great claims are made for its efficacy.

Further, as Padgett, et al. (2006:62) report:

Despite the absence of empirical proof regarding the effectiveness of electronic surveillance, this strategy is likely to become a national approach for managing high-risk offenders in the community,

While EM has been programmatically utilized for both adult and juvenile probationers and parolees, there is a dearth of methodically sound, published material indicating its usefulness for either minor or serious, violent offenders, including those best described as sexual predators. However, observation of the field suggests that with the relatively recent advent of global positioning system (GPS) technology, there is an increasing belief by practitioners and legislators that GPS will be an even more effective supervisory tool for the most serious and chronic offenders than the basic RF (radio frequency) type of equipment. In fact, this relatively new technological system is being promoted as an enhanced monitoring device for sex offenders, especially those on sex offender registries (Tewksbury & Lees, 2006; Craun & Kernsmith, 2006).

Similar to the meta-analyses conducted by Sherman, et al. (1997), who examined research reports concerning crime prevention, and Lipton, et al. (1975), who assessed treatment programs, Renzema and Mayo-Wilson (2005) recently evaluated EM programs for high-risk offenders. In all of these research efforts, the authors indicate that it is very difficult to obtain statistically significant results as a consequence of inadequate methodologies.

Renzema and Mayo-Wilson conclude (2005:233):

All studies in moderate to high-risk populations have serious limitations and matched studies of EM in moderate to high-risk populations are of very low quality. After 20 years of EM, we have only a few clues as to its impact....If EM continues to be used as it has been used, shortsighted governments will continue to waste taxpayer dollars for ideological reasons and political gain.

As long ago as 1994, the American Probation and Parole Association reported on the need for both process and outcome evaluations of EM. In a monograph, the authors state (p.13):

The outcome evaluation should include measures of offender success or failure, as well as measures of affect (sic.) on significant others. It should also include measures of equipment reliability and cost/benefits of EM as a supervision tool.

An examination of the descriptive materials published by various criminal justice agencies clearly reveals that EM use varies significantly among correctional populations, including misdemeanants and felons, low and high-risk offenders, increasingly as well for those convicted of serious sexual offenses. The goals of EM programs also vary. For some, the intent is to reduce institutional populations, for others it is used for diversion, while for other agencies its use falls into the area of intermediate sanctions and or for more stringent levels of surveillance. In some jurisdictions, EM has been developed for pre-trial detainees, but, generally, most offenders placed on EM have been convicted (adjudicated if juveniles) and are placed on EM as a condition of probation or parole (aftercare). For some, EM is used in tandem with referrals for treatment, even though there is no evidence that such is effective (Gable & Gable, 2007).

In all cases, moreover, EM is thought to be a cost-saving approach to offender monitoring; that is, it is utilized as an adjunct to the supervisory process and as an appropriate monitoring technique that is considered to be significantly less expensive than incarceration.

In one of the most recent of exploratory studies to determine the effectiveness, Padgett, et al.(2006) examined data of 75,661 serious offenders in Florida who had been placed on home confinement between 1998 and 2002. They conclude (p. 61) that "...both radio- frequency and global positioning system monitoring significantly reduce

"In all cases, moreover, EM is thought to be a cost-saving approach to offender monitoring; that is, it is utilized as an adjunct to the supervisory process and as an appropriate monitoring technique that is considered to be significantly less expensive than incarceration."

the likelihood of technical violations, reoffending and absconding for this population of offenders....and that EM of offenders in the community may prove an effective public safety alternative to prison.”

The researchers review prior research on EM and conclude, as do others, that methodological impairments severely limit the generalizability of findings. Therefore, they state (p. 66):

...this study takes advantage of the precision of coefficient estimation afforded by proportional-hazards regression and its accommodation of time-varying independent and dependent variables to model the supervision failure outcomes of revocation for a technical violation, revocation for the commission of a new offense, and absconding from supervision.

TABLE I

2005 INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

STATE	GPS SUPERVISION	STATE	GPS SUPERVISION
Alabama	No	Nevada	No - Pilot program in process.
Alaska	No	New Hampshire	No
Arizona	No - Proposed for 2006.	Nebraska	Yes
Arkansas	No – Looking to start	New Jersey	Yes
California	No	New Mexico	Yes
Colorado	Yes	New York	No response
Connecticut	Yes	North Carolina	No
Delaware	No	North Dakota	Yes
District of Columbia	Yes	Ohio	No
Florida	Yes	Oklahoma	Yes
Georgia	Initiate in 2005	Oregon	Yes
Hawaii	No	Pennsylvania	No – Legislation pending
Idaho	Yes	Puerto Rico	Yes
Illinois	No	Rhode Island	No
Indiana	No – Legislation pending	South Carolina	Yes
Iowa	Yes	South Dakota	No
Kansas	No response	Tennessee	Yes
Kentucky	No response	Texas	No
Louisiana	Yes	Utah	No response
Maine	No – Waiting to activate	Vermont	No – Under Consideration
Maryland	No	Virginia	No response
Michigan	No	Washington	No
Minnesota	Yes	West Virginia	No
Mississippi	No	Wisconsin	Yes
Missouri	Yes	Wyoming	No response
Montana	No – Initiate		

TABLE II

2006 ICAOS GPS UPDATE SURVEY

STATE GPS FOR SEX OFFENDERS

Alabama	No
Alaska	No
Arizona	No
Arkansas	No
California	Yes
Colorado	Yes
Delaware	No
District of Columbia	Yes
Florida	Yes
Georgia	Yes
Hawaii	No
Iowa	Yes
Idaho	Yes
Illinois	Yes
Kentucky	No
Louisiana	No
Maine	No
Maryland	No
Massachusetts	Yes
Mississippi	No
Missouri	Yes
Montana	No
Nebraska	Yes
Nevada	Yes
New Hampshire	No
New Jersey	Yes
New Mexico	Yes
North Carolina	No
North Dakota	Yes
Ohio	Yes
Oregon	Yes
Pennsylvania	Yes
Puerto Rico	No
Rhode Island	No
South Carolina	Yes
South Dakota	No
Tennessee	Yes
Utah	No
Vermont	No
Virginia	Yes
Washington	Yes
West Virginia	No
Wisconsin	Yes
Wyoming	No

Among some of their findings (pp.78-82):

- Offenders on EM are *less* likely to be revoked for a technical violation.
- EM significantly reduces the likelihood of failure.
- RF monitoring is slightly more effective than GPS monitoring.
- EM is slightly more effective for violent than for property or drug offenders.
- Fifteen percent of the study population absconded from supervision within two years of placement and 16.1 percent of those absconders were subsequently revoked for new offenses, which is a lesser rate than that for non-EM subjects.
- The use of GPS monitoring compared with the use of RF monitoring was found to be no more likely to reduce revocations or incidents of absconding.
- Either the use of GPS or RF monitoring had virtually the same inhibiting effect on revocations and absconding for violent, property and drug offender groups on home confinement.
- Sex offenders are less likely than all other types of offenders to have their supervision revoked...even when controlling for EM status.

Nellis (2006:105) reviews the work of Padgett, et al. and states:

Padgett, et al's... "proof" that EM does have a crime reductive effect...that (counter-intuitively) technical violations while on EM are minimal, and that by and large netwidening does not occur is worth having, but the writers seem relatively indifferent to the all-important question...as to whether being subject to REM enables offenders to complete rehabilitation programs more successfully...than they might otherwise have done.

Notwithstanding the limitations of existing research, both legislatures and criminal justice agencies in the U.S. have been moving forthrightly and deliberately into the increasing use of EM (irrespective of technical type) to enhance the surveillant aspect of the supervisory process. Regardless of primary goal (e.g., institutional population reduction, diversion and or an intermediate sanction), costs and legal limitations, any technological form of EM is viewed by some as an important step forward to manage offenders more stringently than is possible with traditional probation or parole.

As the following two tables reveal, GPS is finding increasing usage throughout the country, for as the *ICAOS GPS Update Survey April 2006* (Table I) reveals, 23 states were using GPS for sex offenders, with population ranges per state from seven to 750 offenders. The 2005 ICAOS GPS Update Survey (Table II) reported that GPS supervision for all kinds of offenders, including those of a sexual nature, occurred in 18 states – thus a 22 percent increase in the number of states in the years from 2005 to 2006. The latter table also reveals that legislatures in a number of states are considering statutory authorization for GPS monitoring.

In one legislative report, for example, the Minnesota Department of Corrections (2006:1) received an appropriation to develop a program to monitor high-risk sex offenders who are on supervised release, conditional release and parole or probation "...to help ensure that the offenders do not violate their community supervision conditions." It was decided to utilize GPS for this effort.

The Washington Association of Sheriffs and Chiefs of Police (2005:1) reported on a study to the state legislature concluding that "Electronic offender monitoring has earned its place in society as a valid correctional tool." Although no data are cited to prove its assessment, the study (p. 52) concludes that "...Electric monitoring is being administered at the state level with much success all over the United States."

In a report submitted to the Maryland state legislature, the *Task Force to Study Criminal Offender Monitoring by Global Positioning Systems* (2005:iv), the study authors recommend that the legislature grant authority for the Division of Parole and Probation to use EM for probationers and create a commission to oversee the implementation and evaluation of GPS use, especially for offenders who are high-risk to public safety and when location is of primary concern.

The Florida legislature received a report (2005:1) that states: "While electronic monitoring can help improve offender supervision, it is not currently used for the highest risk offenders." The California Performance Review (2006:286) has recommended that the state "consider the use of global positioning satellite tracking for certain high-risk offenders" on parole. The California state legislature recently ordered the parole system through statute to place all "high risk" sex offenders on GPS, which will in the immediate years ahead involve thousands of parolees throughout the state. The evaluation of such a massive program undoubtedly will have significant public policy and cost benefit impacts in the immediate future not only for California but other states where GPS already is employed and others considering such a program.

According to the *Journal of Offender Monitoring* (Hartgen, 2005:1), "...the number of sex offenders wearing GPS tracking devices may increase from the current 3,000 to 15,000 by 2007; however, with the California caseload, that number will escalate easily to 25,000 number by the year 2008. Such an increase can be attributed to legislation being passed requiring such offenders be monitored at all times after their release from prison.

Although there appears to be heightened interest in the use of technological devices including RF and GPS monitoring systems, there is much that is unknown about its use, consequences and ability to help offenders and or provide for community safety. As Nellis and Lilly (2004:7) state: "...not even on the broadest definition of "evidencedness" can policy and practice be said to have been based on rational evaluation....There is no systematic knowledge of why decisions have been made to pursue or retain it."

As the above suggests, while there appears to be an impetus to utilize EM and especially GPS to track and monitor serious offenders,

including sex offenders, and especially by legislatures, there is a danger that this innovative technology is perceived to be a panacea with regard to effective crime control. Although EM has been around for approximately 20 years, there simply is insufficient data to calculate the numbers and kinds of offenders on various kinds of EM technologies, determine whether or not the actual numbers of offenders on EM has penetrated the "electronic ceiling" (Cohn, 1999) of 100,000 offenders on a daily basis, determine the efficacy of the technology, assess the degree to which EM has been an effective crime control strategy and or adjunct rehabilitative vehicle and prove to be an effective and cost-effective public policy initiative.

In 1991, Corbett and Marx warned of over-reliance on the EM technology. They state (p.410)

The glamour surrounding sophisticated electronic technology may lead the uncritical to assume that its results are invariably reliable. In their enthusiasm vendors and program entrepreneurs may fail to acknowledge the technologies' weaknesses....The technology is also applied and interpreted by humans, with the possibility of errors and corruption.

It is imperative that agencies hosting EM initiate meaningful evaluations of their programs—evaluations based on sound methodologies that permit responsible findings that can be universally generalized. "If you don't count it, you can't measure it" should be the mantra for study results should help us to appreciate the success potential of EM. Furthermore, appropriate research results undoubtedly will have profound policy implications at both the legislative and agency levels of operations. This is especially important, for as Renzema and Mayo-Wilson conclude as a consequence of their meta-analysis (2005: 233):

"All studies of EM in moderate to high-risk populations have serious limitations and matched studies of EM in moderate to high-risk populations are of very low quality....After 20 years of EM, we have only a few clues as to its impact..." ▷▷▲

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An abstract artwork featuring a complex pattern of red, blue, and yellow shapes, possibly representing a map or a biological structure. A human eye is visible in the lower-left corner, looking towards the center of the composition. The overall style is textured and layered.

Developmentally Disabled Youth under Community Supervision

The Individuals with Disabilities Education Act (IDEA) updated in 1997, provided the impetus for renewed focus on the educational needs of incarcerated youth in the United States. IDEA updated legislation that was originally passed in 1975 as the Education for All Handicapped Children Act (Burrell & Warboys, 2000).

The resulting research and policy changes have improved educational opportunities for minors incarcerated in state and county facilities for adults and juveniles by ensuring access to appropriate educational resources (Bullock & McArthur, 1994; Burrell & Warboys, 2000; Leone, Meisel, & Drakeford, 2002; Mears, 2003; Quinn, Rutherford, & Leone, 2001; Quinn, Rutherford, Leone, Osher, & Poirer, 2005; Robinson & Rapport, 1999; Rutherford, Nelson, & Wolford, 1985).

by Natalie Pearl, Ph.D

At the same time that incarcerated youth were given this attention, developmentally disabled youth under the supervision of juvenile probation authorities across the country were being overlooked.

While youth with developmental disabilities who are under community supervision may not have been the focus of recent legislative attention, they pose serious concerns to communities across the country as they are a sub-set of juveniles who are at high-risk of offending. Youth under community supervision who struggle with developmental disabilities face obstacles to achieving successful outcomes in school, the workplace and in their interpersonal relationships that are above and beyond those faced by other juveniles (Seltzer et al., 2005).

Contact with the juvenile justice system, particularly contact that leads to periods of out-of-home placement, can compound existing problems for youth with developmental disabilities and make it increasingly difficult for these youth to successfully follow probation case plans and participate in mandated treatment (Vig, Chinitz, & Shulman, 2005). An important argument for drawing attention to developmentally disabled youth under community supervision is that this population makes up a much larger component of adjudicated youth than those who are institutionalized.

The number of youth in correctional institutions is much smaller than those who will be served in community-based placements or at home under community-based supervision. Recent statistics show that of the 624,500 youth found delinquent in the United States in 2002, 62 percent or 385,400 were placed under community supervision with only 23 percent or 143,635 receiving an order for out-of-home placement (Snyder, 2006).

Prevalence of Developmental Disabilities

The prevalence of developmental disabilities is vastly different between youth in the general population and in the juvenile justice system (see table 1). In the general population in 2001, nine percent of young people in the United States ages six to 21 years received special education services under IDEA. Of these youth, nearly 50 percent had a specific learning disability, nearly 20 percent had speech and or language impairments, 10 percent were mentally retarded and eight percent had an emotional disturbance (Westat, 2003).

The one in ten youth in the general population who receive special education services pale when compared to the full one third (33.4 percent) of youth in correctional institutions who received special education services under IDEA during the 2000-2001 school year (Quinn, Rutherford, Leone, Osher, & Poirer, 2005). The most prevalent developmental disabilities found among incarcerated youth are learning disabilities (39 percent) and emotional disturbances (48 percent) (Burrell & Warboys, 2000; Quinn, Rutherford, Leone, Osher, & Poirer, 2005).

A recent survey of the prevalence of developmental disabilities among youth under juvenile justice supervision in San Diego County, California found nearly one in five youth (17.6 percent) had been diagnosed with at least one developmental disability. This translates into over 700 youth who are under supervision in San Diego County alone; when calculated using the 385,400 youth on probation across the country, it could be estimated that almost 68,000 youth under supervision are affected by these disorders.

Table 1: Prevalence of Developmental Disability by Population

	General Population	Juveniles under Community Supervision-San Diego	Incarcerated Juveniles
Overall Prevalence	8.9%	17.6%	33.4%

Table 2 displays the types of disability and its prevalence across the three populations discussed and reveals the marked differences between the groups. While the largest problem for juveniles in institutions is emotional disturbances, in the community, juveniles with learning disabilities is by far the largest at-risk group. A national study found a rate of 47.7 percent for emotional disturbances and 38.6 percent for specific learning disabilities among disabled youth in detention facilities (Quinn, Rutherford, Leone, Osher, & Poirer, 2005). Among youth under supervision in San Diego, the prevalence of learning disabilities is significantly higher (77.9 percent), while the rate of emotional disturbance is approximately 10 percent. One possible explanation for the high prevalence rate of emotional disturbance nationally among incarcerated populations is that youth with emotional disturbances often have major behavioral problems which are more likely to lead to incarcerative sentences rather than community-based supervision (Wagner, Kutash, Duchnowski, Epstein, & Sumi, 2005).

Table 2- Type of Disability Diagnoses by Population

	General Population	Juveniles under Community Supervision-San Diego	Incarcerated Juveniles
Learning Disability	49.2%	77.9%	38.6%
Emotional Disturbance	8.1%	9.6%	47.7%
Mental Retardation	10.3%	6.7%	9.7%
Speech/Language Impairment	18.6%	4.8%	0.0%

Case Study: San Diego

To gain an understanding of how prevalent developmental disabilities are among youth under community supervision, a survey was conducted in San Diego County. A sample of 567 juveniles under community supervision was selected; the cases included a random sample of youth on traditional supervision caseloads ($n=204$), combined with all youth placed on specialized behavioral or mental health caseloads ($n=363$). Probation officers were asked to review case files for the juveniles identified as survey participants and to complete a written questionnaire. The overall response rate was 98.5 percent resulting in a sample of 558. This sample represents approximately 10 percent of the juveniles under community supervision in San Diego County.

Of the 558 subjects, 79 percent were male. Racially, the largest group in the sample was Hispanic (43.2 percent), one-fifth was African American (21.5 percent), over one-quarter was White (28.3 percent) and the remaining seven percent were Asian, Pacific Islander, American Indian and other races. The average age of youth in the sample was 16.6, with the youngest being 12 and the oldest 20. The physical living arrangements at the time of the survey were that half lived at home, 35 percent were in non-secure placements, and 15 percent were in secure detention facilities. Although some of the youth were in secure placement at the time of the survey, they had been committed to non-secure or community-based supervision. Their time in secure confinement is most likely the result of failure in a less restrictive environment.

The survey results show that 17.6 percent of youth in the sample have been diagnosed with at least one developmental disability. As was expected, youth in the specialized caseloads demonstrate a higher prevalence of developmental disability (20 percent), than youth on traditional caseloads (12 percent). Findings are also consistent with research (Burrell & Warboys, 2000) indicating that learning disability and emotional disturbance are the most common disability types among adjudicated youth who have disabilities.

Other important findings related to compliance with IDEA are those related to the availability of diagnostic tools available to probation officers that can lead to specialized services for these youth. The survey revealed that only slightly more than half (55.1 percent) of developmentally disabled juvenile probationers in San Diego County had a current Individualized Education Plan (IEP) available in their probation file. Psychiatric evaluations are also used to diagnose disabilities and 90 percent of disabled youth in the sample had a recent psychiatric evaluation in their file.

Risk Factors for Developmentally Disabled Youth Under Supervision

Despite the fact that IDEA was reauthorized in 1997, necessary requirements surrounding assessment, IEPs, information sharing and teaching methods have not been fully implemented in many schools and other institutions that serve the needs of disabled youth, including juvenile probation (Robinson & Rapport, 1999). This is often due to

a lack of resources and or a perceived conflict with other legislation, such as the Family Educational Rights and Privacy Act (FERPA), for example. For a supervising probation officer, locating and obtaining records from a student's prior school can be time consuming and may mean that adequate background information, like an IEP, is not available as the probation case plan is developed. From the school's perspective, a lack of clarity about privacy rights and their authority to release student records to probation departments act as barriers to information sharing (Robinson & Rapport, 1999).

Youth who are detained for short periods of time and then moved to community-based alternatives face additional issues. When prior education records are not provided, the probation department becomes responsible for ensuring that the juvenile is reassessed and a new IEP is developed. No matter what the reason, when educational records are not made available to probation staff there is an increased risk that juveniles will not have consistent access to special education services.

While community-based supervision reduces the risks associated with incarceration, such as absence from school leading to dropping out and difficulty reintegrating with family and community and increased risk of substance abuse, developmentally disabled youth in the community encounter other factors that can impede their success. Numerous studies have indicated that learning disabled youth suffer from social skill deficits and have difficulty forming positive bonds with peers (Kavale & Forness, 1996; Nowicki, 2003). Over half of the youth diagnosed with an emotional disturbance will drop out of school (Wagner, Kutash, Duchnowski, Epstein, & Sumi, 2005). In addition, youth with persistent learning disabilities have a higher risk of being diagnosed with substance abuse or other psychiatric disorders later in life (Beitchman, Wilson, Douglas, Young, & Adlaf, 2001). These risk factors place developmentally disabled youth in a precarious situation that is compounded by involvement with the juvenile justice system.

Meeting the Needs of Developmentally Disabled Juvenile Probationers

Juvenile courts and probation departments are mandated to place juveniles in the least restrictive environment resulting in a large majority of juveniles under community supervision. As do all youth, developmentally disabled youth benefit from engaging in positive social activities with their non-disabled peers (Burrell & Warboys, 2000). Furthermore, developmentally disabled juvenile offenders benefit from community and family involvement in their rehabilitation (MacKinnon-Lewis, Kaufman, & Frabutt, 2002). By placing developmentally disabled youth in non-secure treatment facilities or allowing them to remain at home, probation departments may be able to improve successful outcomes for these youth.

In San Diego County, approximately 90 percent of the youth sampled were in the community. Nearly one in five (17%) of these youth were on specialized caseloads and attended a school operated specifically to serve the needs of youth on probation. While grouping youth under supervision into special schools may not provide the opportunity to

engage with their main-streamed peers, it may lead to a higher level of assessment of learning disabilities enabling students to return to traditional neighborhood schools at some time in the future. No matter where supervised youth are in school, every youth who appears to have a developmental disability, either through a psychological evaluation or through direct observation should have a current Individual Educational Plan developed.

While schools have access to educational assessment tools and maintain students' academic histories, probation officers have extensive knowledge of the history, family life and mental health conditions of the juveniles on their caseload. Instead of working independently, schools and probation departments must improve their collaboration in order to reduce barriers to education and offer better outcomes for youth.

Looking Forward: Improving Probation for Disabled Youth

Clearly defined pathways between schools and the juvenile justice system can ease the transition between the two and provide consistent access to special education. The first step is a comprehensive assessment of all youth at risk who are supervised in the community. Secondly, simplification of the information sharing process will assure that previous records are available to current educators. Developmentally disabled youth on probation benefit if school records are made available to the courts and probation officers in a timely manner. Staff from both areas, from administrators to teachers and probation officers, should be trained on the requirements of IDEA and notified that information sharing within these systems does not violate the privacy mandates of FERPA. At the same time, it would be useful if school districts and probation departments created liaison positions to facilitate this transfer of relevant information. If the process of sharing records is streamlined and centralized, juvenile field services staff can devote more time to working directly with young people.

Just as educational records can be useful to probation staff to provide special education, schools can benefit if students receive treatment and assessment tools employed by probation departments to better understand psychological, behavioral or family issues that are affecting a young person's school performance. Integrating the services offered by both institutions can help to better meet the needs of disabled youth. Gaps or duplication could be addressed by creating a more efficient and comprehensive continuum of services. Detained youth would also benefit from educational activities that are more integrated with treatment, recreation and other programming. This will allow disabled youth to feel connected to their peers, while still receiving special education services.

By diverting youth from secure facilities to community-based probation, many juvenile courts, including San Diego County, are working to create better long-term outcomes for adjudicated youth, especially those with developmental disabilities. These efforts should be continued. While juvenile probation departments have a responsibility to protect public safety, evidence shows that multi systemic and family

based programming can improve outcomes for youth involved in the criminal justice system (Burke, Hammett, & Howard, 2006; Dowden & Andrews, 1999). Allowing young disabled offenders to serve their time in the "least restrictive environment" will provide them better access to special education and other rehabilitative services and may lead to better long term outcomes.

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Calendar of Events

2007 - 2008

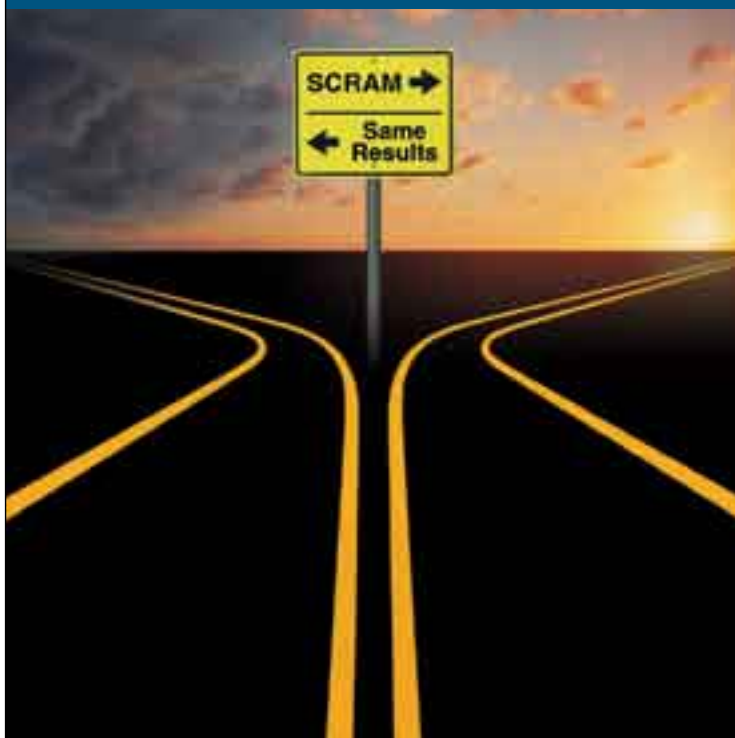
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|-----------------------|--|----------------------------------|--|
| July 8-11, 2007 | APPA's 32nd Annual Training Institute
Philadelphia Downtown Marriott,
Philadelphia, PA. Program Chair:
Rhonda Grant Phone: 803-734-9241
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information | October 20-24, 2007 | American Association for the
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| July 10, 2007 | 2007 Drug Court Prosecutor Training
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| July 30-31, 2007 | Survival Spanish for Probation and
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| August 13-16, 2007 | 19th Annual Crimes Against Children
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| September 2-6, 2007 | The National Judges College 2007
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information visit www.judges.org . | November 13-17, 2007 | Drug Court Treatment Provider
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| September 10-11, 2007 | Supervising the Sexual Offender
Los Angeles, CA. Visit www.appa-net.org for further information | November 27-
December 1, 2007 | Drug Court Community Supervision
Training Judicial Training Center,
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| September 15-20, 2007 | 12th International Conference on
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| September 17-21, 2007 | 2007 Drug Court Coordinator Training
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