

# PERSPECTIVES

the journal of the American Probation and Parole Association

w w w . a p p a - n e t . o r g

Volume 35

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Spring 2011



## CASE PLANS :

WHAT DOES THE LITERATURE SAY?

A Force for Positive  
CHANGE.





American Probation  
and Parole Association

36TH ANNUAL TRAINING

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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 format on an IBM-compatible computer disk and mailed to Karen Mucci, Production Coordinator, PERSPECTIVES Magazine, P.O. Box 11910, Lexington, KY, 40578-1910, or can be emailed to [kmucci@csg.org](mailto:kmucci@csg.org) in accordance with the following deadlines:

**Winter 2012 Issue – August 24, 2011**

**Spring 2012 Issue – November 11, 2011**

**Summer 2012 Issue – February 17, 2012**

**Fall 2012 Issue – May 20, 2012**

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. Authors should provide a one paragraph biography, along with contact information. 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.

While the editors of PERSPECTIVES reserve the right to suggest modifications to any contribution, all authors will be responsible for, and given credit for, final versions of articles selected for publication. Submissions will not be returned to contributors.

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From time to time, I like to remind my colleagues, and myself, of the need to take care of ourselves. Community corrections work involves significant stressors that, over time, take a toll on an individual's emotions and behavior. The idealistic rookie can easily become a disillusioned, frustrated officer or a negative, cynical veteran. The psychological and emotional fall-out from job-related stress can be harmful to both individuals and families, affecting individual well-being as well as interpersonal relations. Furthermore, job performance may decline due to reduced energy, a less positive and balanced perspective and changed behavior. We cannot afford to underestimate or ignore the damage that can result from job-related stress. In order for probation and parole officers (and other direct service staff) to help others, serve our communities effectively and preserve personal health, we need to be aware of emotional job hazards and have strategies to take care of our own health and well-being.

## **JOB STRESSORS AND NEGATIVE IMPACTS**

In studies related to job stress, probation and parole officers have identified heavy caseloads, excessive paperwork, deadlines, role ambiguity, role conflict, role safety concerns, low pay, few promotional opportunities, and lack of administrative and supervisory support as causes of job-related stress. The sources of job stress most frequently cited by officers stemmed from organizational forces more than from working with probationers or parolees. Predictably, the demands of high caseloads and expanding workloads including paperwork and time constraints frustrate officers' efforts to supervise their caseloads effectively. Over time, these stressors can have a negative impact on job satisfaction and can lead to a state of emotional and mental exhaustion known as burnout.

The negative psychological and emotional impacts of working with probationers and parolees can be insidious. Law enforcement officers readily acknowledge that their views and beliefs have been changed by police work. After repeated contact with criminals, police predictably become more distrustful of others' activities and intentions and more concerned with protecting themselves and their families. It is easy to understand how the work of probation and parole officers may have a similar impact. For example, many people working in law enforcement and community corrections hear "scout leader" and may automatically think "child molester;" this reaction reflects a heightened distrust and negativity when compared to the reactions of the general public. We may not be conscious of changes in our world view, but the impact can involve growing negativity, cynicism, hyper-vigilance or other changes that affect mental health and personal relationships.

Probation and parole staff, like others working in "helping" professions, experience secondary trauma. Also known as vicarious traumatization, compassion stress and compassion fatigue,



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# STRESS

Changes resulting from stress include, but are not limited to:

- Fatigue, loss of energy, reduced work efficiency
- Sadness, depression, withdrawal from others or activities
- Apathy, indifference, emotional numbness
- Forgetfulness, confusion, lack of concentration, difficulty making decisions
- Cynicism, discouragement, loss of compassion, loss of faith or trust in humanity, using negative stereotypes to form quick judgments
- Grief, despair, loss of faith in past beliefs
- Difficulty containing emotions, loss of emotional control, over-reactions to minor events
- Loss of sense of humor, loss of capacity to feel joy
- Irritability, intolerance, anger, and rage
- Preoccupation with safety of self and loved ones, increased sensitivity to violence
- Physical complaints: headaches, body aches, frequent illness

secondary trauma is trauma that is experienced indirectly through involvement with others who have experienced or are experiencing trauma. Probation and parole officers have contact with people who have suffered major losses, experienced traumatic events or who live in a perpetual state of crisis due to hardships or dysfunction in their lives. Probation and parole officers are exposed to trauma through interviews with crime victims, the content of police reports and work with those they supervise. Officers who work with certain populations, such as gang members and sex offenders, may have even more second-hand exposure to violent and/or disturbing events. The images are troubling and can be difficult to let go. Officers need to react quickly at times and have to make decisions that affect people's lives. They work hard to provide help while being confronted with shortages in the availability of behavioral health and human services to assist people in need. Emotional and behavioral effects of secondary trauma can develop slowly and cumulatively, so staff may not recognize that they are affected until they are already "burned



out.” The consequences of secondary trauma can interfere with an individual’s work and personal life and can be serious and long-lasting.

The negative emotional and psychological impact of work experiences can be acute as well as cumulative. Probation and parole officers are affected by specific events on their caseloads, such as a supervisee’s suicide or violent recidivism, especially when it involves a death or a child. Officers may experience trauma directly while on the job, such as being assaulted or receiving a threat of injury or death toward themselves and/or their family.

The negative effects of stress, whether from trauma, secondary trauma or other job-related stressors, are similar. However, everyone responds to stress differently and the negative effects of stress can take many forms. On a personal level, the negative effects of job-related stress include the loss of physical, emotional, psychological and spiritual well-being, and in the workplace, can result in absenteeism, high turnover, loss of productivity and impaired professional skills.

## **STRESS MANAGEMENT**

Saakvitne and Pearlman identified three concepts to make it easy to remember how to manage stress. Their ABC’s for addressing vicarious traumatization also reflect classic elements of the stress management literature.

**Awareness.** To reduce stress, you must first be aware of the signs and symptoms of stress and be able to identify them in yourself. Awareness involves a continual process of paying attention to changes in your feelings, attitudes, beliefs, physical health and daily activities.

**Balance.** An individual needs to seek balance among different types of activities, including work, personal and family life, rest and leisure. Simply put, have a life outside the job where you can enjoy rest, relaxation, fun and a meaningful personal life. Protect and promote your mental, physical and spiritual health. Remember that adequate rest, good nutrition and exercise are essential to our health and resiliency. Relaxation techniques, meditation, journaling and many other activities can help a person stay “centered.”

**Connections.** It is important to build and maintain a support system. Relationships with co-workers, friends and family provide meaning, healing and renewal. They provide

**“In an appropriate way, we can consciously strive to make work enjoyable and we can recognize hard work and remember to celebrate success.”**

# president's message

opportunities to “vent” and help relieve feelings of isolation, loneliness and grief. Debriefing a difficult encounter allows us to immediately acknowledge and resolve stress from the incident.

In our organizations, we can provide education about work-related stress and stress management. Normalizing symptoms of stress may increase the likelihood that staff will identify early warning signs and seek help. We can be available and supportive to one another. An organizational culture that provides flexibility and promotes balance can be very helpful. Do employees have the option to work from home periodically? Is over-time limited? Are officers able to transfer assignments to avoid burnout?

Employee assistance programs and peer support programs are valuable resources, where these are available. In an appropriate way, we can consciously strive to make work enjoyable and we can recognize hard work and remember to celebrate success. Take care and remember this advice:

*“Whether you are new to the field or a long time veteran, your energy, empathy and creativity are resources that must be nurtured, safeguarded and replenished.*

(Saakvitne, K.W. & Perlman, 1996). >>>

*Barbara Brodwin*


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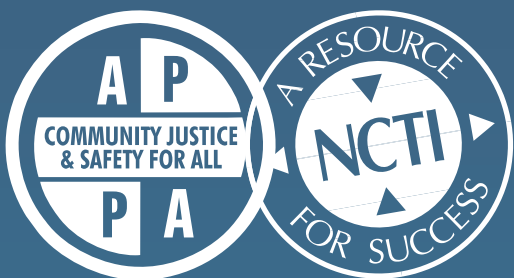
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This training is accredited by the American Probation and Parole Association (APPA). NCTI has already trained thousands of community corrections professionals across the country.

**To learn more about PREA and what it will mean for you and your agency, visit [www.preatraining.org](http://www.preatraining.org) or call 800.622.1644 to register.**



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Welcome to the Spring issue of *Perspectives*, our first as an on-line publication. The shift to on-line publication is something I have advocated for some time. The decision to shift to this new platform was precipitated by APPA's *Green is Good* initiative and by the increasing costs of producing a print publication. The global recession has affected APPA much as it has affected you, your agencies and organizations. Reducing the cost of producing the journal will help your association maintain its fiscal health.

Moving to the on-line platform provides us with many new and exciting possibilities for the journal. I am excited with the proposals that the APPA staff are developing. We encourage you to submit suggestions for exploiting great potential of on-line publishing.

Our lead article focuses on case planning, a critical component to effective implementation of evidence-based practices. Supervision case plans were largely neglected by probation and parole for the last three decades. Agencies are increasingly recognizing how important a good case plan is to providing effective supervision. In her article, Dana Wilks reviews what we know about case planning and provides a very helpful primer for those who may not be familiar with this research.

In his article on the interstate transfer of probationers, New York State Probation Director Bob Maccarone makes a strong argument for rethinking the transfer process to make it both more effective and more efficient. The whole interstate transfer enterprise is complex, challenging and labor intensive. The "complete transfer" concept would help to remedy some of the cumbersome and time consuming processes now required by the interstate compact rules. We invite you to weigh in on this proposal and share your thoughts.

In the day-to-day demands of managing an agency, little time is devoted to planning for disaster response. The last decade since September 11, 2001 should have taught us some lessons. In addition to the World Trade Center attacks in New York City, we have seen the unprecedented destruction and horror of Hurricane Katrina in New Orleans, catastrophic floods in Iowa and the upper Midwest, the east coast power failure and blackout and numerous smaller, but no less devastating events. As I write this, the world is still watching anxiously as Japan struggles to address the nuclear reactor failures precipitated by the earthquake and tsunami. In their article on influenza pandemics, Pat Bancroft and Adam Matz explore the issue of disaster preparedness from yet another perspective. This, and other materials on disaster preparedness and continuity of operations planning should be required reading for agency managers and executives.

It has been said that information is power. Hidden away in our agency files and information systems is a wealth of information on offenders that could be powerful tools for us and for other justice agencies. Unfortunately, most of those systems and files have been all but inaccessible to anyone outside the agency (and sometimes to those inside, as well!). Advances in information technology have made this situation increasingly unnecessary and indefensible. Pat Bancroft's article on automated information sharing updates us on this critical area. Efforts lead by the federal government and fully engaged in

by APPA in collaboration with many other agencies and associations are breaking down barriers to cross agency and cross jurisdiction information sharing. As fiscal constraints and demands for increased efficiency and effectiveness continue to pressure community corrections, information management solutions will become ever more important. APPA's support of such efforts is further demonstrated in the resolution in support of the National Law Enforcement Data Exchange (N-DEx).

Our regular updates provide a fascinating look at work underway. The Tech Update reviews the status of a number of projects examining the effectiveness of technology, including reporting kiosks, location tracking technology and the use of GPS systems with some of our most challenging cases, including domestic violence, gangs and sex offenders.

The International Update describes community corrections in China, the world's most populous country and one of the least transparent. The emphasis on mediation, with almost one million mediation committees and more than seven million mediators, intrigues me. While this may be a drop in the bucket in terms of the total criminal workload, it is noteworthy nonetheless.

The book review in the Research Update explores a provocative book on domestic violence that questions some of the long held views on this difficult problem. The Safety Update announces the endorsement by the APPA Board of Directors of the position paper on office design for probation, parole and pretrial services agencies. Look for this paper in a future issue of Perspectives.

In her President's Message, Barbara Broderick addresses a crucial issue of staff health and well-being. The first step to wellness is awareness of the sources and causes of stress. These are found in both the way we approach our jobs and in the nature and structure of our jobs. Addressing the causes and sources and achieving wellness requires the collaboration of staff and agency leadership. As with so many aspects of our work, awareness and knowledge is the foundation, but we then must take action based on that knowledge. We hope that the information contained in Perspectives provides you with knowledge and awareness, enabling you to be more effective while safeguarding your own health and wellbeing.

As always, we invite your feedback on this, your professional journal. »»»



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Partnerships with stakeholders lead to shared ownership of our vision.



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



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July 11-13, 2011; Clovis, CA

For more information on upcoming NCTI trainings, contact Jeff Koenig at (800) 622-1644 (x.5236) or email at [jkoening@ncti.org](mailto:jkoening@ncti.org)

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## SAFE OFFICE DESIGN POSITION STATEMENT PASSED!

**A**t the Board Meeting of the APPA Winter Training Institute held February 27, 2011, the Board passed, with some term revisions, the draft Safe Office Design Position Statement that was submitted by the Health and Safety Committee prior to the Washington, D.C. Training Institute in August, 2010. The Position Statement is now in the hands of William Burrell, our Perspectives editor, for final editing. The Position Statement will then be available on the APPA web site.

The publishing of the Safe Office Design Position Statement culminates an effort that began in 2004 when the Health and Safety Committee began collaboration with The American Correctional Association (ACA). ACA's Facility Design Committee, in collaboration with their Probation Committee, had already begun work on drafting "Standards" for their organization. With the assistance of the National Institute of Corrections (NIC), ACA and APPA representatives were able to meet and develop safe office design guidelines which were formatted to fit the respective agency's "Standards" or "Position Statement" structure. It is the hope that these respective documents will assist agencies in enhancing the safety of the office environment and provide valuable information on "best practices" in safe office design.

The Health and Safety Committee wishes to express their appreciation to all those who took time to review the numerous drafts and

provide valuable feedback. The committee sends a special thanks to Kenny Holloway who, as an active member of both ACA and APPA, served as liaison between the two organizations, greatly enhancing the development process.

### OTHER SAFETY BUSINESS

During the meeting of the APPA Health and Safety Committee at the Winter Institute, William Sabol and staff from the Bureau of Justice Statistics (BJS) advised that they are exploring the feasibility of collecting hazardous duty information on a national basis. This is another project that the Health and Safety Committee has been working on for a number of years as no national agency currently collects data on incidents incurred by community corrections personnel.

The BJA staff sought information on the types of incidents experienced by community corrections staff and how data is currently collected by the numerous state, county and municipal jurisdictions. BJA will also be examining how best to collect data; whether to survey agencies or staff directly. This is a complex issue as many jurisdictions do not currently collect hazardous duty statistics.

The Health and Safety Committee will continue to work with BJS on this important issue. With current, accurate, statistical information, agencies can better address safety issues, equipment and training.

As always, if you are an APPA member and interested in working on safety related issues I encourage you to join the Health and Safety Committee. Just email your interest to Adam Matz, Committee Liaison, at [amatz@csg.org](mailto:amatz@csg.org). ▶▶

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



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## CURRENT NIJ RESEARCH AND DEVELOPMENT INITIATIVES

**T**he National Institute of Justice (NIJ) is heavily invested in research and development efforts related to the implementation and effectiveness of technologies which support offender supervision in the community. NIJ's research and development projects are all based on practitioner need. To gather practitioner requirements, NIJ supports a Technology Working Group (TWG) specifically dedicated to community corrections. This TWG is made up of probation, parole and pretrial professionals from across the country, many of whom are active members of APPA and its technology committee.

TWG requirements generally come in the form of new technology solutions to operational problems or improvements or enhancements to existing technology. The other major focus has been advocacy for more research on electronic supervision technology. The use of technology has, for many good reasons, outpaced the availability of solid research. While the TWG's primary purpose is to identify "hard" technology needs they never lost sight of the equally important need for evidence-based support for the use of technology.

### The Process

Based on input from TWGs and other practitioner groups, NIJ sets forth a research agenda. NIJ will periodically release solicitations which describe the research and development areas of inquiry it is most interested in supporting. In response to a solicitation, individuals and organizations can submit proposals to perform the work. Proposals are then evaluated by a peer review panel and ranked. Assuming that there are responses of high enough quality, one will be selected and awarded funding to begin the project.

In this Technology Update, I would like to provide the readership with a report on a number of projects of interest at

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varying stages in the process, starting at the solicitation phase.

## RECENT SOLICITATIONS

### Multi-Jurisdiction Research on Automated Reporting Systems: Kiosk Supervision

Automated reporting kiosks have been used by community corrections agencies for over a decade but there is very little research on the effectiveness of this technology as a supervision strategy. To address this gap, the NIJ recently put out a solicitation for research proposals to examine kiosk automated reporting systems. Previous studies have looked at single jurisdictions so NIJ specifically has asked for proposals that include a multitude of different jurisdictions so that the information collected will provide the field with a more varied picture.

This research project has two objectives. The first objective is to conduct an implementation and cost effectiveness assessment of each kiosk system. The resulting information will provide the basis for a practical guidebook that other jurisdictions may use in making decisions about whether to adopt a kiosk supervision system. Assessments will include information regarding costs to train personnel who will use this technology and what types of training may be needed; compatibility issues between various kiosk systems and corrections agencies' databases; and cost considerations, such as how much money will be required up front for kiosk hardware, the amount of fees that can realistically be collected from offenders to support the kiosk system, and how much money will be saved by the agency over time.

The second objective is to compare, in each kiosk system, the impact and outcome of this tool on offenders assigned to this supervision strategy versus those offenders who are not assigned to kiosk supervision. NIJ expects the impact and outcome assessment to include findings about offenders' employment and housing stability; probation/parole violations and other recidivism measures; extent to which kiosks free corrections officers' time for other tasks; extent to which particular kiosk functions might be effective for use with high risk offenders; and the extent to which specific kiosk features are needed to deal with special populations, such as sex offenders.

### Location and Tracking Technologies for Corrections Applications

Location and tracking technologies have also been in use for several years. Based on input from the practitioners, improvements in the technology are desired. Specifically, the solicitation calls for proposals for research and development of technological solutions that provide improved capability in one or more of the following areas:

*Improved Location and Tracking*—Current monitoring devices have difficulty in accurately tracking individuals indoors, underground and in other locations that hinder transmission of the signal from the device to the system (satellite, cellular, radio, etc.) that relays that signal to the monitoring agency. The ideal solution would provide accurate tracking in all environments within three meters of a subject's location, while providing reliable and continuous three-dimensional tracking in real time.

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# technology update

**Improved Ergonomics**—Current devices used to monitor the location of a subject, such as ankle bracelets, are obtrusive. This may pose a physical risk to the subject, particularly when worn while operating machinery. It may also affect the subject's ability to "blend in," thus posing additional challenges to their successful reentry into society. The ideal solution would be one that is nearly undetectable and difficult to remove but that provides accurate location information in all physical and geographic environments.

**Improved Security**—Current location and tracking technology systems are vulnerable to offender tampering, such as wrapping metal foil around

the device to block its transmissions. The ideal solution would have the capability to detect intentional signal blocking and false signal generation by the offender and automatically report that to the monitoring agency.

A decision about whether awards will be made based on these two solicitations should be made by the summer of 2011.

## **Recently Awarded Project**

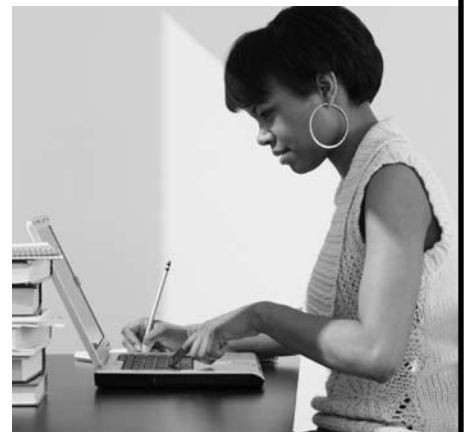
One project that has gone through the solicitation process and just recently been awarded relates to Developing and Evaluating Location-based Information Systems for Offender

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Supervision. The awardee, the University of Oklahoma, has been funded to evaluate the performance of the Oklahoma Department of Corrections (ODOC) GPS monitoring program and develop a technologically advanced GIS toolkit for the spatiotemporal analysis of movement patterns of individual GPS participants and group behaviors. It is theorized that the ability to identify problematic behavior patterns as they unfold, and improve the usability and functionality of GPS-generated data should reduce the number of unsuccessful program terminations through the utilization of early intervention strategies.

Research products will include case studies with GPS data from ODOC, detailed evaluation report of end user issues with the current GPS monitoring system and unmet needs, a detailed How-to report for analyzing current systems with a crosswalk between the capabilities of the tools developed in the tool kit and identified user needs, a toolkit, source codes, user manual, and scheduled project reports. While the ODOC system is used as a test case, the GIS toolkit and manuals are expected to be broadly adaptable for other states and delivered as freeware. With the understanding that many GPS programs have been developed on various software platforms, the toolkits will be designed on common data structures (such as shapefile or ASCII data formats) of paths in GPS coordinates. Common data formats will serve as bridges between the toolkit and a GPS program system.

As mentioned, this project was just recently awarded and it will be approximately two years before completion.

#### **Existing Awards - Near Completion**

There are three projects of interest that are nearing completion. The first is a study examining the use of GPS monitoring technology on Domestic Violence cases. The study, conducted by the University of Illinois, has three major goals/objectives, each pursued through three data-driven strategies. The first goal is to understand the short and long term effect that GPS tracking has on defendants who have been charged with domestic violence-related offenses. The second goal is to document how GPS tracking programs for domestic violence are being implemented and what qualitative impact they are having for those who are involved with such programs. The third goal is to construct a comprehensive description of the extent and nature of GPS adoption by pretrial agencies in the United States.

**“The purpose of this study is to assess the impact, fidelity and costs of the GPS program, including its effectiveness both as a strategy for reducing recidivism and as an investigative and prosecutorial tool.”**

# technology update

The second study is focusing on the use of GPS technology for supervising high risk gang offenders. The study is being conducted by the Development Services Group in partnership with the California Department of Corrections and Rehabilitation (CDCR). The purpose of this study is to assess the impact, fidelity and costs of the GPS program, including its effectiveness both as a strategy for reducing recidivism and as an investigative and prosecutorial tool. The study proposes a nonequivalent-group, quasi-experimental design with multi-level modeling. It is hypothesized that the GPS technology will deter parolees from engaging in future criminal behavior because it increases the probability of detection, encourages parolees to be more compliant, serves law enforcement in investigating a reported crime and supports prosecutors in building a case by providing stronger evidence. The outcome measures include: a) recidivism, b) compliance, and c) effectiveness as an investigative and prosecutorial tool. The central feature of the analysis uses survival analysis to model all time-to-event data.

The third study is also being conducted by the Development Services Group, again in conjunction with CDCR. This consists of a process and outcome evaluation of the CDCR's GPS Monitoring of High-Risk Sex Offenders. Specifically, the study will assess the impact, quality and costs of the CDCR GPS program, including the program's effectiveness in reducing sex offender recidivism and in detecting technical parole violations. This research employs a nonequivalent-group quasi-experimental design with propensity score matching estimators to account for the differences between the

treatment and comparison group. The analysis plan will include the following steps:

- compare characteristics of GPS and non-GPS offenders;
- assess implementation of GPS technology;
- compare offenses of GPS offenders before and after activation of GPS technology;
- compare outcomes of GPS and non-GPS offenders;
- conduct survival analysis of re-offending; and
- conduct a cost-effectiveness analysis.

The re-offending measures include technical violations, arrests for new criminal behaviors, arrests for new criminal behaviors of a sexual nature, arrests for new criminal behaviors of a violent nature and a return to prison. We will keep the readership informed as these important projects develop.

For further information on the APPA Technology Committee please feel free to contact Joe Russo at (800) 416-8086 or [joe.russo@correctionscoe.org](mailto:joe.russo@correctionscoe.org).

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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.





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## RECENT RESEARCH ON DOMESTIC VIOLENCE

### Recent Research on Domestic Violence

Book review of *Violent Partners: A Breakthrough Plan for Ending the Cycle of Abuse*

Linda G. Mills

Basic Books 2008

In her provocative recent book, Linda Mills challenges some of the key assumptions that have long-guided the Battered Women's Movement (BWM). Mills, who has degrees in law and social work and is a professor at New York University, begins by recounting her own experience with violent relationships, immediately setting a tone for the rest of the book. Domestic violence appears in many forms, yet our criminal justice and social service responses oversimplify this complex situation, thereby failing to meet the underlying needs of those trapped in violent relationships. This complexity, she goes on to explain, has been largely ignored by social workers, the criminal justice system, domestic violence advocates and friends of the people suffering from abusive relationships. In order to truly attack the root of intimate partner abuse, Mills insists we acknowledge the "inconvenient truths" of domestic violence.

In her chapter, "A brief history of the Battered Women's Movement," Mills reminds us that the BWM began in the 1970's with an outcry that there was no safe place for victims of abuse—that they were "all too often hidden casualties, treated like the property of their tormenters and expected to suffer in silence" (p. 21). The first women's shelter was built in 1974, ultimately

leading to the many thousands that exist today. In addition to promoting shelters, the BWM also focused on police practice since police were the most frequent first point of contact and yet often the least knowledgeable about how best to respond to victims' needs.

Mandatory arrest policies arose after a chilling case in 1983. Widespread publicity criticized police for hesitating to arrest the ex-husband of Tracey Thurman. Even though she called 911 and her husband had a prior restraining order, he had stabbed her multiple times and he continued to attack her and threaten to kill her in front of the responding officer. In the following years, "84 percent of U.S. police departments had adopted aggressive arrest policies for domestic violence crimes" (p. 24). This time period also saw an increased attention to restraining orders, victimless prosecution, and in 1994 the passage of the Violence Against Women Act (VAWA), mandating that the criminal justice system employ updated programs to protect victims of domestic violence.

Despite the very real violence experienced by Tracey Thurman, Mills argues that the stereotype of men as the violent partner and women as the victims oversimplifies the varied realities of domestic violence. This stereotype fails to capture the presence of domestic violence in same-sex relationships as well as violence by women. As a consequence, the criminal justice and social service responses have been narrowly tailored and overlook the needs of many, if not most, of those caught up in violent relationships.

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Mills enlarges the frame by reviewing statistics about violence in the American family. Not only are they startling but, because they call into question some tenets of the BWM, she argues they are often ignored or denied, and some researchers have experienced significant personal attacks for presenting them. Suzanne Steinmetz, for example, "was the object of an unsuccessful letter-writing campaign urging her university to deny her tenure and government agencies to rescind her funding. She also received a bomb threat at her daughter's wedding. She no longer studies family violence" (p. 80). Here are just a few of the numbers regarding violence in the home:

- Ninety-four percent of parents spank their children
- Thirty-six percent of children experience sibling violence
- Thirty percent of college students experience dating violence
- Thirty percent of lesbian couples experience domestic violence
- Twenty-seven percent of married heterosexual couples experience domestic violence
- Forty-nine percent of the violence in married heterosexual couples is initiated (at different times) by both partners
- Twenty-four percent of the violence in married heterosexual couples is initiated only by the woman



**“Linda Mills  
has written  
a powerful  
critique of  
the standard  
responses  
to domestic  
violence.”**

Mills argues that the popular conception of domestic violence, in which the female victim lives in terror of her controlling abuser, only represents a small fraction of the American couples struggling with violence today. She focuses on three different types of partner violence. The model for abusive relationships throughout the BWM and what is shown through various media sources she calls “intimate terrorism.” In these situations, tactics of physical violence, social isolation and physical, financial and emotional manipulation are used to control the behavior of one partner. Often ending in death or serious injury, this kind of relationship has become the image of domestic violence and as a result, the template for building response systems.

Mills in no way dismisses intimate terrorism but points out that violent relationships do not always mean that one partner is exclusively violent and the other is exclusively victimized. In what she calls “mutual violent control,” neither partner holds exclusive power over the other. Both exert tactics of low-level manipulation and control, often creating a hostile environment for both. Lastly, many relationships involve “situational couple violence,” which Mills argues is the most frequent type of intimate partner abuse. Typically occurring within otherwise healthy relationships, tensions build over time about a certain issue and one partner might strike out at the other in an isolated moment of frustration (despite a history of nonviolence).

Mills makes the point that each of these has a different etiology, but the BWM lumps the three together with the simple explanation that one partner needs power and control over the other. If the causes are different, and if the manifestations of domestic violence are more diverse, then there ought to be more varied interventions. Mills devotes much of her book to exploring programs that go beyond shelters, mandatory arrest, victim services and batterer treatment programs that emphasize separation and isolation.

Because Mills finds most interventions focused on heterosexual couples, she discusses SAFE—Stop Abuse for Everyone, a human rights organization that works towards ending abuse of straight men, young and old people and the LGBTQ (lesbian, gay, bisexual, transgender, questioning) community. SAFE offers a national hotline serving thousands of people annually who feel excluded from the resources available to female victims of domestic violence (see [www.safe4all.org](http://www.safe4all.org)).

Mills also describes Violence Anonymous, a 12 Step program with weekly conference call meetings for anyone that self identifies as violent (see [www.violenceanonymous.com](http://www.violenceanonymous.com)).

A third model that Mills explores is couples counseling. This has traditionally received strong resistance from the BWM, which fears that attempts at reconciliation puts victims at greater risk for retaliation. Mills, however, argues that closely monitored couples counseling can be effective for those that are both willing and committed to making their relationship better. This is possible when there are consistent check-ins with each partner individually, and there is a significant response or change in practice if there is any evidence that the abuse has restarted. Mills notes the specific conditions required for safe couples counseling, given the potential danger involved with this method.

Mills is most interested in exploring restorative justice approaches to domestic violence, especially an approach called “healing circles” or “peacemaking circles.” Circle practices are guided by a highly trained facilitator (or co-facilitators) and are based on indigenous justice rituals, seeking to restore harmony in a close-knit community. Not only is the couple included in the circle, but also immediate and extended family members and others who are close to the couple. Their inclusion is intended to build a strong support system in addition to a network of watchful eyes that helps ensure the victim stays safe. The couple openly discusses their issues, passing around a “talking piece,” which may be a feather or other symbolic item that allows only one person to speak at a time. Everyone involved has a chance to speak, exploring the impact of the violence as well as options for accountability and rehabilitation. Mills describes a program she helped develop in New Mexico expanding upon other restorative practices that typically involve only one or just a few circle meetings.

She argues that in cases of domestic violence it is important for the circle to meet repeatedly over many months or even years to ensure the path to healing is secure. Mills does not believe this practice is appropriate for all cases of domestic violence, and would especially exclude it from use in cases of intimate terrorism. But she does believe it would be of great value in the more common cases of situational couple violence.

Linda Mills has written a powerful critique of the standard responses to domestic violence. This is a passionately written and deeply personal exploration of the issue, but also one that is grounded in research and new ideas for best practice. She is not afraid to question conventional wisdom, and in doing so, invites practitioners to revisit tightly-held assumptions about the nature of domestic violence and how we may best respond to the wide-ranging needs of those who are harmed by it. For some readers, the book will be emotionally-moving and intellectually-inspiring, though we are sure that others will be unsettled, perhaps even angered by her ideas. Edging into a historically-controversial subject, Mills calls into question the tenets upon which the BWM has been built and undeniably provokes reconsideration of commonly-held beliefs, making this a “must read” for anyone interested in ending intimate partner violence. >>>

---

**David R. Karp** is Professor of Sociology and Associate Dean of Student Affairs at Skidmore College in Saratoga Springs, New York. **Rebecca Drago**, class of 2011, is a senior at Skidmore College double-majoring in Gender Studies and Environmental Studies.

## THE REVITALIZATION OF “COMMUNITY CORRECTIONS” WITH CHINESE CHARACTERISTICS

Chinese civilization dates back over 5000 years. China has a culturally rich past and a lengthy history in their pursuit of a “legal system and development of the legal idea” (Guoping & Limin, 2010). In more recent times, China has gone through a unique developmental process characterized by many twists and turns, as well as many significant milestones. It is important to understand a number of the key milestones in historical perspective as we review the revitalization of and the enhancements to community corrections in China.<sup>1</sup>

The People’s Republic of China (PRC) was established in 1949. In 1954 the PRC legal system was established with the introduction of their Constitution. The hardships and miseries referenced above could easily be used to describe the Cultural Revolution from 1966 to 1976. Others refer to it as a catastrophe (Pei, 1997). Following that troubling time significant legislation was introduced in 1979 – seven key laws including criminal and criminal procedure laws were endorsed. This accomplishment has been referred to as “the reconstruction of the Chinese legal system” (Guoping & Limin, 2010). The Constitution of the day was adopted in 1982 and amended several times during 1988-2004. An important amendment in 2004 was the recognition of “human rights” (Wuzhou).

At this point it would be important to provide a brief retrospective in relation to the existence of “community corrections” prior to 1949. Although there were various forms of community corrections, the following historical perspective provided by Frank Dikotter<sup>2</sup> will concentrate primarily on parole or conditional release.

While attending the 8<sup>th</sup> International Prison Conference at Washington in 1910, Xu Shiyang, Minister of Justice proposed the progressive stage system (jiejizhi) in which prisoners were confined at first to single cells (fenfang) before being transferred to shared cells (zaju). In the final stage, parole (jiachuyu) would apply to those capable of genuinely bettering themselves.

- Prison authorities could allow a reduced sentence, early release and parole when prisoners were found to be repentant. More often than not, overcrowding forced directors to seek the dismissal of inmates: The language of charity rather than the logic of numbers was invoked to secure the early release of thousands of prisoners in the early republican period.<sup>3</sup>
- The Ministry of Justice, concerned at the number of deaths in custody, continuously pressed directors to use medical parole in severe cases.<sup>4</sup>





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- Provisions for parole were included in all prison regulations and criminal codes passed since the foundation of the republic. The first to start using parole was Beijing No.1 Prison, shortly after the promulgation of the New Criminal Code in 1912. The Parole Board of the prison invoked Article 253 of the new code to release a prisoner on parole under the supervision of the No.4 District Self-governing Association.
- From 1912 to the middle of the 1930s, over 5000 prisoners were released on parole, with fewer than 12 committing a new offense.
- The Ministry of Justice repeatedly ordered prison authorities to conditionally release prisoners on parole more liberally in the 1930s to reduce overcrowding. Conditional Release (*jiashi*) was guided by strict rules inspired by wider models of social controls (Dikotter, 2002).

Although parole was introduced in the Republic of China and community surveillance was practiced in the People's Republic during the 20<sup>th</sup> century, the concept of community corrections was not introduced to China until around the beginning of the new Millennium. This occurred partly through Canada-China technical cooperation projects in criminal justice sponsored by the Canadian International Development Agency and implemented by the International Centre for Criminal Law Reform and Criminal Justice Policy in Vancouver, Canada (Yang, 2010).<sup>5</sup>

Upon reflection it is evident that the challenges that are currently facing the

international community as it relates to reentry, resettlement or reintegration of offenders were and remain challenges for our Chinese colleagues.

As noted, in 1979 China established a policy to "strengthen socialistic democracy and improve the socialistic legal system", including such issues as prisons and alternatives. It initiated a fundamental change from administering the state and society through rule by man to the rule of law (Wang, 2006). This journey must also be viewed through the lens of legal pluralism – "the rule of law need not always be at odds with customary law. In some cases, preservation of traditional and indigenous justice systems may be the best means of establishing and preserving the rule of law" (Pimentel, 2010).

Two crime prevention strategies in contemporary Chinese society reflect the issue of legal pluralism: *tiao jie* (mediation) which refers to community groups designed to resolve disputes among neighbours and family members and *bang-jiao* which refers to community efforts to reintegrate offenders into the community (Zhang, L 1996). Communitarian societies such as China tend to provide the social support needed for offenders to return to conventional life and be reintegrated back into the community (Braithwaite, 1989).

The numerous mediation organizations in China at the local grassroots level and the mediation and *bang jiao* practices in the various communities were described as the largest and most diverse form of restorative justice practice by John Braithwaite (Braithwaite, 2002). According to statistics provided by the Chinese Ministry of Justice, in 2002 there were more than 920,000

local mediation committees, with nearly 7.8 million mediators. The Committees dealt with nearly 6 million cases, including more than 50,000 criminal offenses (Zhang, 2005).

As a whole, Chinese law can be classified as a continental law system, or as one closely related to the ideas and systems of continental law. For historical reasons, during the 1950s and 1960s, China's legislation followed the example of the criminal law theories of the former Soviet Union. After the 1980s and in recent years, the criminal law theories of Germany, Japan, Great Britain, and the United States came to influence China in succession.

Chinese legislation gradually improved after China's enactment of the 1979 Criminal Law. In 1992, the establishment of a market economy system in China provided a broad background for China's modern criminal law development. In 1997, an amendment of the Criminal Law reelected that Chinese criminal law had entered a relatively mature phase in its development (Yuansheng, 2008).

Dr. Vincent Yang, past Director of the China Programme at the International Centre for Criminal Law Reform and Criminal Justice Policy and other associates of the Centre highlighted that their Chinese colleagues involved in "corrections" voiced considerable support for "learning through international comparisons" (Yang, 2002).

The Scottish born American industrialist Andrew Carnegie stated "It marks a big step in your development when you come to realize that other people can help you do a better job than you could do alone." The spirit of this update is written reflecting on Carnegie's perspective on the daily routine and enhanced by the book dedication found in James Hsiung's text *Law & Policy in China's Foreign Relations*. It reads "dedicated to those in the east and west who believe that the twain shall meet, and who aspire to world peace through law and justice" (Hsiung, 1972).

In 2003, the appropriate PRC Ministries distributed a circular confirming that a community corrections pilot project would be launched in selected districts in Beijing, Shanghai, and four other provinces and cities/ municipalities. In early 2005, the pilot project was expanded to 18 locations. It was further expanded to 25 provinces in 2007 and to all the provinces in 2009. To date, all 30 provinces in China have established community correction services (Yang, 2010).

**// The purpose of this study is to assess the impact, fidelity and costs of the GPS program, including its effectiveness both as a strategy for reducing recidivism and as an investigative and prosecutorial tool. //**

# international update

The pilot project was launched in the Beijing Municipality in July 2003 and was later expanded in May 2004 to cover the entire municipality. Chaoyang District was chosen on November 28, 2003 as one of the first pilot sites.

It is against this historical backdrop and the Ministerial circular that the challenge of revitalizing and enhancing community corrections with Chinese characteristics was accepted by the Chaoyang District Bureau of Justice and the Director Ms. Rong Rong. This update does not permit a review of the revitalization that has occurred in all corners of China but will concentrate on the Chaoyang District, the largest and most densely populated district in Beijing. Due to the limitations of this update only some of the many Chaoyang District Bureau of Justice achievements will be highlighted along with several significant challenges.

In China, the target offenders eligible for community correction include those who: have been sentenced to public surveillance; are on probation; are on parole; are serving prison terms outside prison; and, are serving their terms in the community with their political rights deprived for a fixed term (Xiaolin & Jie, 2011).

Under Director Rong Rong's vision and leadership and the commitment and dedication of the staff at both the Sunshine Community Correction Service Center and the Sunshine Halfway House the following highlights with Chinese characteristics are presented.

The Sunshine Community Correction Service Center was established on March 18, 2005. The Center is a non-government, non-profit organization providing community correction

service via signed agreements with the District Government. The Center is primarily financed by allocations from the Beijing Bureau of Justice and the Chaoyang District Government. Under the supervision of the Chaoyang District Bureau of Justice the Center is organized into five departments: psychology evaluation and counseling; labor education and assistance; theoretical research; volunteers; and, a coordination department.<sup>6</sup>

Judicial assistants (1), prison police (2) and social workers (3) plus (+) a large number of social volunteers (N) form the organizational model "3+N". It has ensured steady and thorough implementation of community correction in the district and a transition from extensive to intensive, from static to dynamic, and from staged to long term development of community correction (Rong, 2007).

In May 2007, "working stations" were set up in the 43 Judicial Bureaus of the District to enhance their capacity to assist with education and management of the offender consistent with the concept of "People-Oriented, Reintegration to Society". One of the Bureaus implemented the "1-3-1" working system. During the 5 day work week 1 day was for study in the office, 3 days for community visitation and 1 day for information analysis.<sup>7</sup>

In July 2008, the first community correction institution or halfway house on mainland China was opened in the Chaoyang District. The Sunshine Halfway House accepted as part of their mandate to assist community offenders described as the "3 No People" - no home, no relatives and no income. Such residential and related assistance has been made available for up to three months free of charge.<sup>8</sup>



The Sunshine Halfway House adopted the working philosophy “6 focuses and 6 adequacies”.

- Focus on risk assessment and make adequate assessments.
- Focus on the key period and give adequate education.
- Focus on psychological treatment and give adequate guidance.
- Focus on the work method and carry out adequate management.
- Focus on the guarantees for life and offer adequate aid.
- Focus on building the capacity of self reliance and give adequate assistance.<sup>9</sup>

Consistent with their desire to “learn through international comparisons” the various Annual Reports are liberally sprinkled with numerous international delegations both to and from Chaoyang. In August 2010 the Sunshine halfway House entered into a Partnership Agreement with the Guy Richmond House, John Howard Society of the Lower mainland of British Columbia.

The management cadre of the Chaoyang District Bureau of Justice is fully aware that there are many daily challenges facing community corrections both in China and internationally. The author is fully confident that our Chaoyang District colleagues are committed to working daily on resolving these challenges. Two that deserve attention are highlighted below.

In many international jurisdictions there are few provisions for early release from prison and where such provisions exist, this mechanism is often underutilized (Griffiths and Murdoch, 2009). In China, parole has not gained due

recognition. The parole rate remained at around two percent from 1996 to 2000 and in 1997 when it reached its peak it was only 2.9 percent (Bin, 2010). This can be seen as both a legislative issue and a lack of confidence in the community that properly implemented that parole or conditional release can keep the community safer, contribute to the safe reintegration of the prisoner to the community and allow for the reallocation of funding to social programs.

In August 2010 at the International Forum on Halfway Houses held in Beijing Dr. Vincent Yang, Law Professor, St. Joseph’s University in Macau, challenged his Chinese colleagues to initiate a community corrections profession (Yang, 2010). This was echoed in October 2010 at the International Forum on Community Correction & Judicial Corrective Social Work held in Beijing. Professor Song Zhao, University of Maryland, also highlighted the “lack of professional correctional officials” (Zhao, 2010). Neither professor was challenging the dedication or commitment of the current correctional officials. They were however urging the authorities to professionalize the role of correctional worker/official.

The history is rich, the achievements and the challenges of the Chaoyang District and their Chinese community corrections colleagues are many. The next chapter remains to be written.

## Endnotes

<sup>1</sup> To our colleagues in Hong Kong and Macau, who have their own rich cultural past and corrections’ history, this update will focus primarily on mainland China and more specifically Beijing.

<sup>2</sup> Chair Professor of Humanities, University of Hong Kong & Professor of Modern History of China. On leave from the School of Oriental and African Studies, University of London.

<sup>3</sup> 1912 to 1919

<sup>4</sup> Republican period

<sup>5</sup> Interview with Prof. Vincent Yang in Beijing on 2010 08 04, based on his reviews of relevant Chinese regulations and publications.

<sup>6</sup> Sunshine Community Correction Service Center 2005 – 2006 Annual Report

<sup>7</sup> Sunshine Community Correction Service Center 2007 – 2008 Annual Report

<sup>8</sup> Sunshine Community Correction Service Center 2008 – 2009 Annual Report

<sup>9</sup> Sunshine Halfway House 2009 – 2010 Annual Report

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## APPA LEADERSHIP INSTITUTE IS NOW ACCEPTING APPLICATIONS

The APPA Leadership Institute CLASS OF 2011-2012 is now forming. The class will begin July 22, 2011 in conjunction with APPA's 36th Annual Training Institute in Chicago, IL. This training provides current and potential supervisors and managers in community supervision the opportunity to develop the knowledge and competencies required of effective leaders. The multi-disciplinary curriculum is a blend of on-site and distance learning. It is intended for professionals from diverse backgrounds and cultures and is applicable to those who have had formal experience exercising leadership and to those who have not.

The curriculum addresses current issues of concern to effective community supervision providers.

Participants address the following competencies critical to successful development as leaders: systems thinking, self -assessment, managing internal and external political environments, understanding and administering a diverse workforce, strategic implementation, and managing in an evidence-based environment. The curriculum is designed to enhance critical thinking skills and analytical abilities and to augment personal capacities to exercise leadership and authority. A cornerstone of the APPA Leadership Institute is routine interaction with recognized national leaders in Community Supervision. During the on-site sessions, participants are provided the opportunity to develop a national network of colleagues and are paired with an APPA Sponsor. They are expected to actively engage their profession via volunteer interaction at the national, state, and/or local levels.

**INSTITUTE FORMAT** - The Institute is a twelve month learning series where participants meet three times in on-site sessions with web-facilitated learning in the two intervals between the three sessions. Each on-site session co-occurs with an American Probation and Parole Association (APPA) Training Institute. The curriculum includes discussion-oriented lectures and web based sessions, group exercises, homework, interaction with current leaders in the community supervision field, project development, and self -assessment. Faculty for the APPA Leadership Institute is selected from nationally recognized trainers with expertise in the area of their facilitation

**FEES** - The tuition of the APPA Leadership Institute learning series is \$1500.00 per participant (which covers materials, books, assessments, faculty, and classroom accommodations). The agency, organization or participant will be responsible for meals, lodging, transportation and registration for the three on-site Leadership and co-occurring APPA Institutes (generally five nights lodging is required



for each on-site session- beginning on a Friday and ending on a Wednesday). For planning purposes, it is estimated that the total cost for participation averages \$7000 split between two fiscal years.

**APPLICATION PROCESS** - Applicants should submit their documents to the American Probation and Parole Association headquarters postmarked on or before June 1, 2011.

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## 2011-2012 Schedule of Leadership and co-occurring APPA Institutes

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- **March 2012 through July 2012**  
Interession assignments and web discussions
- **August 10 through 15, 2012**  
On-site, Indianapolis, IN



**Applications should be postmarked on or before June 1, 2011**

## APPA RESOLUTION

In Support of National Law Enforcement Data Exchange (N-DEx)

**WHEREAS**, the United States (U.S.) law enforcement community as a whole has articulated the need for a methodology and system to collect and share incident, arrest, booking and other justice information necessary to help correlate suspects with crimes, increase the potential for improving case clearance rates, and other purposes of the justice system; and

**WHEREAS**, N-DEx envisions the ability to share complete, accurate, timely and useful information across jurisdictional boundaries to law enforcement and community corrections, and;

**WHEREAS**, N-DEx is a criminal justice information sharing system that provides nationwide connectivity to disparate local, state, tribal, and federal systems for the exchange of information, and;

**WHEREAS**, ownership of data shared through N-DEx remains with the agency that provided it and N-DEx supplies controls to allow agencies to decide what data to share, who can access it, and under what circumstances, and;

**WHEREAS**, all information listed through N-DEx must be confirmed by the source before it can be acted on, and;

**WHEREAS**, information available through N-DEx will provide essential information to pretrial, probation, and parole officers in investigation of individuals for release, sentencing, and supervision decisions, and;

**WHEREAS**, future iterations of N-DEx will incorporate the full criminal justice community with an ultimate goal of transforming all criminal justice data into knowledge for the entire justice community, and;

**WHEREAS**, the International Association of Chiefs of Police Criminal Justice Information Systems (CJIS) Committee, the Federal Bureau of Investigation Criminal Justice Information System Advisory Board (APB) Information Sharing Subcommittee, and the Global Justice Intelligence Coordinating Council (CICC) as well as many other organizations have all approved and promoted the use of N-DEx Information Exchange Package Documentation (IEPD) as the national standard for the sharing incident, arrest, booking, and other justice information;

**NOW THEREFORE BE IT RESOLVED**, that the American Probation and Parole Association supports full implementation of N-DEx with all state, tribal, and federal community corrections entities to fully establish information sharing with privacy safeguards across all authorized law enforcement agencies and suggests that these agencies implement internal measures to ensure that the quality of data collected and stored in their internal records management systems, and ultimately shared through the N-DEx IEPD, represents the most complete and accurate information possible.

**N-DEx** (Law Enforcement National Data Exchange) brings together data from law enforcement agencies throughout the United States, including incident and case reports, booking and incarceration data, and parole/probation information. N-DEx detects relationships between people, vehicles/property, location, and/or crime characteristics. It “connects the dots” between data that is not seemingly related. And it supports multi-jurisdictional task forces—enhancing national information sharing, links between regional and state systems, and virtual regional information sharing.





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# WHEN DISASTER STRIKES

guidelines for crisis preparedness

by Pat Bancroft and Adam K. Matz

**Disasters are  
inevitable.**

The rare odds of it occurring often allow us to discard preparedness planning as something periphery to our agency's core function. However, there have been examples in the last decade of what can, and will, happen (e.g., Hurricane Katrina, 9/11 terrorist attacks, forest fires, riots, avian flu) that underscore the need to be prepared.

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Avian flu virus.

The threat of potential influenza pandemics such as the avian flu has topped headlines throughout the last half-decade. Influenza or, as it is more commonly referred to, the flu is the result of a virus that infects the human body causing illness and potentially death. Influenza can be a killer even in normal years. For example, in a normal year within the U.S. 10 percent of the population will become ill from Influenza, particularly in the winter months of temperate zones (MacKellar, 2007). A flu pandemic occurs when a particular strand of the virus mutates to a form in which people are susceptible and have little-to-no immunity. MacKellar (2007) gives a more precise definition:

*Pandemic influenza refers to a situation in which a new and highly pathogenic viral subtype, one to which no one (or few) in the human population has immunological resistance and which is easily transmissible between humans, establishes a foothold in the human population, at which point it rapidly spreads worldwide (p. 430).*

Though rare, pandemics have persisted throughout history. In the 1300s, the Black Death pandemic of the bubonic plague was responsible for large number of deaths across Europe including nearly 60 percent of Florence's population (Benedictow, 2005). Such diseases can be very persistent, as a recurrence of the bubonic plague resurfaced during the Great Plague of London in the 1600s, though less severe than that of the 1300s. In addition, the Spanish Influenza pandemic was responsible for the death of 50 million people around the globe in the early 1900s (Bancroft, 2009; Johnson & Mueller, 2002). In the U.S. about 675,000 individuals died from the Spanish Flu. Of more recent concern, the Avian Flu (e.g., H1N1, H5N1) had put many in the U.S. on high alert (Allen, 2006). Though the threat of Avian Flu appears to have subsided, its future

mutation may still pose a greater risk, when such may occur no one knows.

Though a recent report written by the American Probation and Parole Association (APPA) with funding from the Bureau of Justice Assistance refers specifically to influenza pandemics, such preparedness actions are equally relevant to other disasters (Bancroft, 2009). For example, the terrorist attacks of 9/11 resulted in the creation of an entirely new branch of Federal government, Homeland Security, devoted to the prevention of terrorism (Edwards, 2007). In addition, natural disasters such as Hurricane Katrina can literally incapacitate an entire city and its emergency response system (Kapucu, Arslan, & Collins, 2010; McKing Consulting Corporation, 2008). Though history does not allow us to precisely predict future catastrophes, it does illustrate their imminence. The question is, "when will it happen," not "if."

Since disasters have the potential to destabilize all private and government institutions, it is imperative community corrections agencies have emergency plans in place to ensure the continuity of core operations during times of crisis. Failing to do so may exacerbate public hysteria and increase problems associated with the disaster. New Orleans and Hurricane Katrina represent a vivid example of what can occur when governmental networks fail (Kapucu, Arslan, & Collins, 2010). Not only are the preparedness actions of one agency important, but preparedness actions in collaboration with other organizations is also essential. Intergovernmental relations are particularly important to community corrections agencies as their work is directly linked to the courts, institutions, community organizations and law enforcement. A breakdown in one sector of the criminal justice system will lead to breakdowns elsewhere.



In 2007, the American Probation and Parole Association sent out a web-based request for information (Bancroft, 2007) to community corrections agencies across the nation. Though the RFI (Request for Information) utilized convenience sampling, at least 3,500 email inboxes received a solicitation. Despite these large numbers, only 25 individuals across 17 states responded. One could argue this seems to indicate a lack of interest in preparedness planning. Of the 25 respondents only 13 indicated having any established policies and procedures in place to ensure organizational functioning during a potentially incapacitating event (e.g., pandemic outbreak, natural weather disaster). This finding is not surprising. A study of small and medium business managers and owners by Watkins and colleagues (2008) found similar disinterest in preparedness planning (concerning Avian Flu specifically). In many cases respondents were distrustful of media outlets who they felt over-sensationalize pandemics and often provide contradictory information. Like many agencies, these respondents felt it best to “deal with pandemic influenza when it occurs” (p. 906).

One could theorize that smaller agencies, either private or government, may have less preparedness actions in place than larger agencies. One reason for this discrepancy is the difference in available resources. Other reasons for a lack of preparedness may include over-estimation of current preparedness, lack of information and awareness, and a tendency to place such risks on the shoulders of others (Paton, Parkes, Daly, & Smith, 2008), such as was the case in BP’s oil-spill crisis.

The American Probation and Parole Association developed several guidelines to assist local community corrections agencies in crisis preparation. They address preparedness related to pandemic planning and decision-making,

prevention and detection, human resources, communication and offender supervision strategies. Though these guidelines pertain specifically to pandemics they are also applicable to other disasters such as terrorism and natural disasters. In addition, due to the wide variety in probation and parole agencies across the states, the following is offered merely to guide and facilitate discussion, the process of creating an actual preparedness plan is solely the work of the individual agency and strategies will likely be unique to a given locality. Additional guidance and information can be located in APPA’s full report *Pandemic Influenza Preparedness and Response Planning: Guidelines for Community Corrections* (Bancroft, 2009).<sup>1</sup>

## **PANDEMIC PLANNING AND DECISION-MAKING PREPAREDNESS**

The first subset of guidelines concerns an agency’s capacity to implement preparedness measures. This may begin with a simple identification of leadership, management and other employees who have expressed an interest in disaster management. Once a team has been officially developed it is important to identify those core functions of the organization necessary to meet basic functional capacity while catering to disaster needs (e.g., absenteeism due to illness, employee leave due to exposure to ill staff or family). In other words, what would be the minimum number of staff necessary to maintain operational capacity during a crisis? In order to maintain the vitality of the organization what will be the most basic responsibilities and how should an employee prioritize tasks? In addition, what formal procedures will be utilized to communicate to staff that the plan is in effect as opposed to when the plan is no longer active? While actively sharing, training and disseminating information about the plan to internal employees the preparedness plan should also be compliant

with FEMA's National Incident Management System and interoperable with neighboring justice and community organizations (FEMA, 2009; U.S. Department of Homeland Security, 2007).

### **Guidelines**

- Identify the organizational structure and legal authorities that support the disaster/pandemic preparedness and response plan and its implementation.
- Assign staff to develop the disaster/pandemic preparedness and response plan.
- Identify the mission-critical functions that must continue throughout a disaster/pandemic. Specify the positions essential to these functions and develop lines of succession for each position.
- Identify and prioritize components to be included in the disaster/pandemic preparedness and response plan and assign responsibility for developing each component's content.
- Develop a strategy for activating and deactivating the disaster/pandemic plan such that the level of response will be appropriate to the pandemic as it evolves, with normal operations resuming in stages as the pandemic recedes and resolves.
- Ensure your agency's disaster/pandemic preparedness and response plan complies with the requirements of the FEMA National Incident Management System, and that it is compatible and interoperable with the plans of the public health, law enforcement, judicial, and corrections (community and institutional) sectors at the Federal, State, tribal and local levels as well as international levels if your state or county borders Canada or Mexico.
- Compose and circulate interim drafts of the disaster/pandemic preparedness and response plan to members of the planning committee and other staff for feedback; revise as appropriate.
- Test and evaluate the disaster/pandemic preparedness and response plan and revise as necessary.
- Adopt and disseminate the final disaster/pandemic preparedness and response plan.

## **PREVENTION AND DETECTION PREPAREDNESS**

While the initial construction of a disaster preparedness plan may be successful, it's likely the familiarity with the plan and its usefulness will fade with time. Staff designated to disaster preparedness should be continually looking for and disseminating the latest news and educational materials. As the flu is a seasonal illness, agencies should offer at least an annual update around the beginning of the winter. This would be an opportune time to inform staff of any other natural disaster hazards and terror threats. Finally, staff should receive annual training to ensure their familiarity with the preparedness plan and how it will be of use during an actual crisis.

### **Guidelines**

- Define a process for regularly obtaining and disseminating up-to-date disaster/pandemic information to all agency personnel.
- Develop and disseminate educational materials about natural disasters, terror threats and seasonal and pandemic influenza to all staff, including new hires. Require staff to certify that they have received this information, have been given an opportunity to ask questions, and fully understand it.

- Develop and participate in formal training programs to ensure all personnel are fully cognizant of the agency's preparedness and response plan and understand their roles in the plan.
- Develop policies and procedures outlining the actions staff must take when flu-like symptoms are identified or suspected in themselves or in others.

## **HUMAN RESOURCES PREPAREDNESS**

Except in the destruction of agency facilities, absenteeism will be the most direct method in which agencies will be impacted by a disaster (American University, 2007). Whether it is due to illness, individuals leaving to assist through the National Guard or military reserves or other reasons, if a disaster occurs many employees will not make it to work. Cross-training (i.e., the training of individuals to work in multiple positions throughout a facility) is one method in which employees should be better equipped to take on more responsibilities. Another method to overcoming staff shortages may involve hiring retired employees or temporary workers.

### **Guidelines**

- Estimate the impact of a disaster/pandemic on your agency's workforce.
- Designate and train personnel to assume additional or alternate responsibilities to mitigate the effects of staff absenteeism during a disaster/pandemic.
- Identify multiple resources for remedying staff shortages.
- Review and revise personnel policies and procedures to address the unique circumstances of a disaster/pandemic.
- Identify, purchase, allocate and store supplies and equipment essential to the continuation of mission-critical functions and to meeting

the needs of staff who must shelter-in-place.

- Assess the need to purchase personal protective equipment (PPE) such as gloves, surgical masks, respirators and protective clothing.

## **COMMUNICATION PREPAREDNESS**

Clear, concise and open communication is a necessity during crises in which rumors will be beyond control and public tension at maximum levels. Experts agree that no amount of pre-planning can eradicate all mistakes that will occur during a crisis, but transparent communication is essential to maintaining trust within, and outside, the organization (American University, 2007; Reynolds & Quinn, 2008).

### **Guidelines**

- Identify an agency spokesperson and, ideally, designate at least three additional staff to succeed to the position in the event that the primary spokesperson is unable to perform this function; ensure that each designated person is fully trained to assume this responsibility.
- Ensure that all agency spokespersons are able to obtain expert advice and timely situational updates throughout the pandemic.
- Define the lines of communication through the agency's chain of command.
- Develop a process whereby employees participate and assist in the internal dissemination of information.
- Expand internal communications systems as necessary to accommodate an employee reporting system.
- Develop a process for notifying offenders of disaster/pandemic-related changes in agency operations, reporting requirements and other supervision conditions.

# ADDITIONAL RESOURCES

APPA maintains two resources in the free pubs and reports section of its website that were developed with funds from the Bureau of Justice Assistance related to preparedness planning for pandemic flu.

**Community Corrections' Preparedness for Responding to Pandemic Flu and Other Crises: A Report of Responses to a Request for Information.** Available for download [here](#).

**Pandemic Influenza Preparedness and Response Planning: Guidelines for Community Corrections.** Available at for download [here](#).

Please visit [www.appa-net.org](http://www.appa-net.org) or contact Adam Matz at [amatz@csg.org](mailto:amatz@csg.org) for more information.

- Ensure that offenders are provided information regarding how to contact agency staff during a disaster/pandemic.

## OFFENDER SUPERVISION STRATEGIES PREPAREDNESS

While the previous guidelines could easily pertain to any organization, the following pertains specifically to the purpose of community corrections; offender supervision. It is likely probation and parole officer routines will be disrupted and their ability to directly supervise offenders impaired. In cases of pandemic influenza, conducting face-to-face contacts may unnecessarily impose a risk of infection to the officer or the probationer/parolee. Nonetheless, legal mandates will place limits on what accommodations can be made and each jurisdiction will need to adapt accordingly.

### Guidelines

- Estimate the impact of a disaster/pandemic on the agency's workforce and use that estimate to determine the approximate number of offenders the agency will be able to supervise.
- Assess standard supervision practices and procedures and identify alternative strategies for supervising offenders at each level of risk.
- Ensure that alternative supervision strategies are compatible with the pandemic plans of public health, law enforcement, the judiciary and correctional facilities at the federal, state, tribal, local and, if applicable, international levels.
- Develop a timeline, based on the evolving phases of a pandemic, indicating when alternative supervision practices will be implemented and when standard practices will resume.

## CONCLUSION

Though these principles offer some guidance to preparedness planning communication between public health and community organizations, law enforcement, the judiciary, corrections, community corrections and the



federal government will determine the collective agencies' ability to cope with crises (American University, 2007; McKing Consulting Corporation, 2008). Community correction, like other justice agencies, must balance the safety of its officers, probationers/parolees and the community, while preserving the law. In times of crisis the rule of law and protection of individual liberties should remain the utmost priority. >>>

## ENDNOTES

<sup>1</sup>The report is available online at no cost [here](#).

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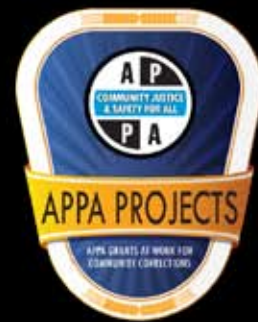
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# Probation and Parole Automated Information Sharing

by Pat Bancroft

**H**aving the capacity to electronically share information about criminal offenders has long been recognized as a crucial element of public safety and homeland security. Collecting and sharing accurate, timely and complete information not only supports day-to-day operations and enhances offender reentry efforts, but also is crucial to justice practitioner safety and an effective and coordinated response to emergency situations. However, achieving the capability to share offender data among and between justice, intelligence and non-justice entities at all levels of government has proven to be a challenge. Not least among the obstacles to electronic information sharing has been the need to enable agencies' differing hardware, software, networks and data exchange business rules to interoperate and at the same time allow for the continuing use of existing systems and networks.

## INFORMATION SHARING INITIATIVES

Considerable progress toward enabling efficient electronic sharing of offender information has been made over the past few years through initiatives undertaken by the U.S. Department of Justice, the U.S. Department of Homeland Security and the Program Manager for the Information Sharing Environment. The brief descriptions and definitions provided here are intended to serve as background information. For in-depth explanations and detailed descriptions, please explore the web pages cited in the text and endnotes.

- The Global Justice Information Sharing Initiative (Global) is a Federal Advisory Committee that advises the U.S. Attorney General on justice information sharing and integration initiatives. Global, a “group of groups” representing more than 30 independent law enforcement, judicial, correctional and related organizations, will never build an information exchange, implement a solution or mediate a jurisdictional issue; rather, its purpose is to provide standards and best practices through recommendations to the Attorney General. Created to support the development of guidelines and best practices that would enable the exchange of critical justice and public safety information, Global empowers the justice community with these recommendations so that agencies have the tools to implement timely, accurate, complete and accessible information in a secure and trusted environment. Members of the Global Advisory Committee (GAC) include agency executives and policymakers; information practitioners; and end users representing law enforcement, prosecutors, public defenders, courts, corrections agencies,

probation and parole departments and many other agencies involved in the justice process. Multiple GAC working groups have been formed to analyze myriad business problems in the justice domain and to develop guidelines for solutions to these problems through collaboration with member agencies, the field and the private sector. The GAC working groups include Infrastructure/Standards; Criminal Intelligence Coordinating Council/Intelligence; Outreach; Privacy and Information Quality; and Security. Carl Wicklund, Executive Director of the American Probation and Parole Association (APPA), serves as the Vice Chair of GAC. More information about Global and GAC may be found at the Justice Information Sharing Web site: <http://www.it.ojp.gov/Global>.

- Service Oriented Architecture (SOA) is a conceptual framework that utilizes established Internet standards, specifications and protocols to support information exchange across organizational boundaries no matter the domain, government level or industry. As defined by the Global Infrastructure/Standards Working Group, SOA is a “distributed software model in which small pieces of application are published, consumed and combined with other applications over a network. The developer begins with software that defines the basic building blocks (or “services”) of the business processes—e.g., the investigation, rap sheet, warrant, indictment or presentence report. These software components are then made available (published) to other developers either within the agency or to a larger audience.”<sup>1</sup> SOA enables systems to integrate and share information while allowing the respective systems to continue to operate autonomously and to change independently, thus enabling IT systems to more easily



support and accommodate policy changes.<sup>2</sup>

- The Global Justice Reference Architecture (GRA) provides guidance for identifying, defining, implementing and governing services. It consists of specifications, profiles and guidelines on planning and designing information sharing technology solutions based on the concepts of Service Oriented Architecture and tailored to the needs of the justice system. GRA reference service specification packages (SSPs) identify the information exchange methodology (e.g., Web Services), the exchange language (e.g., the National Information Exchange Model), and the security specifications. Reference SSPs may be customized as necessary to meet the needs of individual organizations and a repository of Reference SSPs for justice information exchanges is being established. In the interim, individual Reference SSPs are available from the Justice Reference Architecture web page at [www.it.ojp.gov/GlobalJRA](http://www.it.ojp.gov/GlobalJRA). This web page also offers details about the JRA as well as links to other related information.
- The National Information Exchange Model (NIEM) initiative was launched in early 2005 through a partnership agreement between the U.S. Department of Justice and the U.S. Department of Homeland Security and signed by the respective chief information officers to address a common format for sharing information across agencies. NIEM leverages the data exchange standards successfully implemented by the Global Justice Information Sharing Initiative (Global) and extends the Global Justice XML Data Model (GJXDM), providing reusable data components and tools to discover and develop common and universal data components for effective information exchange across the justice, public safety,

emergency and disaster management, intelligence and homeland security enterprise. It is worth noting here that the Bureau of Justice Assistance (BJA) applies several special conditions to all relevant information sharing and technology grant awards, including the requirement that the grantee use NIEM specifications and guidelines. More information about NIEM is available at <http://www.niem.gov> and further details about the special conditions BJA attaches to information and technology grant awards may be found at <http://it.ojp.gov/default.aspx?area=policyAndPractice&page=1218>.

## **APPA'S JUSTICE INFORMATION SHARING PROJECTS**

Over the past few years, APPA has engaged in a series of projects funded by BJA to advance information sharing initiatives in the justice domain. Under these grants, APPA established a working group composed of community corrections professionals and subject matter experts and convened the group in a series of meetings facilitated by a technical expert from SEARCH, The National Consortium for Justice Information Sharing and Statistics. During these meetings, the group identified information exchanges (i.e., sets of data) that are shared between community corrections and other agencies for specific business purposes. The group then prioritized those exchanges and, working in concert with the SEARCH facilitator, identified the data components of the top eight exchanges. In the course of the working group meetings held in 2006 and 2008, SEARCH elicited the input needed to develop NIEM-compliant community corrections IEPDs (Information Exchange Package Documentation).

By definition, an IEPD "is a specification for a data exchange and defines a particular data

## Figure 1: Community Corrections IEPDs

The IEPDs related to community corrections listed below are available from the U.S. Department of Justice, Office of Justice Programs, NIEM IEPD Clearinghouse. If you have difficulty navigating to the <http://it.ojp.gov/framesets/iepd-clearinghouse-noClose.htm> link, please try using a different browser (e.g., Firefox). Once linked to the Clearinghouse, select "Find IEPD Information," then search by category "State Probation and Parole."

High Risk  
Offender  
Profile

Institutional  
Discharge  
Summary

Interstate  
Transfer  
Request

Offender  
Risk  
Assessment  
Report

Offender  
Status  
Change  
Notification

Pre-sentence  
Investigation  
Report

Supervision  
Conditions

Supervision  
Violation  
Report

exchange. . . It is a set of artifacts consisting of normative exchange specifications, examples, metadata, and documentation encapsulated by a catalog that describes each artifact." In other words, an IEPD defines an actual set of data that is exchanged within a particular business context. More information about IEPDs and definitions of terms is available at [www.niem.gov/whatIsAnIepd.php](http://www.niem.gov/whatIsAnIepd.php).

The IEPDs developed by the APPA working group and SEARCH (see Figure 1) are critical to the real-time, electronic sharing of predefined sets of offender data that enable community corrections, law enforcement, homeland security, emergency services and other agencies operating within the justice domain to obtain and evaluate offender data quickly, assess risk and make decisions based on accurate, pertinent and timely information. To access these and other IEPDs, visit the U.S. Department of Justice, Office of Justice Programs IEPD Clearinghouse website at <http://it.ojp.gov/framesets/iepd-clearinghouse-noClose.htm>. The Clearinghouse provides information about each posted IEPD, including a description of the exchange and a list of exchange partners (e.g., corrections, court, law enforcement, local probation). It also furnishes a link to the website where details of the selected IEPD may be viewed and downloaded, including reference documents, exchange models, mapping spreadsheets and schema. For example, the NIEM mapping spreadsheet for the Supervision Conditions IEPD shows general supervision conditions such as "Obey Laws" and "Drug Testing" and special conditions that may be imposed for such offenses as domestic violence and DWI. It also contains personal identifiers (e.g., name, date of birth, scars/marks/tattoos, Social Security number) as well as residence, employment and contact information along with a great deal of other data about the offender and the conditions of supervision.

Following the completion of the IEPDs, BJA provided further funding to APPA to improve the capacity of community corrections to share information with its justice system counterparts, homeland security and intelligence agencies and private sector entities. APPA's primary goal for this project has been to utilize existing IEPDs to develop reference service specification packages (SSPs) that conform to the Global JRA specifications and guidelines. SSPs provide the technical basis and specification for implementing actual service-oriented, NIEM-conformant information exchanges. They also include documents, models and templates that serve as a blueprint to accelerate exchange capability development and implementation. In addition, by incorporating national standards and technology best practices, SSPs address many of the security, privacy and other concerns that may be raised about information sharing.

Thus far, APPA has convened two working group meetings facilitated by SEARCH. Leveraging the work already completed with the development of the Offender Profile IEPD and the Supervision Conditions IEPD, the group provided the input needed by SEARCH to develop the Offender Profile and Supervision Conditions (OPSC) Global JRA Service Description. SEARCH also used the group's input to develop a Reentry Data Model based in part on the Institutional Discharge Summary IEPD previously developed by APPA. This Reentry Data Model contains top-level sections for reentry information exchanges, including subject (offender), discharge summary, pre-release checklist and reentry plan.

## LOOKING AHEAD

At this juncture, it is critical to gauge the efficacy of the technical work that has been done thus far toward enabling jurisdictions to electronically exchange information. Accordingly,

BJA has provided funding to APPA, the Association of State Correctional Administrators, SEARCH, and the IJIS Institute to work together to conduct a series of pilot implementations of actual, service-oriented information exchanges at both the state and local jurisdictional levels. At this writing, the project team has identified and selected jurisdictions that are willing to participate in this undertaking, that have the necessary technical capabilities and have the financial resources to conduct a pilot information exchange. It is anticipated that this project will be concluded following implementation at the pilot sites sometime next year. >>>

## ENDNOTES

<sup>1</sup> Global Infrastructure/Standards Working Group. (2004). *A framework for justice information sharing: Service-Oriented Architecture (SOA)*. Retrieved November 6, 2008, from the U.S. Department of Justice, Office of Justice Programs, Justice Information Sharing Web site: [http://it.ojp.gov/documents/20041209\\_SOA\\_Report.pdf](http://it.ojp.gov/documents/20041209_SOA_Report.pdf).

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# CASE PLANS :

WHAT DOES THE LITERATURE SAY?

by Dana Wilks







**A**s community corrections continues its efforts to establish evidence-based practices (EBP), staff have become more discerning about the practices suggested in policy. One area of long-standing discussion has been the use of case plans. In many probation, parole and community corrections agencies, attempts to bring consistency to case planning have not fully succeeded in ensuring all higher risk offenders have case plans nor has there been significant quality control over the content in those cases where plans exist.

This article reviews the current corrections literature to provide an objective and research-informed platform from which to initiate discussions concerning case plan. It should be noted that studies on case planning in corrections are limited. Andrews (2000) noted, "To date, the principles of professional discretion and case planning/recording have not been explored through meta-analytic summaries of links with the effects of treatment" (p. 15). However, there is some research available from which to begin, as well as a few recent studies to examine. The dearth of scientific inquiry prevents case planning from rising to the level of an evidence-based practice, but it is a "best practice," when framed in the eight evidence-based principles for effective interventions, as noted by Bogue et al. (2004).

This article has been structured to provide the reader with a basic definition of case plans, as well as the empirical evidence and purpose for their use. The bulk of the subsequent discussion will be reserved to address the basics of case planning and the components, as they appear in the literature.

## **A REVIEW OF THE LITERATURE**

The definition of a case plan can be surprisingly different for individual staff. For some, it is a place to keep track of terms and conditions; for others, it is an idea in their mind about how they will approach a case; and for still others, it is a strategic document aimed at behavior change. For Faye Taxman and her colleagues (2004), working with the Maryland Division of Parole and Probation, "The case

plan developed by staff is the backbone of the supervision process, the map for how agents and offenders will identify and solve offenders' problems" (p. 31).

It is useful to start this discussion with a definition of a case plan. At a minimum, a case plan is a written document outlining the activities to be completed during the period of supervision (Carey, 2010; Clear, 1981). Therefore, for the purposes of this paper, the use of the term "case plan" will be guided by this definition.

### The Empirical Evidence

As community corrections agencies move further with implementation of evidence-based practices and principles, relevant practices must continue to be evaluated and modified if the evidence does not indicate a positive effect on the desired outcomes. Naturally, some officers have asked why case plans are relevant, if there is no evidence that they relate to better outcomes. Although the effectiveness of case plans (i.e., impact on outcomes such as recidivism) has not been researched directly, there have been some studies in which the use of case plans is an integral part of effective case management.

While somewhat dated, the first two studies cited by Lerner et al. (1986) resulted in significant findings. In a 1979 study that used the Client Management Classification (CMC) instrument, high risk probationers were assigned to one of three groups: 1) Regular Supervision in which probationers received business as usual supervision; 2) Intensive Supervision in which probationers received increased staffing, referrals and contacts; and 3) CMC Intensive Supervision, which was the same as the Intensive Supervision group but added the use of the CMC and case

plans. The outcomes measured were percent revoked, percent employed at termination and percent with income over \$400/mo at termination. The CMC/Intensive Supervision group had better outcomes than the other two groups, but the results were significantly better than the Regular Supervision group.

In the second study cited by Lerner et al. (1986), researchers explored the difference between the rate of pre-revocation warrants issued to 1,375 parolees on regular supervision (business as usual) and 1,176 parolees whose officers used the CMC process. The two groups were tracked for six months, and the study found "the CMC group performed significantly better than regular supervision parolees overall" (p. 269).

More recently, Taxman, Yancey, and Bilanin (2006) explored the results of Maryland's Proactive Community Supervision (PCS) model. The PCS model was the result of reengineering "supervision by integrating research-based findings pertinent to protecting community safety and returning offenders to a more prosocial lifestyle" (p. 1). The model does this by utilizing the LSI-R to identify criminogenic needs, which are then linked directly to a case plan. The study was a match design with a total of 548 offenders: 274 randomly selected to receive supervision under the PCS model, and 274 matched offenders were selected to receive traditional supervision. The evaluation was designed to determine the impact of the PCS model on the following outcomes: positive drug screens, new arrests and request for warrants (a proxy for technical violations). Results indicated that there was no significant difference between

the two groups with regard to positive drug tests; however, “the PCS group was statistically less likely to be arrested than the non-PCS group... Individuals in the PCS group had a mean number of arrests that was 30.7 percent lower than the non-PCS group” (p. 13). Additionally, there was a statistically significant difference between PCS and non-PCS offenders regarding warrants: “participation in PCS resulted in a 38 percent reduction in the probability of a warrant being filed for technical violations” (p. 14).

In the most recent study, Lipsey (2009) conducted a meta-analysis, using 548 independent study samples from 1958 to 2002 that addressed juvenile (ages 12-21) interventions. He included studies that had quantifiable results, with the majority of investigations conducted with random or controlled matched samples. Because recidivism was defined differently across the studies, results were adjusted “to better approximate the most common form of recidivism reported in these studies—the proportion of juveniles rearrested during the 12 months after intervention” (p. 6). In the analysis, 58 of the studies measured the effects of case management strategies, wherein case management was defined as “a designated case manager or case team develops a service plan for each juvenile, arranges for the respective services and monitors progress” (p. 12). With the service plan as a significant component, the researchers found that “case management showed relatively high mean recidivism reductions” (p. 20) but the findings did not rise to the level of significance.

These studies suggest that case plans are an important part of case management, but they do

not make case plans an evidence-based practice. However, case plans should be considered a “best practice” when they incorporate evidence-based principles.

## **THE PURPOSE OF CASE PLANS**

A quick review of the literature will show a number of reasons for creating offender case plans, but the reasons tend to cluster in a few areas. First, there is the matter of improved outcomes in the short-term (completion of supervision goals and court-imposed conditions) and in the long-term (behavior change, reduced recidivism and increased public safety). There are also reasons specific to the offender, the supervising officer and the management staff.

### **For the Offender**

When an individual is sentenced to community supervision, there are myriad requirements, sometimes conflicting, that must be addressed. A case plan can delineate these demands, establish priorities, and clearly define the expectations of the court or releasing authority and supervising agency. Furthermore, offenders can gauge their progress by completing short-term objectives and demonstrate behavior change through meeting goals.

Bumby et al. (2007) summarized the importance of case plans to offenders, “If adult and juvenile offenders are not encouraged and expected to be active participants in their own case planning efforts, they are less apt to take ownership and may be more resistant to the interventions and strategies that are designed to assist them” (p. 146).

### For the Supervising Officer

The use of case plans benefits the supervising officer by identifying and prioritizing the issues in supervision, while focusing attention on effective interventions and improving efficiencies in their work. “The intention is to put the officer in a proactive stance with regard to his or her clients—actually planning supervision activities instead of merely reacting to circumstances as they occur in the caseload” (Clear, 1981: 3). “The case plan is critical in that it allows the caseworker to focus resources on critical problem areas and to influence case outcomes rather than simply react to emergencies” (Krisberg, Neuenfeldt, Wiebush, and Rodriguez, 1994: 35). Moreover, case plans can provide the officer with a constant measure of the offender’s progress and serves as a reminder of each offender’s needs. “Case plans are the focal point of case manager’s face-to-face time with offenders” (Carey, 2010: 22), wherein the contact session constantly comes back to the evidence-based principles of Risk-Need-Responsivity (RNR). For officers who focus their contact sessions on offenders’ top criminogenic needs, as outlined in the case plan, the recidivism rates are lower than those officers who do not (Bonta, Rugge, Scott, Bourgon, and Yessine, 2008).

### For Management

The implications of not using case plans are great. For corrections agencies that choose not to use case plans or do not ensure the quality, their ability to change behavior is diminished.

Without case plans for higher risk offenders, management cannot have a full picture of the supervising officer’s performance. Management is not easily able, if at all, to determine what criminogenic needs are being addressed, in what matter or priority and with what resources. Case plans provide accountability. Regular reviews of case plans will inform management of several important measures such as completion of behavioral goals and identification of referral agencies regularly associated with successful cases. Done well, case plans can be used to evaluate a number of case management activities and improve the services provided by the agency. Haas, Hamilton, and Hanley (2006) clearly articulated the issue in their report about West Virginia’s Department of Corrections, “if staff are not accurately assessing offender risk (i.e., under- or overestimating) or ignoring the results of such assessments in case and supervision planning, they are in all likelihood either wasting agency resources or placing the public at greater risk” (p. 39).

**Case plans improve efficiency by assisting the officer in being proactive.**

## CASE PLAN BASICS

In the literature on correctional case management there are several basic elements of case plans that reoccur. As expressed in the previous definition on case plans, the literature repeatedly indicates that they are written documents. Further, they contain some type of goals, include activities and should be responsive to timelines. The individualized plans for offenders are also described as dynamic: they are intended to change, as circumstances change (Andrews, 2000; Bumby, Carter, Gibel, Giguere, Gilligan, and Stroker, 2007; Carey, Goff, Hinzman, Neff, Owens,



and Albert, 2000; Carey, 2010; HM Inspectorate of Probation, 1999). The case plan “must be a fluid, flexible, and responsive working document that evolves with the offender” (Bumby et al., 2007: 147).

## Timing

There are two issues around timing. First, when should the initial case plan be completed? Clear (1981) indicates the “initial plan should not be completed until the officer has enough of an understanding of the client’s situation to be confident about the most important behavioral changes to be pursued” (p. 15). These sentiments are echoed by Carey (2010: 10) who wrote, “It takes time to develop rapport and to fully understand offenders’ circumstances, strengths, supports and areas of concern.” The initial gathering of information takes time, as it requires data from a variety of sources, such as presentence investigations, actuarial assessments, offender interviews, etc; but not until this information is collected can informed decisions be made about the contents of the case plan.

The second timing issue involves updating the case plan. The case plan should be dynamic “because the plan cannot realistically incorporate at the outset every potential intervention or management strategy that will be needed from start to finish. Rather, it should be limited to the key targets of change that are most important during a given period of time” (Bumby et al., 2007: 148). It is recommended that the timelines for completion of case plan objectives or changes in case plan content automatically correspond with periods of reassessments (Carey, 2010; Clear, 1981). In many jurisdictions, reassessment on the LSI occurs every six months; therefore, case plans should be updated or modified at least every 180 days.

## Format

A variety of formats exist for case plans. Even in the one agency, the format may not be consistent from unit to unit or officer to officer. Although the literature does not prescribe a specific format, there seems to be agreement that the format should be standardized. For example, Todd Clear (1981) stresses that case plans need to be standardized if they are to lend themselves to meaningful evaluations and feedback. Similarly, after a review of 3,959 probation cases from 46 probation departments, probation officials in the United Kingdom recommended using one format (HM Inspectorate of Probation, 1999).

## Parties Involved in Case Planning

There is consensus among researchers and criminal justice professionals that the case planning process must involve at least the supervising officer and the offender (Bumby et al., 2007; Carey et al., 2000; Carey, 2010; McNeill, 2009; Street, 2004; Taxman et al., 2006) because the “offender’s

**Additionally, if there are family members, treatment providers or other pro-social supports available and willing to participate in the case planning process, they should be invited. They can form a partnership that will enhance the offender’s accountability to the plan’s objectives and goals.**

cooperation and likelihood of successful completion of their case plans will increase to the extent that they are involved in developing their own plan—as opposed to being ‘told’ what their plans will contain” (Carey, 2010: 9). The case plan should be viewed “as a mutually agreed-upon document” (Street, 2004: 29), with responsibilities for both the offender and officer (Taxman et al., 2006). Additionally, if there are family members, treatment providers or other pro-social supports available and willing to participate in the case planning process, they should be invited. They can form a partnership that will enhance the offender’s accountability to the plan’s objectives and goals.

## COMMON COMPONENTS

Effective case plans should operationalize the RNR principles: the use of a risk/need assessment tool to determine monitoring and treatment needs, then selecting the appropriate services by targeting interventions to offender characteristics. These principles involve concentrating resources on the higher risk offenders and identifying criminogenic needs: “dynamic risk factors that, when addressed or changed, affect the offender’s risk for recidivism” (Bogue et al.: 4). The more adherence to the RNR principles, the greater the effect on reducing recidivism (Gendreau, French, and Taylor, 2002).

**The officer should begin by sharing the assessment information, then clarifying the difference between court or releasing authority orders and supervision/treatment interventions.**

### Assessment

The literature is clear that actuarial tools should be used to identify the criminogenic needs and risk of the offender. “In the process of predicting behavior based on either clinical or actuarial methods, research clearly shows actuarial approaches to be superior” (Carey et al., 2000: 31). This is not to say professional judgment is not important, but the evidence indicates professional judgment is significantly enhanced with the use of actuarial tools. Of course, how the assessment is conducted also effects outcomes. Cumming and McGrath (2005) noted, “When conducting interviews as part of the assessment process for supervision planning purposes, the style and approach used by the interviewer are important to consider, as they can have an impact on the offender’s engagement in the overall intervention process” (as cited in Bumby, Carter, Talbot, and Gilligan, 2007a, p. 97). The use of motivational interviewing techniques is recommended to involve the offender, build rapport, increase ownership of the process and enhance intrinsic motivation (Bumby et al., 2007a; Carey et al., 2000; Dunlap, Mullins, and Stein, 2007).

The assessment results must be utilized properly to be effective. “Recent research has shown that in many cases, assessments are administered correctly but the information obtained is not properly applied to supervision plans” (Taxman, Shepardson, and Byrne, 2004: 31), or worse, investigators found that “too often supervision plans did not draw explicitly on assessment

processes or on previous assessments” (HM Inspectorate of Probation, 1999: 15). However, “risk assessment information should dictate the degree of intervention (e.g., intensity of supervision, intensity and duration of programming) based upon assessed level of risk to reoffend (i.e., highest levels of intervention matched to highest levels of risk)” (Carey, 2010: 11). The officer must address the top criminogenic needs identified in the assessments. Knowing the criminogenic needs “is critically important to case planning as it identifies the specific conditions for individual offenders that, if successfully addressed, will decrease the probability of future crime” (Carey, 2010: 11). It has been shown that targeting the most significant dynamic criminogenic needs (i.e., anti-social personality, anti-social attitudes/thinking and anti-social peers) will have the greatest influence on behavior change (Andrews, Bonta, and Hoge, 1990; Carey, 2010; Lowenkamp, Latessa, and Holsinger, 2004).

In addition to identifying the criminogenic needs, studies and meta-analyses have demonstrated that the number of criminogenic versus non-criminogenic needs targeted also has an impact on outcomes (Andrews, 2000; Andrews and Dowden, 2006; Gendreau et al., 2002). For example, Gendreau et al. (2002) found “programs that targeted at least one to three more non-criminogenic needs than criminogenic produced a miniscule...increase in recidivism. At the other extreme, programs that targeted at least four to six more criminogenic needs than non-criminogenic reported a substantial...reduction in recidivism” (p. 12). The significance of addressing more than three criminogenic needs is imperative to improving outcomes and public safety. In two separate articles, Andrews, Dowden, and Gendreau noted that “addressing six criminogenic needs has a very significant impact on recidivism (approximately a 50 percent reduction), while addressing one criminogenic need has significantly less (10 percent), and importantly, focusing exclusively on non-criminogenic needs results in increased recidivism” (as cited in Domurad & Carey, 2010: 18)

### Goals and Objectives

The goals and objectives of a case plan are where the officer synthesizes the RNR principles. As previously stated, the case plan should be written with the offender. The officer should begin by sharing the assessment information, then clarifying the difference between court or releasing authority orders and supervision/treatment interventions (Carey et al., 2000; Carey, 2010; Clear, 1981). Goals are the longer-term behavior changes, which one would expect as the result of the interventions listed in the shorter-

**Additionally, the supervising officer should attempt to incorporate the offender’s social network. The offender will be spending a miniscule amount of their time being directly supervised by corrections staff, so the officer can enhance supervision by tapping “into these informal social controls to build the offender’s sense of responsibility and sense of belonging”**



term objectives. Several sources suggest the format of objectives, but the three consistent characteristics of objectives are: specific, measureable and time bound (Carey, 2010; Clear, 1981; Lerner et al., 1986). The specific wording is vitally important, so the offender understands the expectations, and the officer can measure progress.

### **Other Important Components**

The literature on case planning mentions other important elements that should be considered to improve the quality of case plans and the outcomes of interventions. There are three general categories of topics to consider.

To start, it is beneficial to incorporate the offender's strengths (Burke, 2008; Carey et al., 2000; Carey, 2010; Krisberg et al., 1994). "Building upon one's assets can increase resiliency and add protective factors that prevent future crime" (Carey et al., 2000: 32). To enhance and facilitate the learning of pro-social skills, "Specific responsivity calls for treatment interventions to consider personal strengths" (Andrews & Dowden, 2006).

Additionally, the supervising officer should attempt to incorporate the offender's social network. The offender will be spending a miniscule amount of their time being directly supervised by corrections staff, so the officer can enhance supervision by tapping "into these informal social controls to build the offender's sense of responsibility and sense of belonging" (Dunlap et al., 2007: 18). For some offenders, there may be a pro-social family member, neighbor or employer who can model for the offender and engage the offender in ways

that are not possible for those in a position of authority.

Another element noted in the literature is restorative in nature. Carey et al. (2000) recommend that case plans take into account the needs of victims and communities. The idea of restorative justice (RJ), in which the offender has created harm that needs to be repaired, may be captured in a variety of programs or practices. For example, studies have found offenders more accountable following their involvement in Victim Offender Conferencing, wherein they were more likely to pay restitution (Maxwell, Morris, and Hayes, 2006). Also, RJ interventions are associated, on average, with small but significant reductions in recidivism (Bonta, Jesseman, Ruge, and Corimer, 2006). Whether the case plan specifies a particular restorative justice program or activity (such as community service), the spirit of restorative justice can be captured in the plan by discussing the impact of the offender's crime on himself, the victim and the community, while encouraging the offender to think of ways to restore all three.

### **Management's Role**

Management plays a crucial role in the implementation, utilization, and quality assurance of case plans. As with all implementation, management has to realize there is a need for change and that the solution is appropriate. If an organization believes that evidence-based practices will render better outcomes and improved public safety, then it has already committed to using tools to support that mission. Even though case planning may not be an evidence-based practice as an independent activity, it is a "best practice" when based on

the underlying evidence-based principles and specifically the application of the RNR principles. An organization must commit to using case plans, as outlined in the literature, if it wants to demonstrate its commitment to EBP; however, it may require significant cultural changes and mandate quality assurance.

### **Workload Management**

In order to perform case planning well, line staff and supervisors need adequate time. “Ensuring that staff are not spending time on requirements directed at low-risk offenders will be particularly important” (Burke, 2008: 61). High quality, properly scored assessments can identify those low risk offenders, who are not in need of intensive resources. There are several options for handling these cases, such as kiosk reporting or banked caseloads. Other ideas to reduce officer and supervisor workloads should be part of management’s long-term strategic planning.

### **Quality Assurance**

Quality assurance is paramount for implementation of new business practices. Ongoing review, measurement and reinforcement of new policies and practices are critical to sustainability, as this West Virginia example demonstrates: In a 2006 study of the Department of Corrections, staff members were fully trained in assessment and case management practices. Once all staff were fully trained, researchers explored the outcomes 18 months after program implementation. “In all, only four out of 10 correctional staff indicated that they used the results of the LSI-R to determine the reentry plan for their caseload. As a result, it is likely that many reentry plans are being written and developed without a clear rationale that is rooted

in evidence-based practices” (Haas, Hamilton, and Hanley, 2006: 40).

To improve the quality of the assessment and case management process, quality control measures should be employed. It is recommended that supervisors “certify” or approve each case plan at the initial and reassessment stages (Clear, 1981; Taxman et al., 2006). This review provides the supervisor a chance to coach officers and reinforce best practices, but it also is an opportunity to discuss the case, any outstanding issues and the overall progress of supervision. This review and approval is a time to ensure fidelity to the assessments and the RNR principles. Lowenkamp et al. (2004: 53) warned, “If the LSI-R is not administered properly, the classification decisions and all processes based on the tool (such as case planning and the monitoring of progress) will be severely hobbled.”

## **SUMMARY**

There is a significant amount of literature in support of case plans as a means to operationalize evidence-based principles. Plans should be considered the reflection of good assessment and thoughtful treatment matching. There are several basic elements to the case planning process, including quality assessment, enhancing offender motivation, targeting criminogenic needs and prioritizing services for higher risk offenders.

Many jurisdictions have not consistently utilized standardized case plans, some don’t use them at all. In future discussions on this topic, it is essential to consider the literature regarding case plans, case management strategies and EBP’s. As community corrections moves towards

greater adherence to evidence-based principles, it should consider the potential wealth of data and improved outcomes that can result from a standardized case planning process. "The information contained in the case plans can be aggregated to provide important data of the effectiveness of various supervision approaches" (Clear, 1981: 20). These outcomes make it possible to measure such things as offender progress in behavior change, technology transfer with staff, service provider effectiveness and reduced recidivism. Although it requires an investment of time and resources (training, coaching, and reinforcement), the results of improved operations and increased public safety that come with sound case management should be a priority for any community corrections organization. »»»

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## **Is it Time to Re-think How we Transfer Probationers Between States and How we Measure Outcomes?**

A proposal for the “complete transfer”  
of resident probationers between states

**By Robert M. Maccarone**



**P**ublic safety and law enforcement are critically important to the quality of life and the economic success of our communities, and protecting the safety of our citizens is government's first and foremost responsibility. That mission becomes all the more difficult in times of economic distress and declining revenues. With more than five million adult offenders under community supervision in the United States today (Glaze and Bonczar 2010) and at least 250,000 moving between states, the critical need to track and monitor these offenders presents a considerable challenge to probation, parole and community corrections professionals. But it also creates an incentive and opportunity to develop new and more effective ways to do so.

The interstate transfer of adult offenders is facilitated through the Interstate Compact for Adult Offender Supervision (ICAOS), and its predecessor, the Interstate Compact for Parolees and Probationers (ICPP), a protocol that dates back to the Crime Control Act of 1934. Today, all 50 states and a number of territories participate in the ICAOS, where the sending state maintains legal jurisdiction over the offender, even in instances where the offender is a resident of the receiving state. It may be time to rethink this and consider whether the "complete transfer" of resident probationers presents a better and more efficient way to protect the interests of community safety.



Transferring the jurisdiction and authority to the receiving state in cases where the offender is a resident of the receiving state would have numerous benefits. It would:

- permit supervising probation authorities to respond quickly and certainly to offender violations
- increase offender accountability
- reduce recidivism
- promote community safety
- reduce the costs incurred by states and localities associated with no fewer than 12 administrative requirements of ICAOS, including reporting, conducting probable cause hearings, enforcing warrants and re-taking.

## **HOW WOULD COMPLETE TRANSFER WORK? WHY IS IT MORE EFFECTIVE?**

A significant number of probationers transferring between states pursuant to ICAOS are permanent residents of receiving states.

In New York State, for instance, the Office of Probation and Correctional Alternatives has determined that approximately 40 percent of the 3,800 probationers transferring into the state each year – 1,500 cases – are New Yorkers who committed crimes in neighboring states, were sentenced to probation and then requested that their probation supervision be transferred to their resident state -- New York. This scenario is undoubtedly repeated thousands of times each year throughout the United States as probationers, not surprisingly, request their probation supervision be transferred to their home states.

In every case in which this occurs, the receiving state must comply with burdensome ICAOS administrative requirements to report

back to the sending state and to report no fewer than 12 activities associated with the offender's behavior while under supervision. These requirements include filing address changes, reporting moves to subsequent states, reporting changes in level of supervision, reporting changes in assigned probation officer, progress reports, reporting case closings, reporting offender violation reports, submitting death notices, filing early discharges and reporting notification of enhanced/special conditions that are added or deleted forwarding arrest information and retaking processing. Under these rules, interstate staff and local designees are mired in a great deal of busywork. Streamlining this process would result in greater efficiencies, save states and localities hundreds of thousands of dollars and, more importantly, enhance public safety.

Complete Transfer recognizes the importance of the offender's continuing residence in the receiving state, and so its application is envisioned primarily for the probation population. Resident probationers live in the receiving state, are employed and maintain family and community supports there, while these connections may be more attenuated with the parolee population returning from state imprisonment. However, parolees may be included in Complete Transfer if Compact members determine it is advantageous to do so, and the ICAOS Rules are amended accordingly.

## **COMPLETE TRANSFER WOULD ENHANCE COMMUNITY SAFETY**

The primary mission of probation, parole and community corrections is to protect the safety interests of our communities through offender accountability and the reduction of recidivism.

Supervising probation officers are in the best position to protect victims from harm and ensure probationer compliance with the collection and payment of victim restitution. Current rules, however, handcuff their ability to fulfill this role while seemingly encouraging an “out of sight, out of mind” mindset on the part of the sending state.

Under the current rules, the receiving state largely lacks the authority to hold the offender accountable, or enforce the conditions of supervision. The receiving state must document three significant violations before it is able to request that the sending state retake or request the return of the offender. Indeed, since three significant violations are necessary before action is taken, a transfer case often demands a higher level of non-compliance than the local jurisdiction would tolerate with its own offenders. What incentive is there for the sending state to request the return of an offender who has left that state and initiate violation proceedings that could well burden it with the cost of incarcerating the offender, especially when the offender demonstrated non-compliance in another state? The answer? Little or none. This offender has become “someone else’s problem” – namely that of the receiving state, which then lacks the autonomy and authority to deal promptly and appropriately with the offender.

This is both counter-intuitive and contradictory to a basic principle of criminal justice – that a swift and certain response to violative behavior is necessary to change offender behavior. It is also a continuing and festering source of frustration for probation officers.

With Complete Transfer, probation officers in receiving states would have the authority

to do what they are supposed to do: hold interstate transfer resident probationers accountable, secure judicial support to modify orders and conditions of supervision, implement graduated sanctions and, where appropriate, initiate violation proceedings. This would enhance public safety, while likely diminishing reliance on costly local jails and prisons. At present, by significantly delaying the court’s redress until a significant violation, or more typically, three significant violations have occurred, by the time the matter gets to a court, a jail or prison term is often inevitable.

It is important to recognize that interstate transfer is a privilege, not a right and that ICAOS Regulations specifically recognize the authority of the receiving state to set the conditions of supervision. With Complete Transfer, this could include the probationer’s acceptance of the terms and conditions of supervision as well as agreement to be subject to and abide by the laws of the receiving state. There would be considerable incentive for the probationer to comply, if the receiving state had the capacity to respond swiftly and surely to violations. Offenders are more likely to lead law-abiding lives in the communities where they have family, are employed, pay taxes and are able to benefit from community resources.

At the same time, the receiving state would be more invested in the probationer’s successful reintegration into the community. When violations do occur, there is a greater incentive to utilize alternatives to incarceration and graduated sanctions. When supervision is revoked and the individual is incarcerated in a local jail or prison, the offender will be better able to draw upon family, employers and other community supports to assist with rehabilitation and successful reentry. Lastly; if the probation is revoked and the offender incarcerated in state

prison, there is less likelihood of a subsequent request for transfer as a parolee –offenders will be paroled in their resident state. In other words, they are more likely to successfully re-enter society.

## **COMPLETE TRANSFER WOULD INCREASE THE EFFECTIVENESS AND EFFICIENCY OF ICAOS**

The Complete Transfer of resident probationers to receiving states would improve the Interstate Compact for Adult Offender Supervision in several ways.

With Complete Transfer, offenders would continue to transfer between states pursuant to ICAOS, but in cases where the offender transfers to his or her home state the case would be closed in the Interstate Compact Offender Tracking System (ICOTS) upon acceptance by receiving states. The case would continue to be supervised, but probation interstate units would then be able to focus their resources on the multitude of cases that would continue to be managed pursuant to ICAOS regulations and, more importantly, concentrate on “high-risk” probationers, including individuals convicted of violent crimes, sex offenses and domestic violence.

Additionally, Complete Transfer would ensure that out-of-state resident transfer cases are treated similarly to others supervised in the receiving state. The current system sets up a dual standard for supervision and co-management or interstate transfers and contradicts the intent of the original compact. Finally, and perhaps most importantly, Complete Transfer would cause practitioners and ICAOS authorities to consider new measures of effectiveness, including the rate of recidivism for transfers and community safety.

## **AUTHORITY AND LOGISTICS**

That brings us to a pivotal question: Do member states and territories of the Compact have the authority to implement Complete Transfer and shift full supervisory, enforcement and sentencing powers over interstate transfer resident probationers? It appears they do since Congress has granted broad authority to states to act as agents for each other and enter into agreements for the broad purpose of crime control and community safety. It is well-settled that the rules of ICAOS have the force and effect of federal law:

*Where required, the nature of the compact changes significantly once congressional consent is granted. It no longer stands solely as an agreement between the states but is transformed into the ‘law of the United States’ under the law of the union doctrine. Therefore, Congressional consent ‘transforms the States’ agreement into federal law under the Compact Clause.” (Cuyler v. Adams, 449 U.S. 433, 440 [1981].*

“The ICAOS specifically vests in the Interstate Commission the authority to adopt rules to effectuate the purpose of the agreement. By the terms of the compact, rules adopted by the Interstate Commission have standing as statutory law and are binding on the compacting states.” (ICAOS, 2011, pp. 47-48).

Another question centers on the application and consideration of one state’s law by another state. Again, there is considerable legal precedent. For example, consider sentencing statutes concerning career criminals and second/persistent felony offenders. Predicate crimes and convictions that occur in one state are often considered by another by



analyzing the statutory elements of the crime and comparing them with those of the state where the offender is charged with the instant offense. The sentencing state then imposes an enhanced penalty or punishment based on the offender's prior criminal history in the predicate state. So, there does not seem to be any impediment to requiring individuals under sentence in one state to comply with the laws and regulations of another.

For Complete Transfer to be implemented effectively and equitably, states must be required by ICAOS Regulations to participate. Receiving states that accept their own resident probationers must know that other states will reciprocate.

Judges may initially have concerns about the proper supervision of transfer cases and ensuring the needs of victims are adequately addressed by receiving states. But judges in receiving states will be better positioned to effectively manage these cases with the regular input of supervising probation authorities, and if given the authority to retain jurisdiction over select cases, their concerns may be properly addressed.

## CONCLUSION

In the current economy, states and localities are especially receptive to proposals that will allow them to achieve better results with fewer resources, without jeopardizing the public safety. Complete Transfer offers states a practical solution to more effectively manage the interstate transfer process while improving outcomes for offenders and protecting community safety. >>>

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For more information, refer to page five of this publication for submission details and guidelines.



June 1-3, 2011

## **Association Media & Publishing**

Washington, DC. For more information go to [www.associationmediaandpublishing.org](http://www.associationmediaandpublishing.org)

June 12-14, 2011

**Innovative Technologies for Corrections Conference**, Indianapolis, IN. For more information, log onto [www.justnet.org](http://www.justnet.org)

June 27 – July 1, 2011

## **2011 Texas Juvenile Justice Summit: A Continuum of Services**

Austin, TX For more information, log onto <http://www.tjpc.state.tx.us>

July 14 – 15 2011

## **4th Annual Northwest Alcohol & Substance Abuse Conference**

Scottsdale, AZ. For more information, log onto <http://www.northwestalcoholconference.org/>.



July 31-August 2, 2011

## **2011 National Forum on Criminal Justice & Public Safety**

For more information, log onto [www.ncja.org](http://www.ncja.org)

August 5-10, 2011

## **American Correctional Association -**

## **141st Congress of Correction**

Kissimmee, FL. For more information, visit [www.aca.org](http://www.aca.org) or contact Kelli McAfee at [kellim@aca.org](mailto:kellim@aca.org)

September 13-16, 2011

**California Probation Parole and Correctional Association (CPPCA) 80th Annual Statewide Conference**, Universal City, CA. For more information, go to [www.cppca.org](http://www.cppca.org).

October 2-5, 2011

**New England Council on Crime and Delinquency 72nd Annual Training Institute** Mystic, CT. For more information, log onto [www.neccd.org](http://www.neccd.org) or contact Andrew Cannon, President at [ACannon@mptn-nsn.gov](mailto:ACannon@mptn-nsn.gov) or Paula J. Keating, Executive Director at [pjkeating16@gmail.com](mailto:pjkeating16@gmail.com)

February 26-29, 2012



## **APPA 2012 Winter Training Institute**

San Diego, CA. For more information, log onto [www.appa-net.org](http://www.appa-net.org)

August 13-16, 2012



## **APPA 37th Annual Training Institute**

Indianapolis, IN. For more information, log onto [www.appa-net.org](http://www.appa-net.org)

To place your activities in Calendar of Events, please submit information to: Darlene Webb, American Probation and Parole Association, P.O. Box 11910, Lexington, KY 40578  
fax (859) 244-8001, email [dwebb@csg.org](mailto:dwebb@csg.org)

