the journal of the American Probation and Parole Association

# PERSPECTIVES

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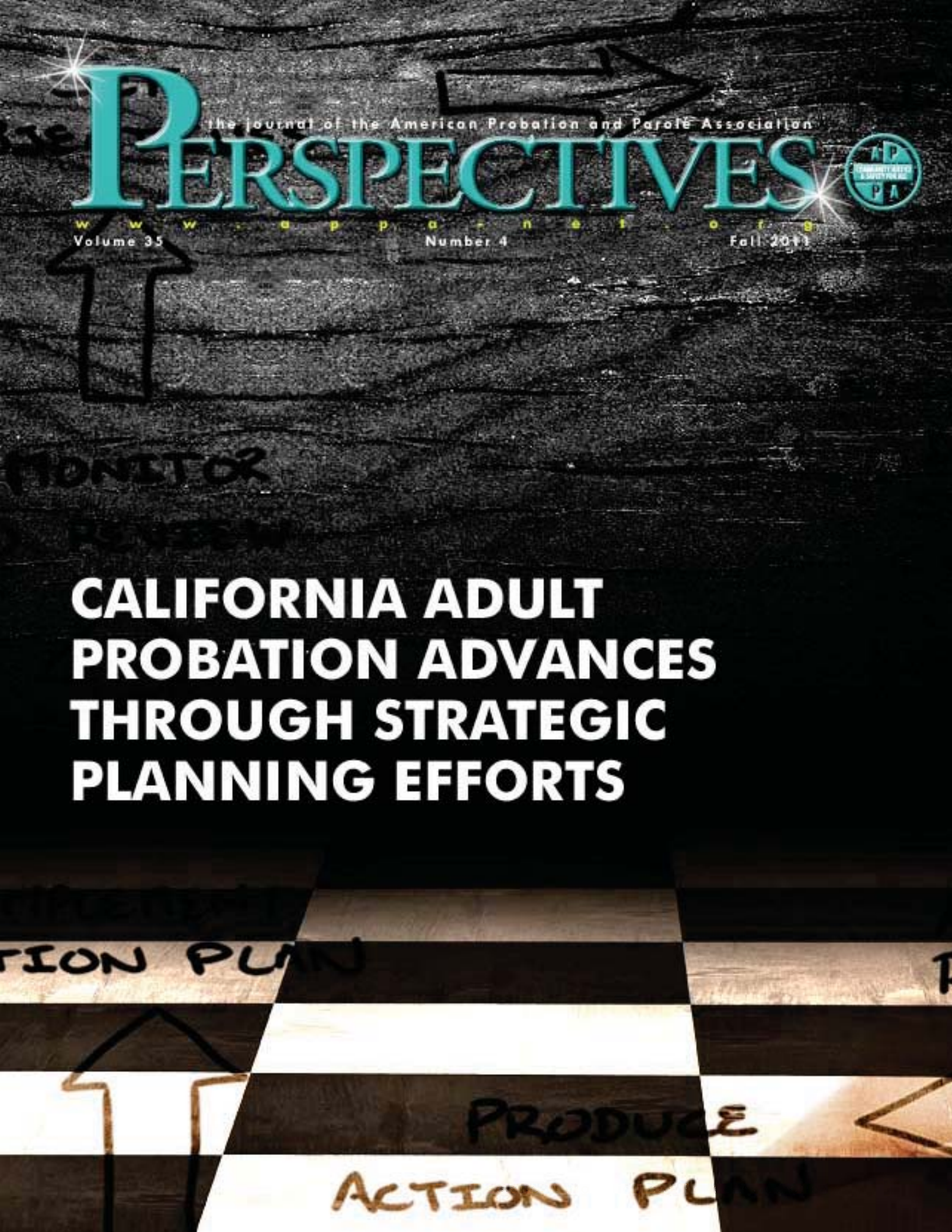
Volume 35 Number 4 Fall 2011

# CALIFORNIA ADULT PROBATION ADVANCES THROUGH STRATEGIC PLANNING EFFORTS



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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 in accordance with the following deadlines:

**Summer 2013 Issue – February 17, 2012**
**Fall 2013 Issue – May 20, 2012**
**Winter 2014 Issue – August 23, 2012**
**Spring 2013 Issue – November 12, 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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# president's message

by Scott Taylor

As I begin my two-year term as President, I hope to build on the excellent work of our former Presidents, Barbara Broderick and Gary Hinzman. I would also like to recognize all of the dedicated committee leaders and members that have gone before me – in particular, Carl Fox, who is stepping down as our At-Large Affiliate Member after years of dedicated service. Our new Executive Committee is very talented and represents one of the most diverse we have ever had and it includes four graduates of the APPA Leadership Institute. APPA has always relied on our Executive Committee to steer the association through challenging times and we are lucky to have this group at our helm. Our Executive Committee truly represents the broad spectrum of APPA's interests but our shared goal is to continue the forward motion of the organization and the profession we all serve.

We are an organization with the ability to engage well over 50,000 pretrial, probation, parole and community supervision professionals throughout the nation as well as those internationally. Across the United States, there are more than five million adults and about 1.8 million youth on supervision. While it may often seem that we operate in the shadows of the institutions and jails, it is my goal to continue to make it clear throughout the world, that pretrial, probation and parole are the primary responses used in the criminal and juvenile justice system. We are not only the largest and most cost-effective partner in the public safety arena but as research continually shows, we are one of the system's best options for achieving crime reduction and realizing healthy communities.

Are we ready as a profession to assume the lead role in offender management and community safety? I believe that APPA should be one of the top influential associations helping to shape our nation's public safety system. To be anything less would be a disservice to our profession and to those who would benefit from our collective expertise. During her presidency, Barbara Broderick worked hard to unify our voices so that APPA could speak authoritatively through the development of position statements, issue papers and resolutions. I will be continuing these efforts so that APPA can be at the center of the critical policy debates that lie ahead.

I will also be looking to use my presidency to reinvigorate our efforts to expand our continuum. Our profession works with both adults and juveniles. Yet, too often these systems operate completely independent of each other. While there are important differences in the standards and models applied to juveniles as compared to adult populations, there are also many similarities in their delivery and the inherent challenges of community supervision. I believe APPA can be a unifying force across these sectors by promoting communication and training across the continuum. This is another area where we can be exponentially stronger if we are united.

How do we as a community of peers work together to emerge as public safety's leading profession? We continue with our mission to protect public safety while continually making efforts to demonstrate our effectiveness. We work closely with our community agencies and strengthen our partnerships for positive change. We remain strategic in our efforts so we can effectively communicate our role to stakeholders. We promote our cost-effectiveness to policymakers and constituents who are looking for safe and effective alternatives to incarceration. We keep pace with technological improvements and remain committed to a shared philosophy of continuous quality improvement.

APPA is actively working so that our association mirrors these practices. APPA currently has over 20 research and training projects underway to inform and improve our practices. We are implementing a variety of technological improvements to strengthen our network and increase our collective understanding of the work we do. We hope to increase your ability to communicate with APPA and engage with our network of professionals through Facebook and Twitter. We have begun the electronic distribution

of *Perspectives* and my presidency will be the first to have every one of my President's Messages posted solely online. We are expanding our committee members' ability to meet more regularly using the voice and video systems available to us. Access to training will expand for members as more become available through the APPA website and through our growing partnerships with training experts from around the nation. We are also encouraging each of our committees to develop their own webinars based on their areas of expertise.

As I look back to our 36th Annual Training Institute in Chicago, I am reminded of all the hard work that goes into making an event like that successful. It is clear that Carmen Rodriguez and the Chicago Host Committee worked for months to put together an outstanding welcome for all the attendees. The evening events showcased some of the best sites of Chicago and offered attendees the perfect backdrop for interacting with their fellow program participants. Sherry Parkes and the Program Committee also spent more than a year sorting through workshop submissions to find those that promised to be the best at delivering our vision of outstanding training. From the opening session with Dr. Todd Clear, to the closing session with Nick Westergaard, the program offered something for every parole, probation or community supervision professional. The combined efforts of the Host and Program Committees have once again provided our members with a winning combination of great training and networking.

We are already putting together the final program for our Winter Training Institute in San Diego (February 26-29th, 2012) and looking forward to our 37th Annual Training Institute in Indianapolis (August 12- 15th, 2012). If you or a colleague has a worthy idea or presentation, please make sure you submit it for the Institute in Indianapolis. We grow as a community and a profession when we regularly share our best ideas and lessons learned.

More and more often, the policy makers and fiscal decision makers are looking to our profession as the most cost-effective response to pretrial release and sentencing. It is critical that in every jurisdiction we have the access to the training and information that will allow us to assume the lead role in the management of youth and adults who become part of the justice system or can be diverted from it through effective interventions.

This is an exciting time for our field. I look forward to our journey and the many challenges and successes we will experience as we continue to be the *Force for Positive Change*. ▹▹▴

Scott Taylor

**Click here to enjoy a special video message from Scott Taylor!**

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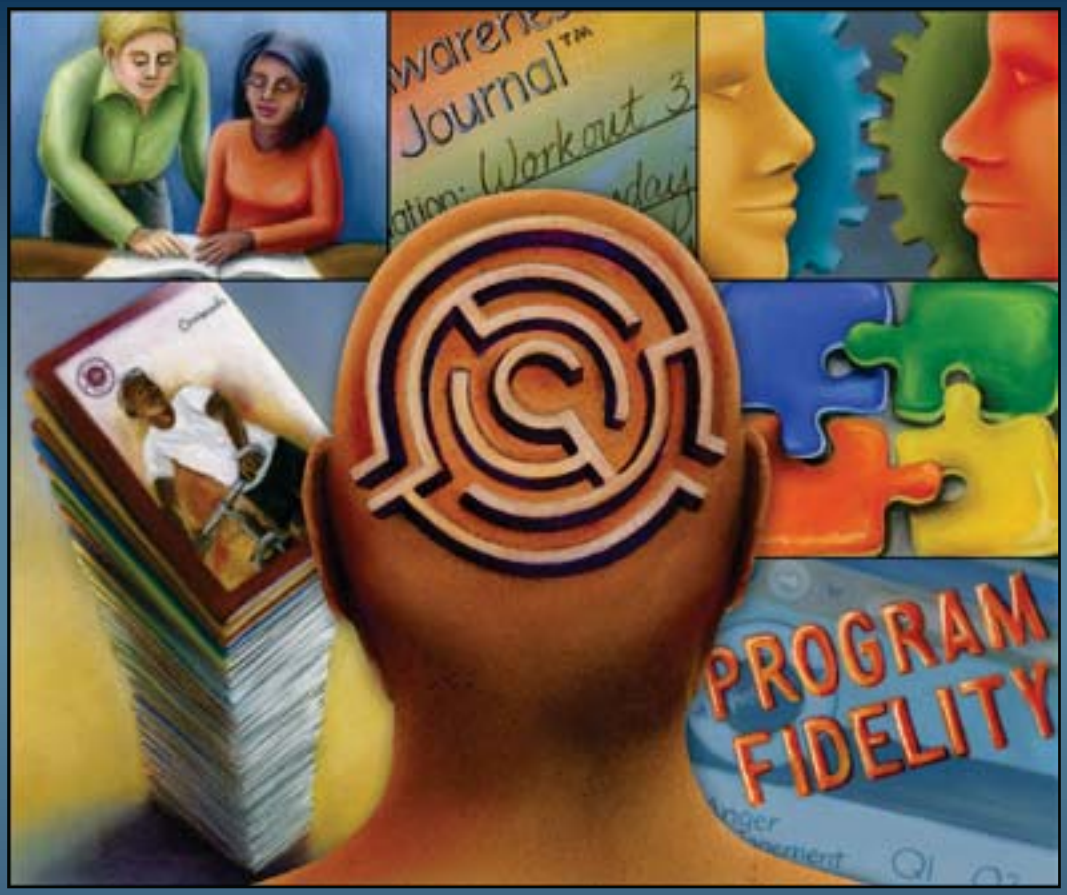


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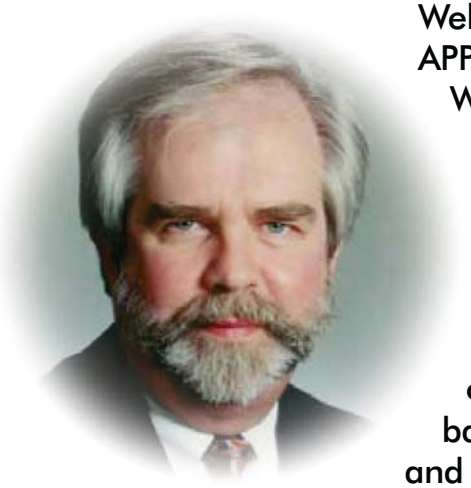
# editor's notes

by Bill Burrell



Welcome to the Fall issue of *Perspectives*. With this issue, we welcome APPA's new president, Scott Taylor and his first presidential message. We also introduce a new feature – a link to a video version of Scott's message. This is an example of the new features we will be introducing in future editions of *Perspectives*.

In our cover story, we learn about the efforts of California's Chief Probation Officers to take an assertive, strategic and proactive approach to addressing some of the critical shortcomings of probation in the Golden State. Working to build a stable funding base, measure results and build a positive public image, the Chiefs and their association have taken on many of the issues that jurisdictions and agencies around the country are struggling with. The early results are positive and we look forward to hearing more about their successes.

Evidence-based practices (EBP) is a term that is hard to avoid in community corrections. Training, discussions about how best to implement them and war stories abound. Stories of successful implementation of EBP are less common in our field. That is in part because successful implementation requires attention to *fidelity,* ensuring that the practices and programs are implemented as designed. Andresen describes the efforts of the Travis County, TX adult probation department to measure and monitor their implementation fidelity. It is noteworthy that this work was done with internal department staff.

Offender employment continues to be a hot issue. The presence of legitimate employment is a desistance factor and the lack of it is a risk factor. Offender workforce development programs have proliferated, particularly in the federal probation system. In his article, DaGrossa reviews the issues related to evaluating workforce development programs. This review is useful for those considering developing such programs or evaluating existing programs. This article builds on the fidelity focus of Travis County. Once you ensure fidelity, the next logical step is to measure outcomes.

While we focus on improving our effectiveness and strengthening our funding and public support, it is important to remember that our staff, particularly line officers, are working with difficult people, often in dangerous situations. Ensuring the safety of staff should always be a top priority. With that in mind, Jeffries and Nickell provide a useful review of staff safety strategies, focusing on being prepared, using situational assessments and rehearsing and practicing responses to dangerous or threatening situations. These "mental models" provide a powerful supplement to accompany and enhance the safety equipment available to line officers.

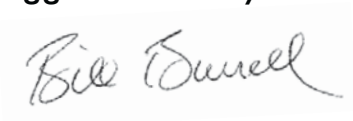
Our Technology Committee has been busy. In their Update, they describe the development and deployment by offenders of methods to counter the monitoring technologies in use around the country. These tools or "countermeasures" illustrate how the classic game of "cat and mouse" between officer and offender is continuing and evolving in the digital age.

The Technology Committee has developed the Issue Paper *Managing the Risks Posed by Offender Computer Use,* which was approved by the Board of Directors and is presented for your reading and use. With the proliferation of digital technology through our lives, it has become increasingly difficult and impractical to prohibit the use of computers and other digital devices by offenders. Managing the risks falls to probation and parole officers, and it is incumbent upon us to thoroughly understand and fully exploit potential of digital technology to monitor and manage offender use of computers and related technology.

The Research Update describes a study that counters much of the conventional wisdom about juvenile offending and victimization. The data reveals that the most risky time for both offending and victimization (largely simple assaults) is during school hours. This makes the case for increased efforts to prevent assaults, bullying and similar behavior in school.

Our roving ambassadors, Bob Brown and Don Evans have been busy hosting and working with representatives of community corrections in the People's Republic of China, Singapore, Kenya and Hong Kong. In the International Update, they provide an update on developments in Beijing. They end with a couple of challenges to APPA in the international arena. We encourage you to think about those challenges.

The content of this issue is varied and challenging – just like the work of probation and parole. We hope you have adjusted to the new electronic platform of *Perspectives*. E-publishing provides a wealth of possibilities for the development of this, your professional journal. As we work to take advantage of the possibilities, we would welcome your suggestions and your feedback.

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# vision

*where community partnerships are restoring hope by embracing a balance of prevention, intervention and advocacy.*

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Primary prevention initiatives are cultivated through our leadership and guidance;

Our communities are empowered to own and participate in solutions;

Results are measured and direct our service delivery;

Dignity and respect describe how each person is treated;

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

Partnerships with stakeholders lead to shared ownership of our vision.

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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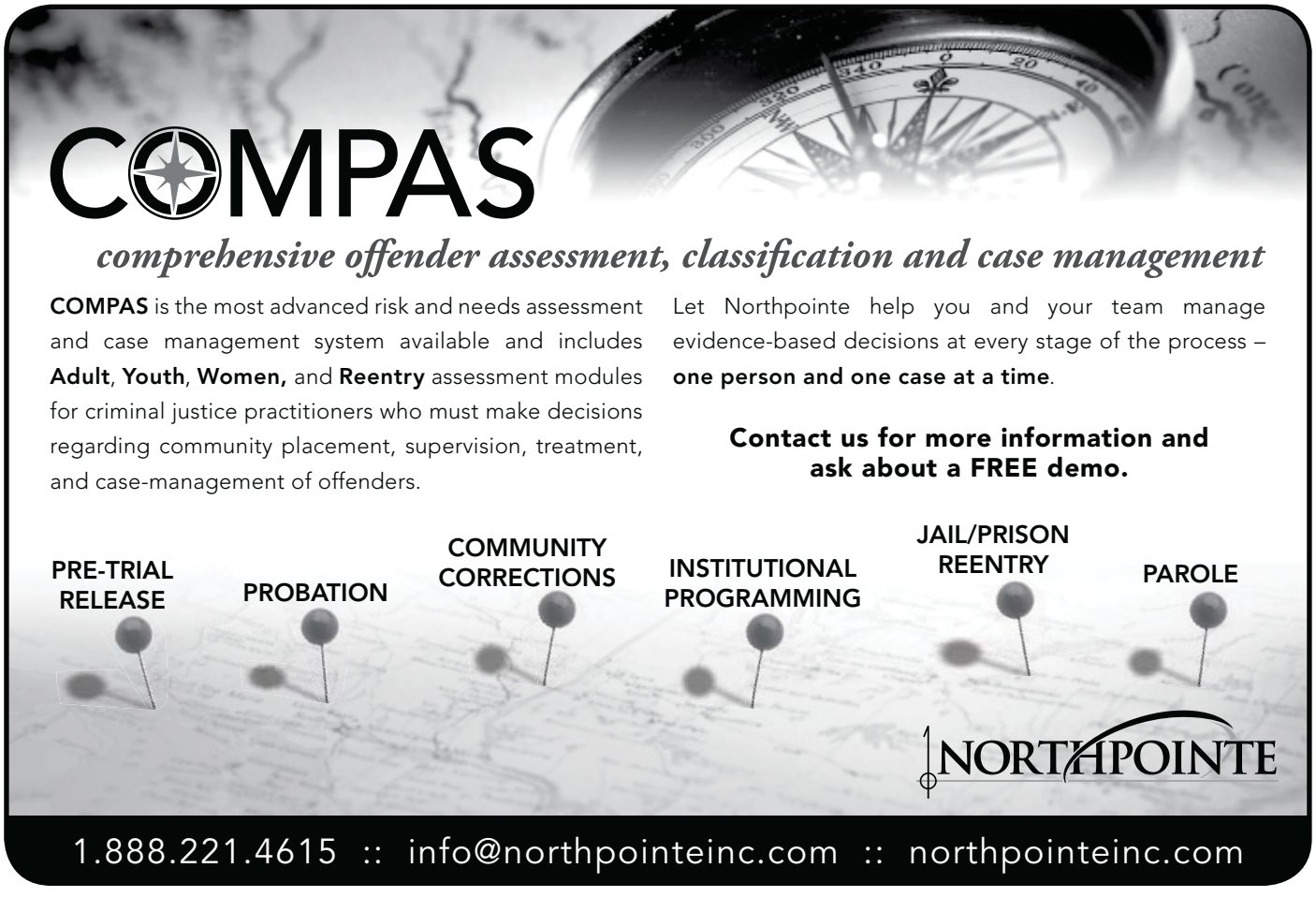
# PROJECT SAFE NEIGHBORHOODS—WHAT'S AVAILABLE?

In these times of budget constraints, our safety training can suffer. But, as discussed in the Summer 2009 issue of *Perspectives,* Volume 33, Number 3, *Spotlight on Safety* article, *"No Training Money--No Excuse,"* agencies have a responsibility to provide safety training irrespective of budget constraints. A great resource for training and consultation resources is the Project Safe Neighborhoods (PSN) program provided through funding from the Bureau of Justice Assistance, U.S. Department of Justice (BJA), and coordinated through the National Training and Technical Assistance Center (NTTAC).

The goal of the program is to "Provide expansive and comprehensive training for federal, state, and local law enforcement officers, prosecutors and other PSN partners," which includes community corrections personnel. Assistance that is available includes:

- Training programs
- Curriculum development
- Distance learning training
- Provision of faculty
- Conferences/Meetings

The types of training and technical assistance include:

- Adjudication
- Corrections
- Crime prevention
- Information sharing
- Law enforcement
- Intervention/Prevention
- Mental health
- Substance abuse
- Counter-Terrorism

Training and/or technical assistance is provided by PSN "National Partners," who are subject matter experts in the areas listed. These partners include:

- American Probation & Parole Association
- Fox Valley Technical College
- International Association of Chiefs of Police
- Michigan State University
- Community Corrections Institute
- Hobson & Associates
- Justice Center, The Council of State Governments
- National Crime Prevention Council
- National District Attorneys Assoc.
- National Gang Center
- National Sheriff's Association
- Regional Information Sharing Systems
- Winston-Salem State University, Center for Community Safety

Plus Federal partners such as the FBI, U.S. Marshals Service, ATF&E and ICE.

Once you have determined a need, access to PSN-related services is available through the U.S. Attorney's District PSN Coordinator in your Federal Judicial District. A formal request for services must be made by your district PSN Law Enforcement Coordinator using the "PSN Technical Assistance/Training Request Form" available at www.psn.gov. Additional information about training opportunities can be obtained by visiting www.bjatraining.org. You can also call NTTAC at 1-888-347-5610 for information on training and technical assistance opportunities, or send questions to psn@fvtc.edu.

PSN and its partners offer vast resources for various forms of technical assistance, from consultation to on-site training. If you have a training need, I encourage your agency to contact NTTAC, discuss the need and resources available, and take advantage of the free services that are available.

## REFERENCES

Tyson, K.K. "Federal Resources for Gang Impacted Communities." Presentation at the National Gang Symposium, Orlando, Florida, 2011.

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**Robert Thornton** is the Director of Community Corrections Institute in Springdale, WA.

# Call for Papers

## *Perspectives* is currently accepting article submissions.
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Readers of *Perspectives* are some of the most expert practitioners in community corrections today. Let others know about innovative programs in your agency, how you are implementing EBP or what changes you have made to survive budget cuts. Your story is important—share it with fellow readers of your premier community corrections journal, *Perspectives*.

### Article Submission Guidelines:

Perspectives disseminates information to the American Probation & Parole Association's members on relevant policy and program issues and provides updates on activities of the Association. Articles submitted for publication are screened by an Editorial Committee comprised of eight members. The committee determines acceptability based on relevance of the field of criminal or juvenile justice, clarity of presentation or research methodology. *Perspectives* does not reflect unsupported personal opinions.

Articles should be written in Microsoft Word™ format and mailed to Karen Mucci, Production Coordinator, *Perspectives* Magazine, P.O. Box 11910, Lexington, KY 40578 or can be emailed to kmucci@csg.org in accordance with the following deadlines:

Summer 2012 Issue: February 17, 2012
Fall 2012 Issue: May 20, 2012
Winter 2013 Issue: August 23, 2012
Spring 2013 Issue: November 12, 2012

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

# APPA 37TH ANNUAL TRAINING INSTITUTE

# INDY

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AUGUST 12-15, 2012
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# CALL FOR PRESENTERS

The American Probation and Parole Association is pleased to issue a Call for Presenters for the 37th Annual Training Institute to be held in Indianapolis, IN, August 12-15, 2012. Institute participants include community supervision and corrections personnel, the judiciary, treatment providers, criminal justice researchers and others who are interested in the field of community justice. Presentations should relate to the following topics:

- Diversity
- Health & Safety
- Judicial
- Juvenile Justice
- Leadership and Management
- Local Issues
- Mental Health
- Parole
- Reentry
- Research/EBP
- Supervision
- Technology
- Victims' Issues

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

## submission guidelines

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

**Length of Workshop:** 90 minutes (workshops held on Monday, August 13 and Tuesday, August 14)

**Intensive Sessions:** 4 to 8 hour sessions (Intensive Sessions to be held on Sunday, August 12)

**Workshop Title:** A snappy title that catches the attention of participants and identifies the primary focus of the workshop.

**Workshop Description:** A clear, concise, accurate description of the workshop as it will appear in the program (average length is 150 words; submissions in Microsoft Word are preferable).

**Training/Learning Objectives:** Describe the measurable skills, knowledge and/or new capacity the participant will gain as a result of workshop (i.e., at the end of the training, participants will be able to list five of 10 causes of suicide.) List a minimum of three training/learning objectives.

**Faculty Information:** Provide name, title, agency, address, phone and email for all proposed faculty. Panel presentations should consist of no more than two or three persons; however, a fourth can be added as a moderator.

**Resume or Vitae:** Include brief resume or vitae of each faculty member.

**Primary Contact:** Submit name and complete contact information (including email address) for person submitting workshop proposal.

**Presentation summaries may be emailed by Friday, December 14, 2011 to Les Schultz at les.schultz@co.brown.mn.us. Questions regarding submissions should be directed to the National Program Chair:**

Les Schultz, Director, Brown County Probation
1 S. State Street
P.O. Box 248 New Ulm, MN 56073
Phone (507) 233-6621, Fax (507) 233-6649, email: les.schultz@co.brown.mn.us

**Workshop proposals should be received no later than Friday, December 14, 2011 and must be received in electronic format in order to be considered.** Annual Institute program committee members will contact the person who nominated the workshops(s) to indicate their selection for the Institute. Please note that it is APPA's policy that, regrettably, expenses and fees associated with participation cannot be reimbursed by APPA.

# COUNTERMEASURES AND COUNTER-COUNTER MEASURES: KEEPING UP WITH OFFENDERS

The cat and mouse game between probation and parole agencies and those under supervision is not a new one. This game has been going on for decades and it will likely continue without end. As tools and techniques are developed to more effectively monitor offenders, determined offenders work in the background to undermine these efforts. News about potential countermeasures run rampant among offender populations and is facilitated by the Internet and social media. Some countermeasures are more urban legend rather than science-based but others may have some validity as no technology is completely invulnerable.

Urinalysis technology provides a good example of this phenomenon. As urinalysis became the primary method of drug testing in both workplace and criminal justice settings, an industry soon emerged to provide information and tools to people interested in circumventing the testing process.

Today a variety of methods are available to the offender who wants to try to "beat" a drug test. Offenders may try "spiking" or diluting a sample. They may try to substitute a clean sample with or without devices such as the *Whizzinator*. They may try to internally dilute the sample through "flushing". As these techniques emerged over time, drug testing labs responded by developing the capacity to identify when countermeasures have been used. For example, labs can now test for the presence of masking agents or test specific gravity levels. Agencies have also responded with improved policies and procedures for the collection process in order to better detect substitution attempts.

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Of course, this cycle of countermeasures and counter-counter measures is not limited to drug testing. An area of growing concern is related to countermeasures which interfere with offender tracking systems. There are well known, low tech methods of circumvention such as cutting off a bracelet, shielding a tracking device or simply allowing a device's battery to run down. Vendors and agencies can deal with some of these tactics with technical features and operational responses but there is room for improvement in this area.

One area that requires more attention is the potential use of jammers by offenders to interfere with tracking. By using these illegal devices offenders have the ability to disrupt both the GPS signals used to determine location and the cellular networks used for the transmission of location and other important data. While it is not believed to currently be a widespread problem, the potential is there. To help agencies get ahead of the curve, the NIJ Corrections Technology Center of Excellence has developed a fact sheet titled: *Countering the Threat of Jammers to Offender Tracking Programs*. The fact sheet was created to:

- Educate agencies about the issue and the potential impact on their programs;
- Assist agencies to train staff to recognize a jammer in the possession of an offender;

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- Assist agencies to identify the signs which may indicate that a jammer is being used by an offender.

Like drug testing technology, offender tracking systems provide a powerful supervision tool for use as part of an overall strategy to effectively manage offenders in the community. However, like other tools, they are not perfect. The technology continues to improve but limitations and countermeasures do exist.

To maximize the usefulness of offender tracking systems, users must be able to recognize when offenders attempt countermeasures. Educating probation and parole personnel about this relatively new issue is of critical importance and is the first step toward mitigating the threat.

The material in the fact sheet is considered to be "Limited Official Use" and will be made available to public-sector criminal justice agencies only. To receive a copy of this fact sheet please send a request on your agency's official letterhead via e-mail to Sue Kaessner at sue.kaessner@correctionscoe.org. The request must reference the Jammer fact sheet and include your name, title, telephone number and e-mail address.

For further information on the APPA Technology Committee and/or if you would like to join the committee please feel free to contact Joe Russo at 800-416-8086 or jrusso@du.edu

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**Joe Russo** is Director of the Corrections Technology Center of Excellence and is chair of the APPA Technology Committee.


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# RECENT RESEARCH ON JUVENILE VICTIMIZATION AND DELINQUENCY

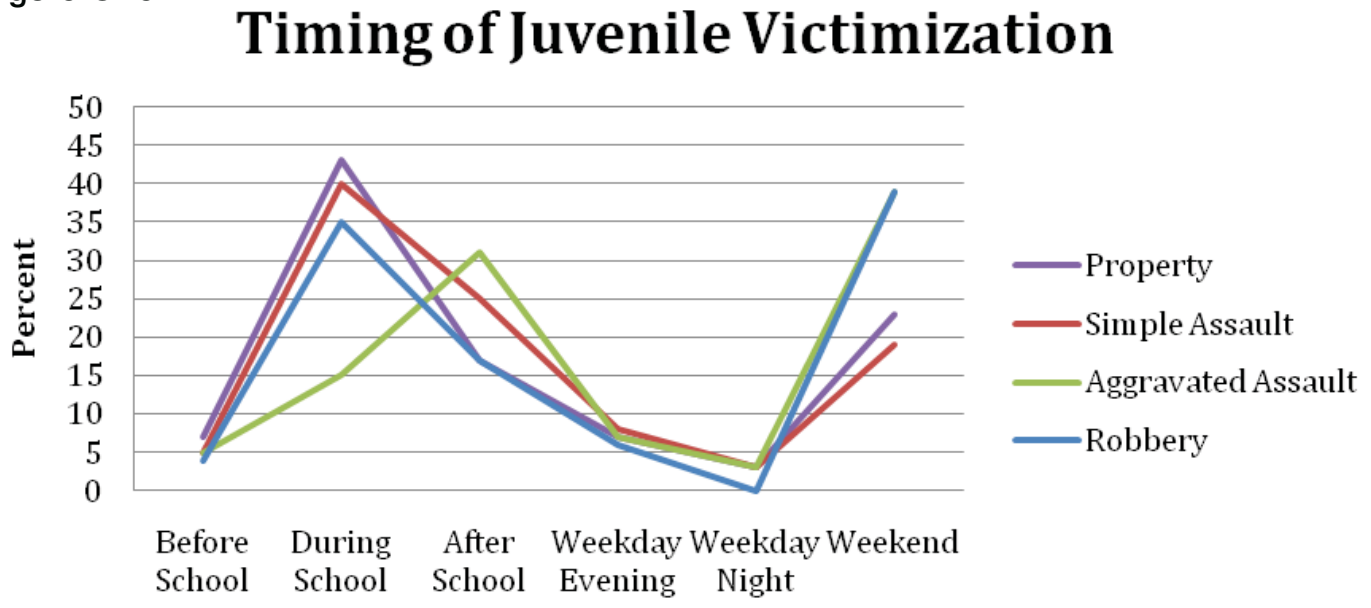
**"It's 3 p.m. Do You Know Where Your Child Is? A Study on the Timing of Juvenile Victimization and Delinquency." Erin Bauer, Denise Gottfredson, and Dave Soule** *Justice Quarterly* (2008) 25: 623-646

In a book published in 1945, *Juvenile Delinquency and the School,* William Kvaraceus pointed out that most juvenile crime occurs on weekdays after school. This is the received wisdom that has guided our understanding of delinquency, and conforms to common sense: these hours are often unsupervised, giving juveniles more opportunity to commit crime. Based on several studies since this seminal research, many after school programs have been funded to reduce delinquency risk. But how accurate is this claim? Does most delinquency happen after school? What about juvenile victimization? This Research Update reviews a recent study that closely examines the timing of juvenile delinquency, victimization, and substance abuse.

The study uses data from an evaluation of the Maryland After School Opportunity Fund Program. This program was established in response to concern regarding unsupervised youths during afterschool hours. The researchers noted that the victimization and delinquency rates in this convenience sample of 817 Maryland youth are comparable to the rates in national samples. Of the sample, 57 percent reported victimization, 55 percent reported a delinquency act, and 31 percent of the sample reported substance use in the past 12 months.

Figure One shows the timing of juvenile victimization based on the following categories: before school; during school; after school until 6 p.m.; 6 p.m. until midnight;

Figure One



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midnight until 6 a.m.; and anytime during the weekend.

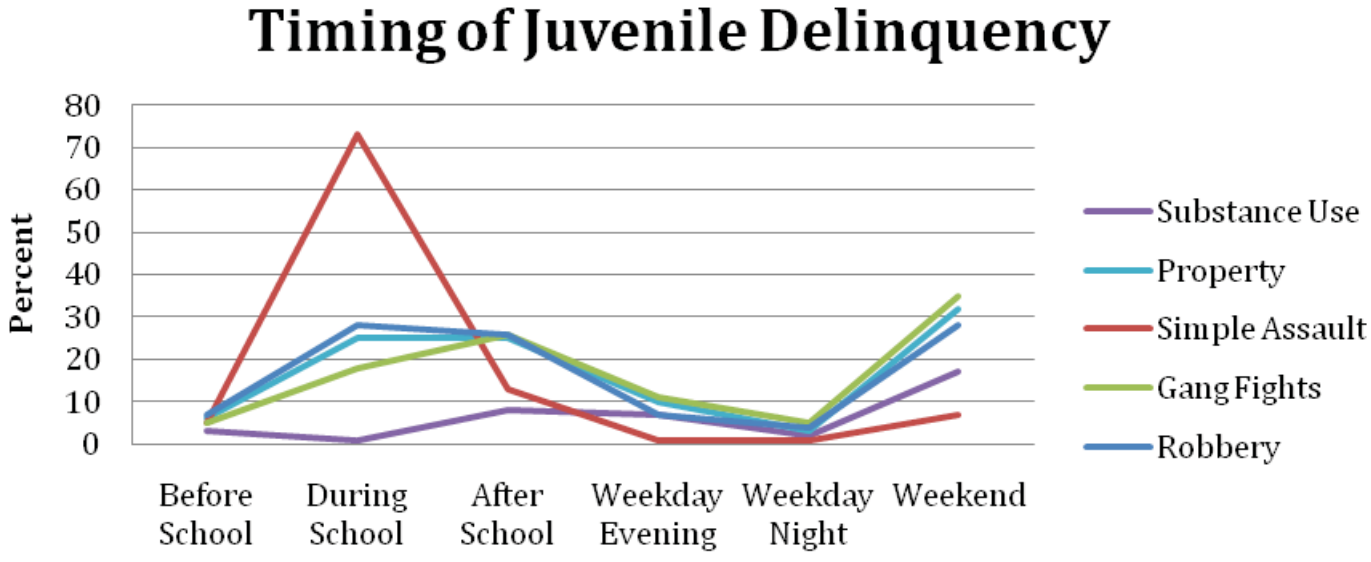
The results show that the highest levels of reported victimization occur during school. Almost 33 percent of respondents who said they were victimized reported that the act occurred during the school day. Victimization patterns are quite consistent for property, simple assault, and robbery offenses. In each of these cases, there are two peak victimization periods: during school and on weekends. A slightly different pattern is seen for aggravated assaults. Here, after school and weekends are the peak victimization time periods. Of course, victimization is different than delinquency, but it is likely that those committing these offenses are juveniles. In short, youth are most likely to be victimized during school and on weekends, rather than after school. However, they are at increased risk of being seriously assaulted during the after school time period, though not as great as on the weekend.

Figure Two provides the timing of juvenile delinquency for five types of crime, including substance abuse (which includes alcohol and drugs), property crimes, assaults and robbery.

This chart shows relatively consistent patterns for property offenses, robbery and gang fights. For these, peak delinquency periods include during school, after school and weekends. Simple assaults predominantly happen during school and substance use after school, in evenings, and especially on weekends. Although after school is a risky time period, it certainly does not stand out as the peak period that has traditionally been observed. This widely held belief should not distract us from the substantial delinquency that happens during school and on weekends.

The authors of this study rely on "routine activities" and "lifestyles" theories of crime to explain their findings. According to lifestyles theory, the cultural preferences of youths

Figure Two



put them at risk for both delinquency and victimization. Routine activities theory argues that youth lifestyles include a convergence of motivated offenders (youth who want to steal or fight or do drugs), suitable targets (youth with expensive electronics, for example), and absent guardianship (untended bags in school libraries, no parent supervision after school, unsupervised weekend parties, etc.).

The theoretical perspective helps to shed light on why certain types of delinquency and victimization happen at different time periods. For example, simple assaults (victimization and delinquency) happen primarily at school because this is the only place where so many youth are co-located. But school guardianship (teachers, administrators, school security officers, metal detectors) helps prevent fights from becoming serious. Therefore, aggravated assaults are more likely to happen after school or on weekends. Property victimization is mostly likely to occur during school because students carry items of interest (IPods, cell phones, laptops) that other students might want to steal or damage. Property delinquency peaks during school, after school and on weekends because suitable targets expand beyond other students (during school) to the surrounding neighborhoods, where non-students and non-school property become the targets.

While previous studies have focused attention on the risk of crime after school, this study complicates the timing of delinquency and victimization by highlighting the varied times of day for different types of offenses. This can provide new guidance for supervision and program implementation. Substance abuse, for example, is not a great concern during school hours, but programs in school can pay greater attention to conflict resolution to mitigate in-school simple assaults. After school programs remain important to offset the risk for more serious crimes such as gang fights and robberies as well as property crimes. But for these programs to be effective, the authors note that they must successfully recruit and retain youth who are at the highest risk for committing these crimes. ▹▹▲

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**David R. Karp** is Professor of Sociology and Associate Dean of Student Affairs at Skidmore College in Saratoga Springs, New York. **John Manning**, class of 2012, is a sociology major at Skidmore College.

# CHINA UPDATE - SPOTLIGHT ON SINGAPORE AND THE NEED FOR INNOVATION

Considerable energy and creativity continue to be focused on community corrections in China. An update on the achievements of the Chaoyang District, Beijing, the planned expansion of China's halfway house capacity, recent international activities in Singapore and the possible need for innovation in community corrections will be highlighted below.

## CHAOYANG DISTRICT, BEIJING

In order to alleviate critical issues related to housing and employment for offenders and those who were homeless, with no relatives to rely on and no source of income, the Chaoyang District of Beijing established the Chaoyang District Sunshine Halfway House.

Following the success of a Chaoyang Delegation to Vancouver, Canada in June of 2007 and the opening of the facility in July 2008, the Sunshine Halfway House was instrumental in initiating a "twinning" or partnership agreement with a halfway house in Vancouver. The agreement was endorsed by the Guy Richmond House, John Howard Society of the Lower Mainland, Vancouver, British Columbia and the Sunshine Halfway House. The agreement was signed in the summer of 2010 and currently hangs proudly in the Sunshine Halfway House. A similar document hangs in the Guy Richmond House. A portion of the Agreement reads as follows.

*Based on the experiences of the international community, this was the first transitional settlement base on the Mainland of China for offenders under community correction. It commenced operation on July 8, 2008 to provide those offenders under community correction with transitional settlement, legal education, psychological counseling and skills training (Brown, 2011).*
*.*

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MULTIVIEW

*On the left Xiao Yipin, Dean of Lar de Estrela da Esperanca do Sheng Kung Hui of Macau and on the right Liu Yong, Deputy Director, Bureau of Justice of Chaoyang District*

"Two distinct community corrections facilities developed and nurtured by two distinct agencies in two distinct countries on two distinct continents with complementary missions dedicated to one common goal: the promotion of a safe and peaceful community.

A partnership established in the spirit of friendship, mutual learning and understanding this 26th day of July, 2010 in Vancouver, British Columbia, Canada."

*Terry Marshall, ATTIC President and Chief Executive Officer & Director Rong Rong, Chaoyang District Bureau of Justice Sunshine Halfway House Signing the Agreement APPA Vice President, Susan Burke, Director Division of Juvenile Justice Services, Salt Lake City, far left representing APPA President Scott Taylor*

Consistent with the above and during a visit by officials from the Macau[1] halfway house Lar de Estrela da Esperanca do Sheng Kung Hui, a similar agreement was signed at the Sunshine Halfway House on December 23, 2010.

During the participation of a Chaoyang District delegation headed by Bureau of Justice Director Rong Rong to the American Probation and Parole Association's 36th Annual Training Institute held in Chicago in July 2011 a "twinning agreement" was signed with ATTIC Correctional Residential Services of Wisconsin and Minnesota.

The signing of the Sunshine/ Attic Agreement took place prior to

a dinner for the Chaoyang delegation hosted by Terry Marshall, the International Community Corrections Association Affiliate Representative to APPA.

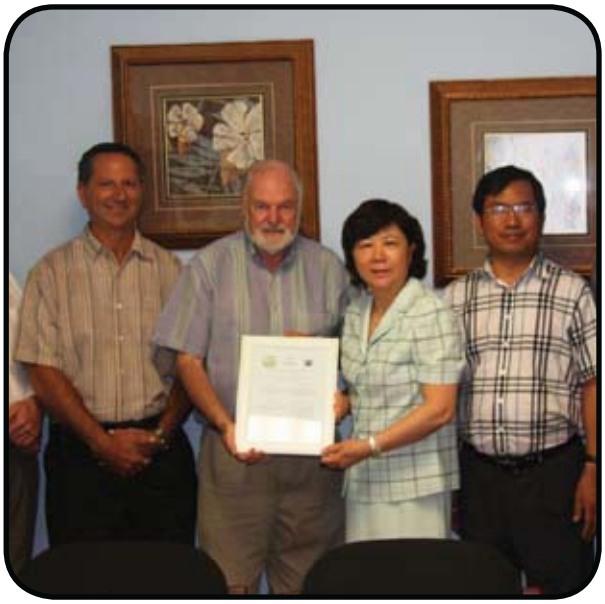
Chaoyang District Bureau of Justice has breathed life into one of the Correctional Service of Canada's core values. Core Value four reads, "We believe that the sharing of ideas, knowledge, values, and experience, nationally and internationally, is essential to the achievement of our Mission."

Following Chicago the six person Chaoyang delegation headed to Toronto where they visited the St. Leonard's Society of Toronto's Day Reporting Centre and Huculak House; two residential facilities operated by the Salvation Army; and Keele Community Correctional Centre operated by the Correctional Service of Canada.

*Sonya Spencer, Executive Director of St. Leonard's Society of Toronto and current President of the International Community Corrections Association and Director Rong Rong with the signed Agreements*

While at St. Leonard's Society of Toronto two agreements were signed, one with St. Leonard's Huculak House and a second with the Kenya Probation and Aftercare Services. Given his support for community corrections in Kenya, past APPA President Donald Evans assisted, on behalf of Kenya Director Jerim Oloo, with the signing of the Kenya agreement.

During Director Rong Rong's participation in the September, 2011 International Corrections and Prisons Association's 13th Annual General Meeting and Conference held in Singapore discussions continued with Diane Williams, President and Chief Executive Officer of the Safer Foundation concerning a "twinning agreement". Of further significance to her attendance in Singapore, Director Rong Rong had the opportunity of meeting Jerim Oloo, Director of



*Past APPA President Donald Evans and Director Rong Rong with the Agreement previously signed by Jerim Oloo, Director of Kenya Probation and Aftercare Services*

Kenya Probation and Aftercare Services. Of most importance; however, Director Rong Rong, on behalf of the Chaoyang District Bureau of Justice accepted the 2011 International Corrections and Prisons Association (ICPA) Community Corrections Award. ICPA is a proud APPA affiliate.

## BEIJING AND THE PEOPLE'S REPUBLIC OF CHINA

In recent communication with Professor Vincent Yang, Chair Professor in International Law, University of Saint Joseph, Macau it was indicated that *Amendment VIII to the Criminal Law of China* was adopted on February 25, 2011 and became effective on May 1st. *Amendment VIII, Section 13* states: "Offenders declared on parole shall receive community corrections during the time of parole." Also, *Section 2* states that offenders sentenced to "supervision" in the community shall receive community corrections. This was the first time the concept of "community corrections" was written into a law in China, meaning the beginning of a formal "legalization" of the service that has been in experimental operation or pilot mode since 2003. This significant milestone in large part can be attributed in general to the community corrections pilot projects that started in China in 2003 and more specifically to the successful Chaoyang District Bureau of Justice Community Corrections Pilot. In August, 2011, the official draft of a new set of *Amendments to the Law of Criminal Procedure* of China was published for public consultation. In this draft, Article 91 states that community corrections shall be provided to offenders who are sentenced to supervision, declared on probation, parole or temporary out-of-prison execution of sentences. It also indicates that community corrections shall be provided by agencies responsible for community corrections. According to Prof. Yang, this is a clear indication of a trend in the professionalization of agencies for the administration and delivery of community corrections in China.

*On the Left: Director Rong Rong, with Director Jerim Oloo, Kenya Probation & Aftercare Service*

*On the right with ICPA President Tony Cameron following receipt of ICPA's 2011 Community Corrections Award*

The Chaoyang District is one of sixteen districts in the municipality of Beijing. The population of Beijing is approximately 20 million with approximately four million residents

living in the Chaoyang District. As noted, community corrections pilots commenced in China in 2003 and in the Chaoyang District in early 2004. The Sunshine Halfway House was opened in 2008. As of September, 2011 Halfway Houses have been successfully opened in the remaining fifteen districts of Beijing, one in each district. Of further note, by the end of 2011 there will be at least one halfway house located in each of the twenty-two Chinese provinces.

## SPOTLIGHT ON SINGAPORE

As a result of the September 2011 ICPA Conference held in Singapore the spotlight of the international corrections community shone brightly on this Southeast Asian city state. Singapore has a long history of supportive aftercare activities and services for offenders returning from prison to the community. There are a number of key supportive agencies and organizations that provide both their energy and creativity to safe offender reintegration.

One of the more prominent agencies that played a key supportive role for the Singapore Prison Service in the success of the September Conference is the Singapore Corporation of Rehabilitative Enterprises (SCORE).

SCORE does not receive direct government grants and continues to rely primarily on the funding from its industrial operations and sponsorships to support its rehabilitation activities. It helps offenders secure jobs before release. In 2010, 2,459 employers were registered in their employer database. With this database, they assisted 1,637 offenders to secure jobs in 2010. To ensure they meet employers' expectations, they also provide ·case management services to help offenders stay on their jobs. This has resulted in significant increases in job-retention rates (83% and 69% for the 3 and the 6 month employment periods of ex-offenders respectively).

With training and relevant work experience in prison, offenders ultimately need to be gainfully employed after their release. SCORE adopts a targeted approach in recruiting new employers. They collaborate with other government agencies and partners like Workforce Development Authority (WDA) and the Employment and Employability Institute (e2i) to engage employers. In recruiting new employers to sign up with their Employment Assistance Unit (EAU), they emphasize a win-win collaborative relationship built on meeting the employer's hiring needs and adding value to their businesses. They try to meet the needs of employers keen to accept corporate social responsibility into their businesses, and provide recognition and publicity opportunities to organizations that work closely with SCORE. They also organize Employers' Networking Sessions where employers have opportunities to meet their counterparts from various industries. In 2010, 341 new employers were recruited bringing, as noted, the total number of employers registered with SCORE to 2,459.[2]

The creative approaches highlighted above did not go unnoticed by Assistant Deputy Minister (ADM), Public Safety Canada, Shawn Tupper. He spoke highly of the innovative approaches that were in evidence in Singapore and administered by SCORE.

In July 1983, a group of former addicts in Singapore set up Breakthrough Missions to aid others in breaking free from their drug dependency. Since then, the non-profit Christian ministry has come a long way. In October 2007 the Breakthrough Café was opened offering reformed drug addicts with employment opportunities and a place where they could further their skills and be better prepared for full reintegration into their community. As a social enterprise of Breakthrough Missions, the café provides twelve of its selected residents with hands on experience and an opportunity to become a responsible member of the community. This constitutes a good news story with the café routinely receiving high praise from the local culinary community.

*Mr. Tupper (1st row 2nd from the right) attended ICPA and participated in a plenary session on the first day of the Conference entitled* Social Innovation: Employment Challenges for Offenders in the Community.

*First row center SCORE Chief Executive Officer, Tze Fang Teo hosts a dinner for the ADM and several Canadian ICPA delegates who participated in a pre ICPA one day Forum on the Risk Needs Responsivity Framework*

*The café is located in central Singapore directly across the street from a courthouse. While recently enjoying a lunch there on September 10, 2011 we were informed by one of the employees that the Judges are frequent customers. He added "first they sentence me to serve time in prison and now they come to the café to be served by me!"*

The above has only scratched the surface of the creative initiatives that are routinely in evidence in Singapore. On his way to ICPA Assistant Deputy Minister Tupper stopped over for an evening in Hong Kong and met with the Society of Rehabilitation and Crime Prevention (SRACP), an aftercare agency with a proven "track record" in Hong Kong since 1957.

Initially as a result of limited financial resources, most of the SRACP staff were voluntary part-time workers. With dedication and perseverance, the work of the Society gradually came to be recognized and valued by the public. In 1959 the Society received its first Government support and since then yearly allocations have been granted to sustain the rehabilitation service for offenders and discharged prisoners. The Society was incorporated as a limited company under the Companies Ordinance on 23rd September 1966.

In my discussions with Mr. Tupper he routinely threw out the challenge that community corrections and its many partners need to embrace innovation. To assist with this challenge and reflect on the innovation evident in Singapore and Hong Kong I would like to dust off an "old study" from 1981. This study conducted an in depth analysis of a sample of correctional clients paroled from the Vienna, Illinois Correctional Centre during the years 1972 through 1976. The research population included male parolees who had received vocational training and academic education. Comparisons were made with parolees who had received neither vocational training nor academic education during the same time period. The following findings were reported.

*Assistant Deputy Minister Tupper Public Safety Canada Meets with the Society of Rehabilitation and Crime Prevention (SRACP)*

*On his left Andy NG, SRACP Chief Executive*

*On his right, Ms. Anthea LEE Shuk-wai, SRACP Business Director Planning & Development*

- As the type of vocational certificate becomes better (more hours and a higher level of training), the length of employment while on parole becomes longer.
- Parolees who received vocational training had significantly fewer arrests on parole than those who did not receive vocational training.
- Parolees who had no vocational training or lower levels of vocational training were more likely to have their parole revoked than those parolees who had higher levels of vocational training.
- Parolees who received vocational training were employed, on parole, significantly longer than those parolees who did not receive vocational training.
- As the grade point average in vocational training increases, so does the number of months working on parole. This relationship is statistically significant.
- Those parolees who were enrolled in academic course work while at the institution were significantly more likely to take vocational training or further academic course work while on parole. (Anderson, 1981).

From the above the focus for the motivated offender is clear if the appropriate employment opportunity is available. This update does not have sufficient time to address the many potential barriers that face an offender returning to the community. Suffice it to say that the availability of gainful employment will assist with knocking down many of the traditional barriers. For the above to have a significant impact on the safe reentry, resettlement or reintegration of the offender into the community, job opportunities based on market driven analysis is paramount.

Market driven analysis is shouting out for innovation when it comes to post release offender employment. In 2010 this was the impetus for the over 2,459 employers that are currently registered in the Singapore Corporation of Rehabilitative Enterprises employer database. In a review of the Society of Rehabilitation and Crime Prevention's 2009 2010 Annual Report it is apparent the "market" is also utilized in an innovative way by this well established Hong Kong aftercare agency. They highlighted with pride that their training courses were market-oriented.[3]

In response to the changing market needs, our service will continue developing new placement-tied and generic skills trainings for the "Vocational Training Programme in Correctional Institutions" and "ERB (Employment Retraining Board) Manpower Development Scheme", in order to equip service users with competitive vocational skills. Furthermore, to enhance the relationship with our working partners, we will develop more job orders, organize recruitment talks, corporate volunteering activities, employers' recognition ceremonies and nominate them to receive employers' awards for their contribution.

## CONCLUSION

Our community corrections colleagues in China continue to evolve and interact with the international corrections community with a goal of routinely enhancing their community corrections capability and capacity. Upon reflecting on the APPA Mission "To serve, challenge and empower our members and constituents by educating, communicating and training; advocating and influencing; acting as a resource and conduit for information, ideas and support; developing standards and models; and collaborating with other disciplines", it is apparent that ongoing interaction with colleagues in the People's Republic of China would be both consistent with the Mission and highly appropriate. It would also be consistent with our working definition as "an international association composed of members from the United States, Canada and other countries actively involved with probation, parole and community-based corrections, in both adult and juvenile sectors." This begs the question: Should the Association focus more attention on the international perspective?

Given the energy and innovation related to post release offender employment readily evident in Singapore and Hong Kong a second concluding query - is this an issue that deserves further review and attention from the Association?

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## ENDNOTES

[1] Macau is a Special Administrative Region of the People's Republic of China.

[2] Singapore Corporation of Rehabilitative Enterprises (SCORE) Annual Report 2010.

[3] Society of Rehabilitation and Crime Prevention's 2009 2010 Annual Report.

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BJS Bureau of Justice Statistics

# 2011 ANNUAL PROBATION and PAROLE SURVEYS

The Bureau of Justice Statistics (BJS) has selected Westat, one of the foremost survey research firms in the U.S, to replace the U.S. Census Bureau as the collection agent for the Annual Probation and Parole Surveys. The data from these surveys are important because they provide the only comprehensive overview of the total community supervision population, as well as the parole and probation populations at both the national and state levels. The surveys measure the size of the probation and parole populations, the volume of movements onto and off of supervision, outcomes of supervision, and factors associated with changes observed in the populations over time. The two surveys fit within a larger BJS portfolio of establishment surveys that, together, cover all correctional populations in the United States. This information is critical to understanding U.S. correctional systems, and for policy development and criminal justice planning at all levels of government.

The surveys include questions about:

- Agencies' probation and parole populations on December 31, 2011
- The number of probationers and parolees who entered and were discharged from supervision during 2011.
- Outcomes of supervision.
- Characteristics (i.e. gender, race, offense, etc.) of the probation and parole populations as of December 31, 2011.

BJS believes that online submission of the data is the most efficient method of transmission and is encouraging that all submissions for 2011 be made via the web. Westat is prepared to assist you to meet this goal.

Beginning December 31, 2011, the survey can be accessed at:
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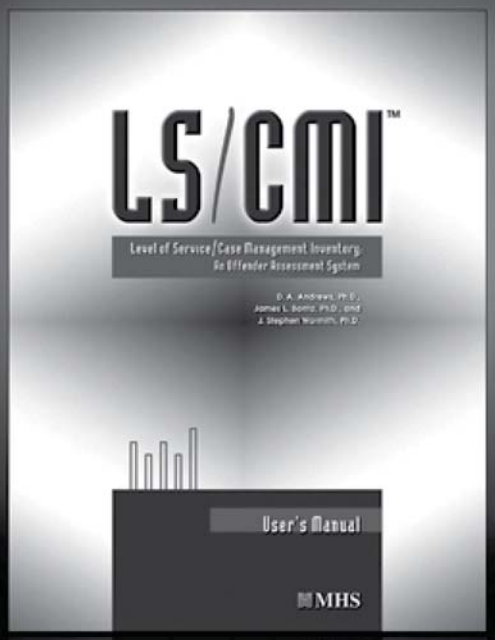

Created for both genders, the LS/RNR and LS/CMI include added features to address requirements of a growing female offender population:

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- Guidelines that instruct users to consider gender-specific factors, as well as, the importance of minor risk/need factors and non-criminogenic needs
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## ABOUT THE ISSUE

Since the dawn of the Information Age, individuals have used technology to commit crimes. Initially such acts were committed by those with specific skills or knowledge to break or hack into computer[1] systems and/or manipulate them to steal services, data and/or funds. Some also used their skills to simply destroy systems and/or data. Increased computer availability, use and connectivity particularly with the advent of the Internet, has made the general population, including criminals, accustomed to computers and their uses.

Technology can dramatically increase the effects of criminal behavior and therefore poses a unique risk to the community. For example, near perfect counterfeit checks and currency can be easily created with today's technology. As a result, juveniles committ delinquent acts

that in the past only sophisticated adult criminals could accomplish (Bowker, 1999 and 2000). Furthermore, technology is being used by other types of criminal offenders. The *2009 National Gang Threat Assessment* reflects:

> "Gang members often use cell phones and the Internet to communicate and promote their illicit activities. Street gangs typically use the voice and text messaging capabilities of cell phones to conduct drug transactions and prearrange meetings with customers. Members of street gangs use multiple cell phones that they frequently discard while conducting their drug trafficking operations. For example, the leader of an African American street gang operating on the north side of Milwaukee used more than 20 cell phones to coordinate drug-related activities of the gang; most were prepaid phones that the leader routinely discarded and replaced. Internet-based methods such as social networking sites, encrypted e-mail, Internet telephony and instant messaging are commonly used by gang members to communicate with one another and with drug customers. Gang members use social networking Internet sites such as MySpace®, YouTube®, and Facebook® as well as personal web pages to communicate and boast about their gang membership and related activities" (pg. 10).


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With the click of a mouse, sex offenders can use a computer to anonymously "groom" numerous children simultaneously for later molestation or distribute their "collections" of pornography to hundreds of other offenders or to children (Bowker and Gray, 2004). The media has focused on sex offenders on social networking sites. In February of 2009, MySpace® had reportedly removed 90,000 sex offenders from its site since 2007 (Wortham, 2009). At the end of 2009, New York's Electronic Securing and Targeting of Online Predators Act (e-STOP) resulted in the removal from major social networking sites 11,721 profiles associated with 4,336 dangerous sexual offenders registered in New York (WIVB.com, 2010).

**The Supreme Court of New Hampshire recently ruled that a special computer condition imposed by a probation officer in a child pornography case was "essential to ensure the effective rehabilitation and supervision of the defendant"**
**(State of New Hampshire vs. Steve Merrill, 2010).**

Increasingly there are efforts to prohibit or restrict computer and/or Internet use, particularly when dealing with sex offenders. The Council of State Governments reported that from 2007 to 2008, 23 states had introduced legislation to restrict or prohibit Internet access by sex offenders (Council of State Governments, 2010). As of July 2009, approximately twenty-five states had laws mandating Internet identifiers be included in sex offender registration.[2]

There are at least 16 states[3] with statutes authorizing computer and Internet prohibitions and/or restrictions (Council of State Governments, 2010, LaMagna and Berejka, 2009, Maryland Division of Probation and Parole, 2010, and National Conference of State Legislatures, 2009). Most statutes are specific to sex offenses, but some states also authorize restrictions for other offenses. For example, Nevada also includes cyberstalking as an offense for which such restrictions can be applied.[4] Minnesota gives its corrections commissioner authority to fashion such conditions if a "significant risk exists that a parolee, state-supervised probationer or individual on supervised release may use an Internet service or online service to engage in criminal activity or to associate with individuals who are likely to encourage the individual to engage in criminal activity" (Minnesota Office of the Revisor of Statutes, 2010). Some states have also given authority to courts to fashion conditions which can restrict or prohibit Internet or computer use during supervision. In New Hampshire, probation officers have the statutory authority to impose special conditions, including computer restrictions, without prior sentencing court approval. The Supreme Court of New Hampshire recently ruled that a special computer condition imposed by a probation officer in a child pornography case was "essential to ensure the effective rehabilitation and supervision of the defendant" (State of New Hampshire vs.

Steve Merrill, 2010). In the federal system,[5] the United States Code provides broad statutory authority for federal courts to impose such conditions on all cases involving a cyber-risk. The *2009 Federal Sentencing Guidelines Manual*[6] also clearly delineates such conditions should be considered in sex offender cases (United States Sentencing Commission, 2009). Inherent in many of these laws is the ability for probation and parole officers to search computers and monitor their use.

Other countries also appear to be posed to start utilizing computer monitoring to manage the risk posed by sex offenders on the Internet. In the United Kingdom the *Sexual Offences Act 2003* introduced measures designed to monitor sex offender actions through the use of prohibition orders, which can include computer restrictions and/or installation of monitoring software. These court ordered restrictions are enforced via Multi-Agency Public Protection Arrangements with police, as opposed to corrections officials, charged with monitoring computer use (Elliott, Findlater and Hughes 2010).

As criminal offender computer and Internet restrictions are increasing, society is becoming more and more dependent upon computer access. Jennifer Granick, Director of the Stanford Center for Internet and Society observed "Without a computer in this day and age, you can't work, you can't communicate, you can't function as people normally do in modern society" (Richtel, 2003). It is therefore no wonder that many courts have struck down total bans on computer and/or Internet use as overly restrictive (Blaisdell, 2009; Bowker and Thompson, 2001; Curphey, 2005; and Miller, et al, 2006). As total prohibitions on all computer and/or Internet use becomes harder to legally justify, officers must look to what Jim Tanner describes as computer management. Specifically:

> "Computer management is like everything else we do in community supervision. We set reasonable conditions and monitor them routinely and randomly. Can an offender get away with taking one drink and us not catching them? Of course. Can an offender get away with being late on curfew and we not notice? Of course. Can an offender visit one or two pornographic web sites and we not catch it? Of course. But if they engage in any illicit activity long enough or often enough, we will find evidence of this and take action. Our goal with computer management is to set responsible conditions of probation/parole and to routinely monitor compliance with these conditions" (Tanner, pg. 6).

It is important to note that strong policies and procedures are an essential prerequisite to implementing a computer management capability. Agencies, in consultation with their judiciary and local prosecuting attorney, should establish guidelines that may include the need for specific conditions of supervision related to computer use, approved tools for use by the agency and protocols for proper seizure and preservation of digital evidence.

## THE MAJOR COMPONENTS OF COMPUTER MANAGEMENT

There are five components to good computer management in the supervision of people on probation, parole or supervised release. The components are:

1. Central to computer management is accurate and up-to-date knowledge about what computers a supervisee has or may use. Once this knowledge is obtained, officers must restrict the probationer's or parolee's access to only those computers which can either be monitored or searched. This can be accomplished by requiring detailed written disclosure of supervisees' computer equipment and requiring them to use only authorized devices. Use beyond what is authorized is considered a violation. This provides the probationer or parolee the ability to have computer/Internet access but under the officer's purview (Bowker and Thompson, 2001 and Newville, 2001). Agencies may consider conducting a search of the supervisees' home, where permissible and practical, in order to validate the offender's disclosure statement.

2. The next component is deciding how to monitor the computer or Internet use. Some agencies advocate periodic random searches of computers. Others advocate the installation of monitoring software. Each approach has its pros and cons (see table 1). In practice, the ideal approach is to integrate both approaches to provide effective cyber-risk management (Bowker, 2010).

3. The third component requires officers to venture beyond the traditional brick and mortar world to cyberspace itself. Going on-line allows officers to find probationers or parolees who may have used unauthorized computers to get on social networking sites or visit other risky websites. Despite some agencies' concerns, going into cyberspace is a legitimate investigative tool for community corrections officers (Bowker, 2009). Some officers have realized that checking social networking sites can provide a substantial amount of intelligence on all people on their caseload, not just those convicted of sex offenses. Blalock (n.d.) refers to this practice as conducting a "virtual home visit", which is simply an examination of a supervisee's social network profile (virtual home), which can be effective to investigate violations and to locate absconders.

4. The fourth component is incorporating complementary technologies which augment computer management. Agencies may require high risk individuals to be tracked via location-based monitoring devices. Exclusion zones can be established that cover traditional high-risk locations such as schools and playgrounds but may also include locations where unmonitored computer access is readily available. Historical location data can be useful in determining patterns of behavior which can prompt the officer to find out more about that particular location and confront the probationer or parolee, if necessary. Some monitoring software for cell phones have already integrated global positioning technology into their features. One

| COMPUTER SEARCHES | COMPUTER MONITORING |
|---|---|
| Can detect evidence months, even years old. | Only monitors from time software is installed. Will not open and search files/directories. Will record whatever the user does on the monitored system after installed. |
| Can be used to examine all operating systems and any device with memory, including all computers, cell phones, I-Pods, MP3 Players, gaming devices, GPS devices, cameras, printers, USB drives, memory sticks, etc. | Monitoring software is primarily limited to Windows and Apple operating systems and computers. Hardware devices can be used for other operating systems. Some cell phones can be monitored. However, there is no monitoring software or hardware for gaming devices, I-Pods, cameras, and other devices. |
| Wiping utilities can destroy evidence. Encryption programs can prevent evidence from being reviewed. Steganography can conceal evidence all together. These programs can therefore reduce a search's effectiveness. A search might detect the presence or use of these programs and can be used to determine if monitoring software has been defeated. Additionally, searches can be used to examine computers which were used in lieu of a monitored computer. | Monitoring software records everything that occurs, including using wiping, encryption and/or steganography programs. Results can also be forwarded to a remote location, out of offender's control. The results can be reviewed showing the evidence as well as attempts to conceal or destroy it. Disabling monitoring software itself can occur. However, getting it back up and running, without detection is usually problematic. Best way to overcome monitoring is simply to use a non-monitored computer. |
| Depending upon extent of search may take up to an hour, days or even weeks. | Software installation is fast, usually done in less than half hour. Time spent reviewing monitoring results is dependent upon number of alerts received and user activity. Average estimated review time varies from few minutes to several hours. The reviews, dependent upon software, might need to occur on site vs. in the office. |
| Traditionally searches required direct access to computer. However, there is some forensic software that allows a remote search of a system. As such an officer installs software on the system that allows an officer to view via the Internet what is on an offender's system at anytime. | Software can either maintain results on the target computer, which requires direct access or can forward results to an officer or to a server for review over the Internet. |
| Dependent upon when search is done. If search not done for days noncompliance will not be detected for days. | Software that reports via the Internet can generate alerts and/or monitoring reports which can be reviewed almost real time. Software that does not communicate via the Internet, like a search, will only reveal noncompliance when it is reviewed. |
| Dependent upon whether a simple preview search is done or full forensic examination. The more in depth the greater the need for equipment/software/training. | Software and/or service must be purchased. Little training is required to install and monitor. |

such product forwards content from text/email messages sent and received, pictures taken with the cell phone and the cell phone's physical location via global positioning. This feature may find its way in other monitoring software, particularly for lap top and net book computers, allowing officers to locate an individual and the mobile device used when a serious violation occurs. Another monitoring company also incorporates fingerprint readers into their product to further establish who is using a computer that is being monitored. Polygraph examinations also provide a method for ascertaining if probationers or parolees have accessed unmonitored computers.

5. The final component requires that officers continue to incorporate field visits, to residences, employment sites, schools and other relevant locations as part of computer management. Interviews with family, employers and friends can reveal access to unmonitored computers and the Internet. Unannounced home visits have often revealed undisclosed computers or unattended power supply strips for unauthorized lap tops or other devices.

The complexity and diversity of criminal and delinquent activities enabled and accelerated by technology can be daunting but that cannot be used as an excuse for a "wait and see" strategy. Expertise is developed over time and agencies are encouraged to start with the major components and to develop their expertise by focusing on specific strategies and offense types. Starting the process now will help prepare agencies for future challenges that will continue to occur as probationers or parolees find new and innovative ways to exploit developing technologies.

## TRAINING

There is generally held assumption that banning computer and Internet access is the best practice because officers either do not have or cannot obtain the technical ability to otherwise monitor computer use. Monitoring and searching computers does require training while little or no expertise is needed to recognize a computer's presence. Are probation or parole officers somehow not capable of developing the same technological prowess that the general public, including those on their caseload may possess? The answer is no, as officers are likely already using technology in the workplace and in their private lives. Clearly they are capable of developing the expertise needed to manage the cyber-risk. One such officer recently graduated from the National Computer Forensics Institute (NCFI) and other officers from around the country have graduated from similar programs (Times of Wayne County, 2010). Officers should avail themselves to training that assists them in addressing the major computer risk management components addressed in this paper. There are numerous organizations that can help officers prepare for computer searches/monitoring and cyberspace investigations. A list of training opportunities is provided in the Appendix.

## CONCLUSION

Almost a third of the states have laws authorizing computer and Internet prohibitions and/or restrictions. Fifty percent of the states now require that sex offenders disclose Internet identifiers as part of their registration. Legislatures are increasingly requiring probation and parole officers to focus on sex offenders' computer and/or Internet access. At the same time courts are also becoming more reluctant to impose a total ban on all computer and Internet use for each and every person on probation or parole, including sex offenders. Computer searches and/or monitoring software deployment are now being implemented by many probation and parole agencies to address risk of computer crimes. The benefits of computer use scrutiny are not limited to sex offenders. Evidence of drug, property, bullying or domestic violence and stalking offender noncompliance can often be found on social networking sites. Probation and parole officers must expand their role as monitoring agents to include cyberspace. It is ill-advised to simply ignore probationers' or parolees' on-line activities in our technology-dependent society. Too frequently what occurs in cyberspace has real world consequences. Only by adopting good computer management skills can we hope to address the cyber-risk posed by the increasing offender population using computers for criminal and delinquent activities and/or other violation behavior.

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## ENDNOTES

[1] For this discussion "the term 'computer' means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device," which is reflected in the federal statute, 18 U.S.C. § 1030 (e)(1). This definition is very similar to many state statues, and encompasses not only desktop and lap top computers, but gaming devices, cell phones, I-Phones, and similar devices yet to be invented.

[2] The disclosure of Internet identifiers is consistent with 2008 of registration regulations implemented by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking required by the *Adam Walsh Child Protection Act of 2006* and the *Keeping the Internet Devoid of Sexual Predators Act of 2008 (KIDS Act of 2008)*.

[3] The states are: CA, FL, GA, IL, IN, KY, LA, MD, MN, NC, NY, NJ, ND, NV, OK, and TX.

[4] Nevada Revised Statutes Section 213.1258

[5] 18 U.S.C. §§ 3563 and 3583

[6] §§5B1.3(d)(7)(B) and 5D1.3.(d)(7)(B)

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## APPENDIX

### TRAINING OPPORTUNITIES AS OF JANUARY 1, 2011

- National Computer Forensics Institute (NCFI) ( http://www.ncfi.usss.gov/overview.html ) Established in 2007, the NCFI offers extensive computer forensic training. All travel, lodging, and per diem expenses are paid by the U.S. Department of Homeland Security and courses are provided at no cost to attendees. Upon completion of training, attendees are issued all computer equipment, hardware, software, manuals, and tools necessary to conduct electronic crimes investigations and forensic examinations.
- The National Law Enforcement and Corrections Technology Center (http://www.prod.justnet.org/Pages/fieldsearch.aspx) maintains a list of Certified Field Search Instructors who are available to provide basic training on the Field Search software. In addition, a training video is available online. Field Search is a free software program, specifically developed by NLECTC to assist officers supervising the cybersex offender.
- The National White Collar Crime Center (http://www.nw3c.org/) has computer investigations courses for all skill levels. One such course, STOP: Secure Techniques for Onsite Previews, provides officers with software that can be used to quickly preview an offender's computer onsite. The training itself is free. Software used in STOP course is also free.
- The Federal Bureau of Investigation's Regional Computer Forensic Labs (RCFL) (http://www.rcfl.gov/index.cfm?fuseAction=Public.P_trainingCourses), offers some courses that are available to officers. One such free course is Image Scan Training. This training provides free software for accurately viewing a variety of graphics formats on an offender's computer, without making changes to any files. It can be run onsite and is ideal for child pornography investigations.
- The American Probation and Parole Association (http://www.appa-net.org/eweb/) offers the course "Managing Sex Offenders' Computer Use." This is one of the few courses specific to the needs of probation and parole officers in supervising cybersex offenders.
- SEARCH: The National Consortium for Justice Information and Statistics (http://www.search.org/) has excellent training and free materials for officers starting out in cyberspace, including courses on social networking investigations and cell phone examinations.
- The High Technology Crime Investigation Association (www.htcia.org) also provides valuable training and networking opportunity for individuals at all skill levels.
- Finally, many police academies offer courses that probation and parole officers can take in computer and Internet investigations. Checking a particular state or jurisdiction's training academy website can locate these courses.

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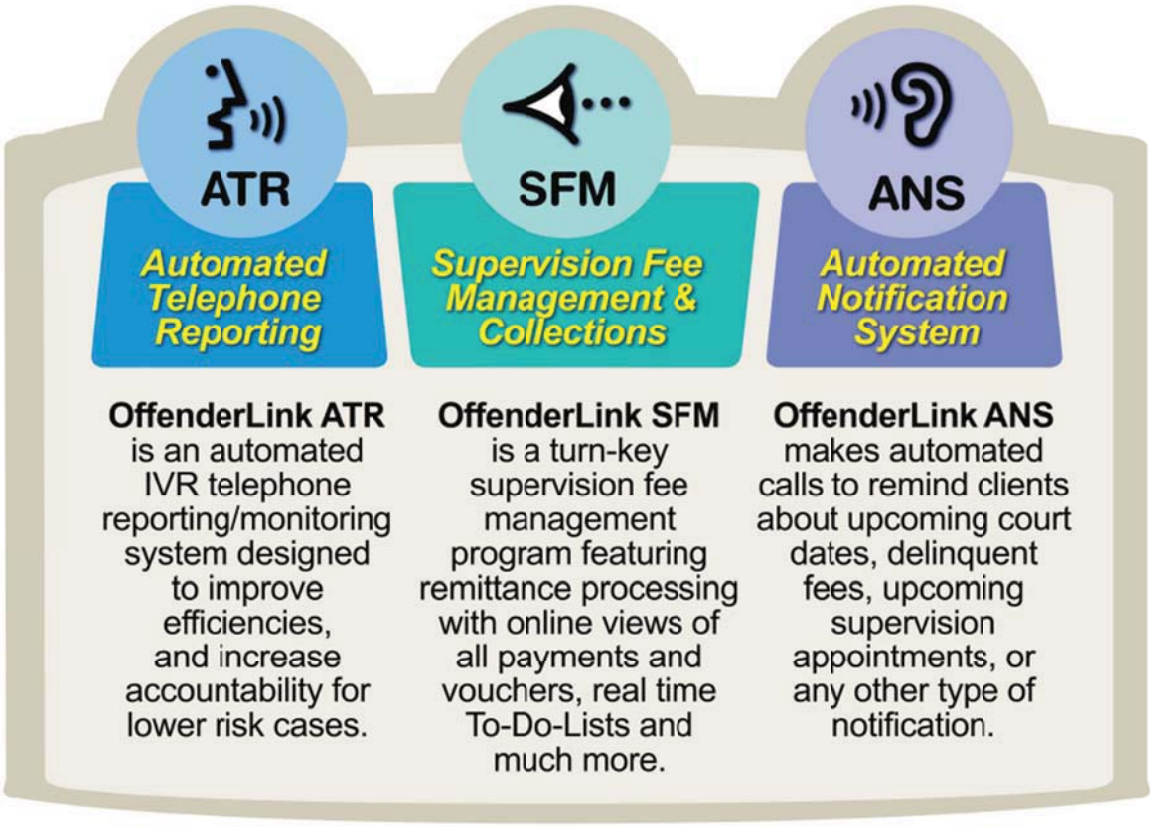


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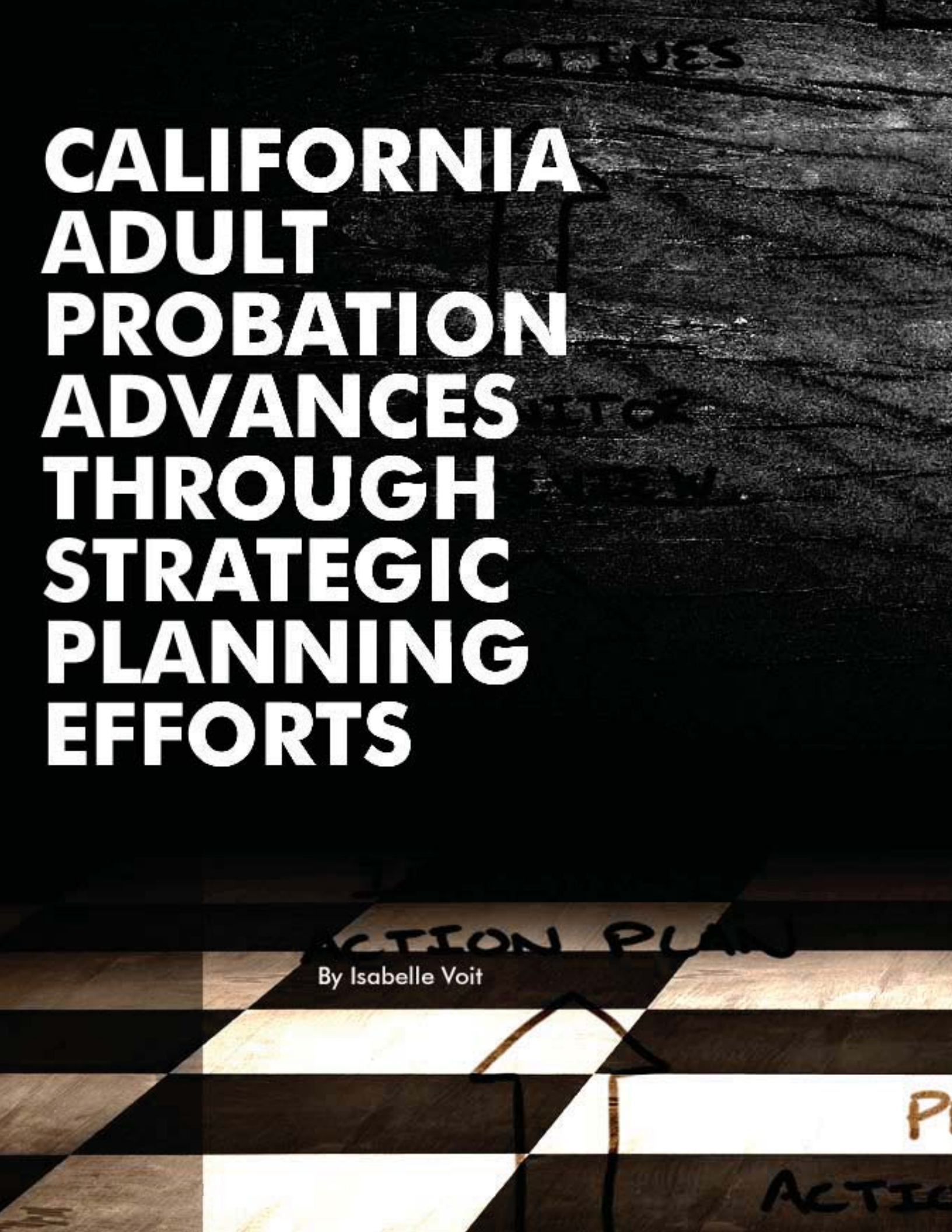
# CALIFORNIA ADULT PROBATION ADVANCES THROUGH STRATEGIC PLANNING EFFORTS

By Isabelle Voit



On October 11, 2009, Governor Arnold Schwarzenegger signed Senate Bill 678, the California Community Corrections Performance Incentives Act of 2009, which was authored by Senators Mark Leno and John Benoit. This bill was sponsored by the Chief Probation Officers of California (CPOC) and puts a process in place to secure a stable funding stream for adult probation through a performance-based system. The establishment of this funding stream represents the first time state funding has been available for adult probation services in many years (Taylor, 2009: 14). The passage of SB 678 marked the culmination of years of work by the CPOC and others.

## HISTORY

In California, probation departments are county agencies. In the vast majority of counties the Chief Probation Officer is appointed by the state courts while some are still appointed by the individual county Board of Supervisors. This bifurcated system of governance poses challenges, but with strong stakeholder partnerships can work well. With 59 separate county probation departments in the state (in all counties except San Francisco a single Chief Probation Officer has responsibility for both adult and juvenile probation services), the Chief Probation Officers of California association plays a critical role in establishing common goals and developing consistent practices.

In early 2000, the Judicial Council and the California State Association of Counties mutually concluded a multidisciplinary task force was needed to examine probation services in California. Chief Justice Ronald George appointed an 18-member body composed of court, county and probation representatives in August of that year. In 2003, the Probation Services Task Force report was issued and contained 18 recommendations. The principal findings cited probation as occupying a unique and central position in the local and state justice structure, serving as the linchpin of the criminal justice system. The Task Force reported that probation was sorely under-funded with a patchwork funding model composed of unstable short-lived grants (Administrative Office of the Courts and California State Association of Counties, 2003: 39). Despite the fiscal disadvantage, probation had demonstrated the ability to provide exemplary programs. The Task Force recommendations were critical in shaping the direction for CPOC's strategic planning efforts that began shortly after the task force report was released. Key Task Force recommendations related to probation included:

- Probation departments must have stable and adequate funding to protect the public and ensure offender accountability and rehabilitation.
- Probation departments should incorporate measurable outcomes in developing goals and objectives.
- Probation departments should develop a common statewide language to facilitate communication, delivery of services and comparisons across jurisdictions.
- Probation departments should develop assessment and classification systems and tools as part of an effective case management strategy.
- Probation departments should establish a graduated continuum of services and sanctions to respond to the needs of each offender.

*(Administrative Office of the Courts and California State Association of Counties, 2003: 105-106).*

CPOC embarked on a strategic planning process in 2004 with technical assistance from the National Institute of Corrections and The Carey Group. The first priority was to examine the growing body of research pertaining to proven practices in probation

services. CPOC's vision emerged with crime reduction and prevention as core to its value and mission in public safety and the criminal justice system. Through the use of evidence-based practices probation outcomes could be measured and improved. Officer and program resources could be focused on the cases with the highest risk for recidivism based on criminogenic risk factors. Reducing criminogenic factors was quickly becoming the strategy to reduce risk of recidivism. This approach has gained national recognition as "what works" in probation. It is a simple equation: reducing recidivism enhances public safety.

These evidence-based practices are well documented and currently form the basis for much discussion as counties, states and the federal system seek to find solutions to the out of control cost of prisons and the failed efforts of many corrections systems. Enforcement of probation conditions without addressing the criminogenic reasons criminals commit crime results in a revolving door of new and returning prisoners. CPOC's commitment to achieving better outcomes in adult probation by seeking and implementing proven programs that will reduce the revolving door is reflected in the initiatives developed through the strategic planning process. The initiatives serve as a guide in developing statewide consistency and application of probation programs based upon the unique and diverse communities served by the 58 county probation departments.

## CPOC STRATEGIC INITIATIVES

The CPOC has undertaken three strategy initiatives to address critical areas of need for California probation. These are: a stable funding base, performance measurement and public image.

## STABLE FUNDING

Given that California is one of only two states where the primary funding for adult probation services comes exclusively from county general funds and offender fees, the first initiative was to pursue legislative funding that provides incentivized funding for adult probation services (CPOC Adult Services Committee, 2008).

Senate Bill 678 authorizes each county to establish a Community Corrections Performance Incentives Fund and authorizes the state to annually allocate money into this fund to be used for specified purposes relating to improving local probation supervision practices and capacities, as specified. The fund is ultimately supported by the savings the state will realize as a result of improved outcomes of current probation caseloads. It is important to note that the probation incentive initiative is neither a program realignment nor a new mandate. The statute – designed as a complex set of incentives for county probation departments – truly creates a win/win scenario for both state and local government.

The financial support to counties is based on costs avoided by the California Department of Corrections and Rehabilitation (CDCR), as measured by new admissions to state prison of county probation revocations. The more successful counties are at the front end of the system in decreasing the rates of probationer failure, the safer our communities will be and the lower the cost to the state system in prison commitments. The success of the program will generate a funding source that will be directed to counties' adult probation systems – an area that has been traditionally underfunded – giving local governments options for treatment, programming and supervision to mitigate the "revolving door" syndrome in our corrections system.

**The statute gives local probation departments broad discretion as to how to best implement evidence-based practices in their counties to meet the needs of offenders and their communities.**

The provisions of SB 678 also require each county using the probation incentive funds to identify and track specific outcome-based measures and report to the Administrative Office of the Courts (AOC) on the effectiveness of the programs. This requirement will ensure best practices and add an element of transparency to the process. In addition this link to the AOC recognizes the important relationship between probation departments and courts.

The statute gives local probation departments broad discretion as to how to best implement evidence-based practices in their counties to meet the needs of offenders and their communities. Ultimately, this flexibility is expected to produce the best outcomes for offenders and give counties a range of tools that will impact the state prison population. Individual counties have different needs and are in different stages of implementing the use of evidence-based practices. In recognition of these differences across the state, the Legislature also appropriated $45 million as "seed" money for probation departments in the 2009-10 state budget. Probation departments worked quickly to finalize their plans to submit to the state in order to draw down against this fund, implement changes and increase the likelihood of positive outcomes for the first performance measurement in December 2010.

In preparation for this new endeavor, Chief Probation Officers of California developed a guide (available at http://cpoc.org/php/Information/sb678/sb678guide.pdf) to assist chiefs in their planning process. CPOC also sponsored an initial training, where the National Institute of Corrections brought probation chiefs from other states that had recently enacted similar measures to discuss best practices. CPOC is working closely with other state agencies involved with setting the funding formula under SB 678 and developing the data required to measure success, including the Administrative Office of the Courts and Department of Finance.

The goal of the legislation—and probation departments statewide—is to develop effective programs, using principles of evidenced-based practices in community corrections that have a high likelihood of reducing recidivism rates of probationers. First year results were impressive. The state saw a reduction of more than 6100 prison commitments from probation failures generating substantial savings. The state saw a reduction of more than 6100 prison commitments from probation failures generating savings of $178 million. Probation departments received over $88 million of the savings to support evidence based adult probation services in FY2011-12. If we continue this success everyone wins: safer communities; lower prison commitments; and more funding reinvested locally.

## PERFORMANCE MEASUREMENT

The second strategic initiative was to provide ongoing statewide outcome measures and provide evidence that probation is a cost effective strategy by providing compelling outcome data to the legislature, public, and stakeholders (CPOC Adult Services Committee, 2008: 13).

Central to evidence-based corrections is the use of data to guide practices toward the most effective and efficient use of resources resulting in the best outcomes. Since 2006, two CPOC-sponsored groups, the Probation Business Managers Association (PBMA) and the Probation Performance Measure Committee (PPMC) have worked to establish a statewide probation reporting structure in which there is consistency across all agencies in how probation fiscal and program information is reported.

Over the last several years, the PPMC has taken on the more challenging task of developing standardized reporting on probation outcomes. A key outcome of interest is answering the question, "How many probationers terminate without committing a new crime while under supervision?" While this effort is still in the early stages, largely because departments vary widely in their capacity to gather and report common information on outcomes, 18 departments were able to provide data for this measure in the most recent survey (CPOC Adult Probation Business Model

Committee, 2009). With the passage of SB 678, the PPMC and the CPOC Program Fiscal Committee took on the task of developing uniform definitions for the mandated outcome measures established in SB 678 and is playing a critical role in working with the Administrative Office of the Courts to develop a common use of fiscal and outcome measurements.

## BRANDING AND PUBLIC IMAGE

The third strategic initiative of CPOC was to develop and promote a compelling brand and image of California community corrections (CPOC Adult Services Committee, 2008: 16) to include hiring a marketing firm to develop a brand, image, logo, tag line, and media package with the expectation that all CPOC member agencies will promote it at every appropriate opportunity. Although there is still much work to be done on this initiative, the CPOC Adult Probation Business Model was published in December 2009. This first business plan reflects a clear vision, set of values and commitment to implementing effective probation practices. As a result, communities will be safer, offenders will be held accountable, programs will be tailored to address criminal thinking and behavior and crime reduction will be at the core of every effort undertaken. The business plan for California probation is ambitious! However, as resources are invested in probation as the "linchpin" in a successful criminal justice system and EBPs are implemented, outcomes will improve. Affirming the value of investing in probation was included in the 2009 Legislative Analyst's Office (LAO) report Achieving Better Outcomes for Adult Probation. It contained two recommendations that illustrate CPOC's strategic planning and vision for the future is on target. The LAO stressed the need to implement the best practices identified by experts as critical for reducing recidivism rates and reduce revocations to state prison (Taylor, 2009: 27).

## CONCLUSION

The Chief Probation Officers of California have engaged in a unique and unprecedented effort to coalesce around a common vision to advance probation. Advances in research and the development of evidence-based practices and interventions have helped probation chiefs across the state develop a common script to lead probation for the future, which will result in improved public safety and fiscal outcomes at the state and county levels. Despite a bleak economic picture in California that is placing public safety in jeopardy, these advances, combined with the strong and cohesive leadership among Chiefs across the 58 counties, give rise to optimism about the future of probation in California. The passage of SB 678 is an encouraging recognition of the value of probation. This front-end investment in local probation departments will ultimately save money currently spent in a costly, overloaded and largely ineffective prison and parole system. More importantly, public safety will be enhanced and a greater

number of adult offenders will be redirected to productive futures free of crime.

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# ING SUPERVISION TY IN PRACTICE:

# VIS COUNTY ADULT ON SUPERVISION LITY STUDY

by W. Carsten Andresen, Ph.D.

It is important for community corrections agencies that wish to evaluate the effectiveness of their work to consider both supervision fidelity and client outcomes. Supervision fidelity, which refers to whether the supervision practices of an agency follow Evidence-Based Practices (EBP), provides an agency with the evidence to determine if they are administering high- or low-quality supervision to their clients. Client outcomes, on the other hand, measure the actual probationer or parolee behaviors. Positive outcomes include prosocial behaviors (i.e. staying out of trouble, adhering to probation requirements, participating in treatment, maintaining stable employment/educational advancement) and poor outcomes include recidivating behaviors (i.e. technical violations, new arrests, revocation and incarceration).

Despite the combined importance of supervision fidelity and client outcomes, the community corrections field has primarily focused only on measuring client outcomes. Many evaluations that assert that agencies are using EBP, for example, address only client outcomes in their findings. The few studies that measure supervision fidelity demonstrate that although it is critical to have high supervision fidelity, it is also quite complicated to analyze an agency's supervision practices (Latessa, et al., 2009; Lowenkamp, et al., 2006). By focusing only on client outcomes, many formal evaluations force the reader to make a leap of faith about whether supervision fidelity is actually occurring. While it is important to ensure positive client outcomes, it is just as important for an agency to measure supervision fidelity if they wish to measure whether their supervision practices are truly effective (or if something else is occurring).

Supervision fidelity is also important because the few studies that focus on supervision quality indicate that high supervision fidelity is linked to positive client outcomes. In one of the few available studies, Bonta, et al. (2008) analyzed the audio-taped interactions of 62 officers meeting with their probationers and found that although many officers displayed "poor adherence" to EBP, those officers who had higher supervision fidelity ratings also had better client outcomes. Two other large studies that focused on several correctional treatment programs across Ohio and Pennsylvania also affirm the importance of EBP fidelity. Using the Correctional Program Assessment Inventory, a formal correctional program evaluation conducted by specially trained researchers, Latessa, et al. (2009) and Lowenkamp, et al. (2006) found that high fidelity in correctional programs resulted in positive client outcomes; and that, conversely, low program fidelity resulted in poor client outcomes. Although supervision fidelity is important, these studies indicate that few correctional interventions actually provide high fidelity supervision.

Recently, Travis County Adult Probation (TCAP) faced a similar dilemma. The Council of State Governments (CSG) conducted an extensive external evaluation (2009) that found positive client outcomes, suggesting that TCAP had implemented EBP well throughout the organization. According to the evaluation, TCAP experienced the largest reductions in felony technical revocations and overall felony revocations across the state. Also, CSG reported that TCAP experienced a progressive decline in new arrests: the department continued to experience a drop in arrests during and after EBP implementation. Despite these good outcomes, TCAP lacked empirical evidence about their supervision fidelity, which made it impossible to determine if their supervision practices had resulted in the positive client outcomes. At the same time, given that most Texas urban probation departments also experienced declines in technical and overall felony revocations, some could argue that something else happened - statewide - to drive down TCAP's recidivism. Because the department had a professional and financial investment in EBP, the degree to which their officers used EBP to supervise their probationers became an especially important question to investigate.

To test if they had high supervision fidelity, TCAP decided to conduct the EBP Supervision Fidelity Study.[1] Specifically, the department wanted to focus on measuring whether a correlation existed between their supervision fidelity and their improved client outcomes. Specifically, this study addressed two questions: Did the positive outcomes result from effective supervision or some other factor? Is EBP supervision measurable?

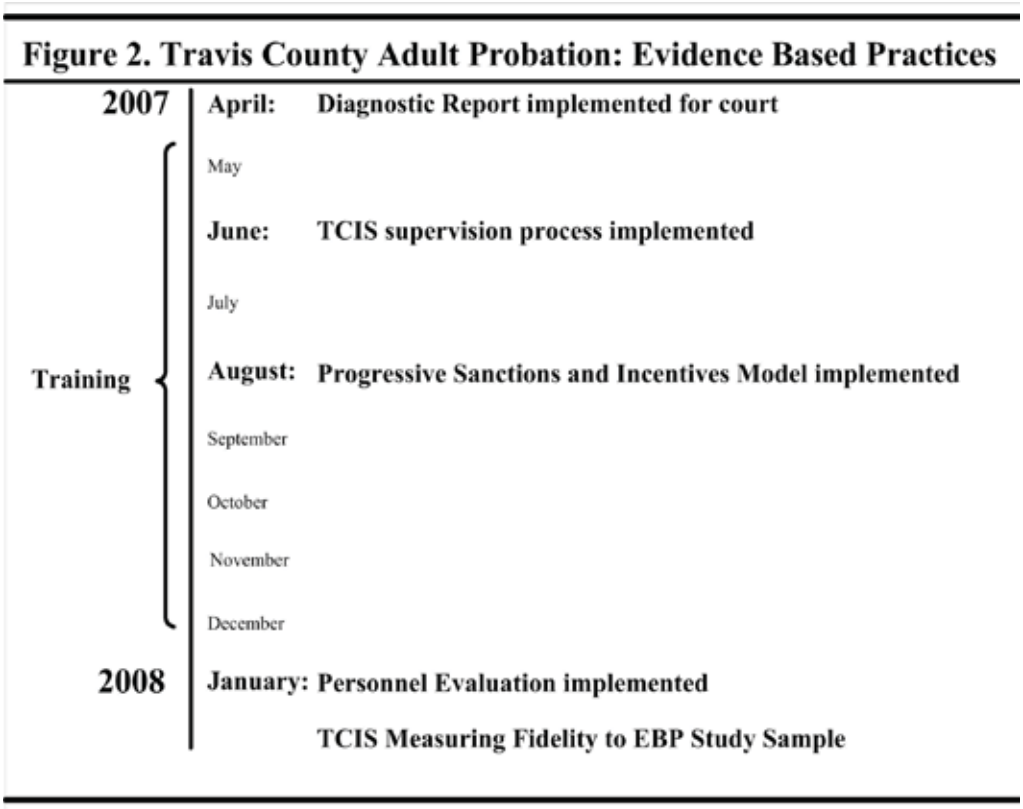
TCAP created a working group composed of various staff -- employees from operations and programs, administration and training -- to analyze supervision fidelity.[2] As they devised their study methodology, the working group confronted several challenging questions. What does EBP supervision look like in practice? What specific EBP supervision actions by officers are observable? How does one measure the frequency—the dosage—of EBP supervision that an officer administers to his or her probationer? The Supervision Fidelity Study was not merely an audit—the working group created a set of supervision fidelity measurements—six supervision trajectory dimensions with individual item measures (see Figure 1) —based on the eight principles of EBP.[3] Ultimately, the working group decided to track two probationer cohorts from the pre-sentence stage thru their first six months of supervision.[4]

Figure 1. Initial 12 Month Trajectory of a Person Placed on Probation

| Diagnostic Report (PSI) | Interlude | Supervision | Sanctions / Incentives | Outcomes |
|---|---|---|---|---|
| -Risk | -Jail | -Risk-need assessment | -Timely | -Probation Completion |
| -SCS | -Treatment | -Correct Caseload | -Appropriate | -Abscond |
| -Criminogenic Domains | -Abscond | -Supervision Plan | | -Violations |
| | -Other | -Motivational Interviewing | | -Arrests |
| | | -Contacts | | -Revocation |
| | | -Referrals | | |
| | | -Treatment Integrity | | |

The working group had to consider an important question before selecting a time period to examine TCAP's supervision fidelity. Specifically, was it best to examine supervision fidelity during the introduction of EBP, the start of EBP, or sometime later, when officers had more experience using EBP? The

timeline in Figure 2 presents several EBP milestones that the working group considered. Ultimately, the working group decided to examine the supervision fidelity of all felons placed on probation in January 2008 for two reasons. First, by measuring supervision fidelity right after the EBP implementation, the working group could identify the supervision dimensions they needed to strengthen right away, as well as have an EBP baseline evaluation for them to measure their future performance against. Second, the observation period allowed the working group to administer a pop quiz to TCAP: a surprise test of their supervision fidelity. The working group wanted to measure supervision fidelity in a real way, as it occurred in the field, rather than study how officers supervised clients when they knew a team of evaluators was watching them. By selecting January 2008 in the spring of 2009, the working group ensured that officers could not prepare for the study in advance. In November 2009, the working group also decided to focus a second wave of supervision fidelity analysis on a cohort of felons and a sample of misdemeanants who began their probation in January 2009.




To begin identifying evidence of supervision fidelity, the working group designed a case file review form[5] to capture the several different dimensions of probation supervision—the diagnostic report (pre-sentence investigation), the court-ordered conditions of probation, the supervision agreement, the officer's use of motivational interviewing (MI), and the behavior of the probationer and actions of the officer—during the first six months of supervision.

The development of the case file review form was no simple matter: the working group had to identify the appropriate items to accurately monitor the supervision process, while at the same time, not selecting too many variables,

which could overwhelm the study. After finalizing the case file review form, the working group coded two data sources: the probationer's paper case file and the electronic data in the department's automated case management system.

Ultimately, the Supervision Fidelity Study emphasized different supervision dimensions in each probationer cohort. For the first cohort, the working group analyzed the beginning of the probation supervision—the diagnostic process, the court conditions and the initial supervision between probationer and officer. During the second wave of the study, the working group examined the supervision process itself in greater detail—the supervision agreement, MI, and the sanctions and incentives model.

## THE ASSESSMENT PROCESS

How well did TCAP conduct diagnostic assessments? The working group especially focused on this question because probationers have their first sustained contact with TCAP during the diagnostic report evaluation (pre-sentence investigation), prior to their court hearing. The initial diagnostic report is also key to the supervision process, as it provides the courts with risk and needs information and provides recommendations for the court-ordered conditions of probation. The diagnostic report sets the stage for every supervision contact and treatment decision. Currently, the diagnostic unit uses a hybrid risk-need assessment instrument that includes the Wisconsin risk assessment; the Strategies for Case Supervision (SCS), a case planning assessment; and eight criminogenic need domain scores that research has shown place an offender at an increased risk of recidivism.[6] The working group found that the diagnostic officers correctly assessed probationers using the risk and need assessment (see Table 1). In examining how consistently officers scored each assessment, we found that officers arrived at the same risk level score

Table 1.
Assessment Results for the Travis County Adult Probation Supervision Review

| Supervision Case File Review Areas | 2009 |
|---|---|
| Assessment | |
| - Wisconsin Risk | 95% |
| - Strategies for Case Supervision | 95% |
| - Criminogenic Domains | 89% |
| Court Conditions | 90% |

(minimum, medium, maximum) for the Wisconsin 95 percent of the time, the same SCS level 95 percent of the time, and the same criminogenic domains scoring 89 percent of the time. It is worth stating that the working group reviewed the criminogenic risk domain areas with an exacting standard for accuracy. The diagnostic officer could score each domain area in one of three ways: not an issue, a potential concern or a salient problem. Evaluators coded a domain area as incorrectly assessed if the diagnostic officer was off by a degree. For example, if the diagnostic officer coded drug use as a potential concern, when it was actually a salient concern, the evaluator coded this as an incorrectly assessed domain. In the few instances where there was an error, officers tended to under-diagnosis the domain areas and assign a less severe score.

The Supervision EBP Fidelity Study also examined whether judges set court-ordered conditions of probation that were consistent with the recommendations in the original diagnostic report. It was important to measure whether judges, by choosing probation conditions that aligned with the initial Diagnostic Report, had faith in the initial diagnostic report. Without the support of the judiciary, TCAP would have a difficult time supervising probationers in a manner consistent with EBP. In Table 1, the results from both cohorts show that judges set probation conditions that aligned with the initial diagnostic report 90 percent of the time.

Both iterations of the fidelity study focused on whether the officers developed a supervision agreement or case plan with the probationer and placed a signed (officer and probationer signatures) paper copy in the case file. During the initial two months of the felony probationer's sentence, officers are expected to meet with probationers to jointly develop a supervision agreement identifying their top three criminogenic need areas and specific strategies they will use to neutralize specific recidivism triggers. The working group coded whether the officers could have created a supervision agreement for the probationer and a small number of felony cases were excluded because probationers absconded, refused to cooperate with the supervision process, entered into inpatient treatment or went to prison. The Supervision Fidelity Study found positive results: for the 2009 cohort, officers completed supervision agreements for eligible felony probationers 85 percent of the time, a 24 percent improvement over the 2008 cohort, where officers completed supervision agreements 61 percent of the time.

The working group also scrutinized the supervision agreement for evidence that the officer actually collaborated with the probationer to create this document (see Table 2). Specifically, they evaluated whether the officer obtained the probationer's signature and documented his or her discussions with the probationer about the supervision agreement. At the same time, the working group also measured how successful the officer was at creating a relevant supervision agreement that focused on the specific criminogenic risk and need factors identified by the diagnostic report and field risk and need assessment. Finally, the working group examined the case file and chronological notes to determine if the officer drew on

the initial supervision agreement during future office visits, because the supervision agreement should help frame the interactions between the officer and probationer.

The working group also focused on the officers' chronological notes to determine if officers used MI with their clients. The case file review form captured whether the circumstances of the probationer's case warranted supervision, how often the officer used MI, and also provided a criteria for identifying evidence of MI.[7] See Figure 3 for a section of the case file review form which illustrates the definitions for MI and MI dosage. Focusing on medium- and high-risk felons, the Supervision Fidelity Study found that 83 percent of officers used MI sometimes and 53 percent used MI most of the time.

For the Supervision Fidelity Study, the working group also focused on whether the officers used the new sanctions-incentives model with probationers. Specifically, the working group coded the type of violation committed, the officer follow-up and time it took the officer to take action. See Figure 4 for a section of the case file review form which illustrates how we coded violations and officer responses to probationer behavior. The January 2009 felony cohort committed a smaller percentage of violations compared to the 2008 felony cohort, with 46 percent of probationers committing some type of violation, a decrease of 9 percent from the prior year. The working group also found that during the 2009 cohort, officers responded to violations in a timely manner that conformed to the sanctions-incentives model and court guidelines 75 percent of the time.

Table 2.
Officer and Probationer Work on Supervision Agreement

| Supervision Agreement Areas | 2009 |
|---|---|
| - Was it signed by the probationer? | 81% |
| - Was it negotiated? | 68% |
| - Were criminogenic needs identified? | 87% |
| - Criminogenic needs same as the Diagnositic Report (PSI)? | 76% |
| - Was the Supervision Agreement the foundation for office visits? | 84% |
| - Criminogenic needs discussed? | 84% |
| - Did probationer make progress toward Supervision Agreement goals? | 71% |

Figure 3. Case File Review Excerpt: Supervision/Motivational Interviewing

## Supervision/Use of MI

Do the circumstances of the case/offender warrant the of MI No□ Yes □

If YES, Does PO use MI? Never 0 1 2 3 4 5 Always

0 = No evidence of use of MI
1 = Use of MI limited to one instance documented in case file
2 = Use of MI limited to two instances – initial ov/supervision plan, not carried through in subsequent visits, as applicable.
3 = Use of MI found in several instances and in different forms
4 = Use of MI consistently used from initial ov and carried through to subsequent visits, also use of MI in different forms
5 = Use of MI reflected almost all categories listed below, from visit, to visit, as applicable to defendant's stage of change, etc.

Use of EPE guideline/EPE approach □
PO uses collaborative approach □
PO clarifies dual role & ▲'s autonomy □
Use of OARs □
Probationer leads and problems solves □
Recognize/elicit change talk □
▲'s motivation for change explored □
Use of change tools (e.g. pros/cons list) □
Stage of Change for ▲ identified □

Figure 4. Case File Review Excerpt: Violations/Sanctions

## Violations/Sanctions/Incentives

**Violations** **Type:** **Violation Level: (1, 2, 3 or 4)** **Level Applied:**

**Rush VR** □ Yes □No **Summons ordered** □ Yes □No **Warrant Ordered** □ Yes □ No **Why do we care about summons/warrant?**

| | | | |
|---|---|---|---|
| **Fees** | □ | ___ | ___ |
| **CSR** | □ | ___ | ___ |
| **FTR** | □ | ___ | ___ |
| **Tmt** | □ | ___ | ___ |
| **Class** | □ | ___ | ___ |
| **Other** | _____ | ___ | ___ |
| | _____ | | |

**Violations addressed timely?** □ **Yes** □ **No** **Recommendations**_____

How: MTR □ Yes □ No Date_____
Admin Hearing □ Yes □ No Date_____
Sup Hearing □ Yes □ No Date_____
Admonished □ Yes □ No Date_____

Court Guidelines/Sanctions Model Followed? □ Yes □ No
If No, explain specific action taken as violation response in comments, below

**Incentives used appropriately?** □**Yes** □ **No**
**Comments:**

## CONCLUSION

The Supervision Fidelity Review analyzed two cohorts of probationers and provided a research-driven assessment of TCAP's supervision fidelity. This study provided empirical confirmation that TCAP had a high degree of supervision fidelity. Specifically, the working group found that diagnostic and field officers correctly assessed probationers, appropriately supervised them according to their criminogenic risk and need factors, applied the principles of MI and responded in a timely manner to violations with the appropriate level of sanction. At the same time, however, the analysis of each cohort provided TCAP with a frank assessment of the areas of their supervision practices that need strengthening. After examining the first cohort, for example, the department realized that additional training and evaluation on the supervision agreement were needed. Based on the analysis of the second cohort, TCAP is focused on the use of MI for medium- and high-risk felony probationers. While the department was pleased that this study showed progress in implementing EBP, the overall goal of this study was to distinguish those supervision areas that needed strengthening, so they could direct their time and resources only toward those areas in need of improvement.

The Supervision Fidelity Review illustrates the complexity of capturing and analyzing the interactions between officers and probationers—what is actually happening during the supervision process—in a research study. This study provides a methodology for researchers and practitioners to rigorously analyze whether the supervision practices of their agency adhere to the tenets of EBP. A benefit of this methodology is that it demonstrates how an agency can study their supervision fidelity using the data that they already possess—the different administrative records that document officer and client interactions. Ultimately, the Supervision Fidelity Review demonstrates that community corrections agencies have the means to periodically measure and review both their supervision outcomes and their supervision fidelity.

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## ENDNOTES

[1] In November 2005, Dr. Geraldine Nagy, the Director of the department, formally adopted the EBP philosophy to develop and implement organization-wide changes to improve assessment, supervision,

sanctioning, staff training and quality control policies. By September 2007, the Department had finished their EBP re-organization and focused on fine-tuning the implementation.

[2] The following staff worked on the Supervision EBP Fidelity Study: W. Carsten Andresen, Gary Carlile, Donna Farris, Pam Hollowell, Julie Moss, Kelly Pond, Dorcus Rockwell, Dawn Tannous, Craig Valashek, and Jose Villareal.

[3] The eight principles of Evidence-Based Practices: assess actuarial risk-needs, enhance intrinsic motivation, target interventions, skill train with directed practice, increase positive reinforcement, engage ongoing support in natural communities, measure relevant processes-practices, and provide measurement feedback (Bogue, et al. 2004).

[4] The second wave included three field managers in the working group. Their contribution benefited the working group, providing a hands-on view of how TCAP was implementing EBP.

[5] Donna Farris (Division Director of Operations) and Dawn Tannous (Division Director-Specialized Supervision) created the case file review form.

[6] Criminogenic Domains: Criminal behavior, peer relations, assaultive behavior, alcohol use, drug use, sexual behavior, vocational/employment skills, and family/marital.

[7] The working group modified the case file review form for the second cohort, and included more specific criteria for MI.

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# HOW TO TELL WHAT WORKS IN WORKFORCE DEVELOPMENT?

## Research Considerations for Program Evaluation

By Joseph A. DeGrossa, M.S., M.A.

The bulk of the research conducted thus far on the relationship between employment and crime seems to suggest that people who are unemployed present a greater risk of engaging in criminal behavior than those who are employed. Bushway and Reuter (2002), for instance, suggested that employment has repeatedly been demonstrated to be one of the single most important protective factors in guarding against criminal behavior. Others, in fact (perhaps most notably, Lipsey, in his 1995 meta-analysis of 400 studies conducted between 1950 and 1990), have concluded that it is the single most important factor in reducing the likelihood of offending. In a 1997 survey of prison and jail inmates conducted by the Government Accountability Office (GAO), 31 percent of all state prisoners and 27 percent of all federal prisoners reported that they were unemployed in the month prior to their arrest. During the year the survey was conducted, the unemployment rate among the general population was seven percent. The survey also revealed that five percent of state prisoners and three percent of federal prisoners had never been employed (Government Accountability Office, 2000). Additionally, some research has considered not simply whether employment per se has an effect on criminality, but if any effect varies with the quality of employment. Weiss and Reid (2005) examined the impact of the quality of available jobs in 150 metropolitan areas on crime rates and found that rates of violent crime increased the greater the ratio of low-skill service jobs to manufacturing jobs.

Findings such as these have often been used to justify the creation of offender workforce development (OWD) programs.

Recent years have seen increasing growth in these programs as publications such as Federal Probation frequently contain articles announcing the unveiling of these initiatives in federal judicial districts across the nation. Despite the increasing popularity of workforce development programs, relatively little is known about their effectiveness. To date, there have been few scientifically-sound studies which have examined the efficacy of workforce development programs; much of the research into these initiatives has not made use of traditional experimental or even quasi-experimental techniques. This article represents a modest effort to draw attention to the need for more and better research into the effectiveness of workforce development programs, while at the same time underscoring some important theoretical and methodological considerations which future researchers may want to keep in mind as they begin to study such programs.

## THEORETICAL CONSIDERATIONS

Results gleaned from the existing body of research into the unemployment/crime relationship seemingly appeal to a broad variety of criminological ideologies, as many have interpreted the suspected link between unemployment and crime as support for their own respective tenets. Control theorists, for example, have argued that maintaining employment reinforces one's bonds to conventional social norms (Petersilia, 2003; Currie, 1985). Others have suggested that offenders who are unemployed and locked out of the mainstream economic system often feel as though they have little or no opportunity to make a legitimate, legal living for themselves and their families. As a result, they seek out other, illegal means of supporting themselves (Wilson, 1996). By contrast, those who hold gainful employment have a vested interest in conforming with conventional norms and behaviors. In short, doing so enables them to build relationships with other people which are mutually-beneficial, allowing them to acquire a degree of "social capital" (Nagin & Paternoster, 1994).

Researchers would do well to familiarize themselves with the assorted criminological theories pertaining to the link between unemployment and offending before developing workforce development programs and beginning to study the effectiveness of such programs. Not only does having a firm grasp of theory enable researchers to outline the components of a program which are likely to produce the desired effect, but it allows researchers to better determine why a program did or did not produce the intended result. Theory provides us with the groundwork necessary to formulate testable hypotheses about the dynamics of causal relationships (Bachman & Schutt, 2007; Patton, 2002).

Despite the plethora of research which seems to suggest that a strong association exists between unemployment and criminality, the question of if employment is a protective factor against criminal activity or whether any relationship to criminal behavior is spurious is one which can be hotly debated when framed within the context of the current debate on "criminal careers." On one side of this debate are researchers such as Alfred Blumstein and Jacqueline Cohen, who argue that we would do well to focus on individual, longitudinal trajectories of offending behavior and the life events which impact one's proclivity to engage in crime. A similar view is that of the age-graded life-course theory

advanced by Laub and Sampson (1993), who suggest that pathways to both crime and conventional behaviors are modified by the introduction of institutions of social control, such as marriage or employment. Laub and Sampson (1993) emphasize the quality of social ties which form with the advent of these life events, more so than the mere occurrence of the events themselves. Although Laub and Sampson have suggested that their theory is one which seeks to explain why offenders naturally desist from crime, it can be logically extended to explain how offenders can be rehabilitated. With regard to employment, they indicate that job stability binds workers to their employers, serving as a mechanism for informal social control. Additionally, work leads to a change in routine activities, structuring one's time and reducing the opportunity to commit crime. It can also serve to increase one's self-esteem and sense of purpose (Laub and Sampson, 2003). As such, offenders can possibly be diverted from criminal pathways to law-abiding lifestyles when introduced to opportunities for employment.

In one of the few true experiments conducted on the suspected relationship between unemployment and crime, Uggen (2000), using a sample of 3,000 offenders from nine different U.S. cities, randomly assigned subjects to either a work (through the National Supported Work Demonstration Project) or non-work group. After following subjects for a period of up to three years, Uggen found that employment reduced recidivism, but only for offenders above the age of 26. While the results were clearly age-graded, they appear to lend support to the life-course perspective because older offenders who were given jobs were less likely to offend than those of comparable age who were not provided with employment.

On the other side of the debate, however, are those such as Michael Gottfredson and Travis Hirschi, who contend that this relatively new emphasis on criminal careers is based on recent but flawed research and we would do better to consider theories grounded in age-old observations, most notably that of the relationship between age and crime. In their seminal work, A General Theory of Crime, Gottfredson and Hirschi (1990) contend that crime is a function of low impulse control plus opportunity to commit crime. They suggest that the tendency to commit crime does not result from for example, unemployment, but rather, unemployment and criminal proclivity both result from low impulse control and cannot be empirically linked to each other in any meaningful way. They write, "It turns out, from our theoretical perspective, there is little reason to expect employment to be related to crime independent of the character of the offender" (p. 164). Gottfredson and Hirschi contend that offenders ultimately desist not because of lifestyle changes brought about by the introduction of employment (or marriage, or becoming a parent, or any other life event), but rather as a natural result of the aging process.

The implications of these competing viewpoints should be obvious to those studying the connection between unemployment and crime and, moreover, the effectiveness of workforce development programs. If those in the camps of Blumstein and Cohen and the life-course theorists are correct, then workforce development programs which seek to lead offenders to

employment may be successful in reducing criminal activity by introducing offenders to new pathways. If, however, Gottfredson and Hirschi are correct, we may be overstating the value of employment and, by extension, workforce development programs by placing too much emphasis on employment itself while failing to consider the personal traits of the offender.

Studies conducted which have examined the connection between unemployment and offending have thus far largely been cross-sectional in nature, seeking to explain offending across and between different segments of the population (i.e., employed vs. unemployed persons). While these studies frequently outline some correlation between the two, they hardly begin to describe any causal relationship which may be at work. Moreover, the body of research which has examined the efficacy of programs aimed at increasing employment among ex-offenders has heretofore been fraught with varying and sometimes poor methodology and frequently discouraging or at best mixed results (Sviridoff & Thompson, 1983; Piliavin & Gartner, 1981; Sherman et al., 1998; Wilson, Gallagher & MacKenzie, 2000). Any effort to evaluate workforce development programs will be faced with assorted methodological challenges and perhaps this is one reason why solid research into these programs has been limited. A discussion of some of these methodological considerations follows.

## METHODOLOGICAL CONSIDERATIONS

Concerns about construct validity abound in social science research (Farrington, 1983; Goldkamp, 2009), making comparison of programs across districts difficult. There appears to be a great deal of variability with regard to the exact nature of services provided through workforce development programs. The U.S. Probation office for the District of New Jersey, for instance, offers a job readiness class which consists of 12 sessions and emphasizes the development of cognitive skills as well as assistance with completing applications, resume' preparation and mock interviewing. While many other federal probation offices offer similar programs, the intensity and duration of the services provided vary greatly across the 94 federal court districts. While some offices make use of employment specialists, others do not. Additionally, the quality of treatment may vary as a function of the level of expertise of the staff providing the services. Furthermore, consideration must be given to the contextual effects of varying geographic locations; findings on a program offered in one part of the country may not be generalizable to a district in another part of the country due to cultural and economic differences between the jurisdictions. Indeed, the broad heterogeneity which exists between OWD programs in different federal probation offices makes it difficult to develop a clear understanding of the overall effectiveness of programs unless careful consideration is given to the specific workings of each individual initiative. However, there are several basic methodological considerations which researchers will want to contemplate when studying programs, irrespective of how any particular program operates.

Social science research has historically been prone to numerous methodological concerns. Included among these are threats to internal and external validity. Shadish, Cook and Campbell (2002) outline several

threats to the internal validity of social science research projects. As it pertains to program evaluation, internal validity refers to the inferences made as to whether or not the services provided through programs have a direct causal effect on the desired outcome (in the case of OWD programs, the desired outcome is usually offenders finding employment). Some common threats to internal validity which may have particular relevance to the study of workforce development programs include selection bias, maturation, history and attrition.

Bachman and Schutt (2007) define selection bias is "a source of internal or causal invalidity that occurs when characteristics of experimental and comparison group subjects differ in any way that influences the outcome." Administrators of workforce development programs must be cognizant of selection bias when assessing the effectiveness of their programs. They should question whether an offender who has successfully completed a workforce program and found employment might have been likely to find employment had

the treatment not been offered? When answering this question, consideration might be given to the age of the offender, level of education, previous work experience and the marketability of any skill set. This question may be particularly relevant to workforce development programs offered at the pretrial stage; since offenders granted bail are those viewed by the court to present little to no risk of flight and threat to the community, they often have established ties to the community, have limited prior criminal records and are relatively marketable as job candidates, if not already employed.

Lest we forget the importance of theory to research, concern about selection bias in the design and evaluation of workforce development programs is particularly important when viewed in the context of the current debate on criminal careers. As we have seen, those such as Gottfredson and Hirschi, for example, would suggest that the supposedly rehabilitative effects of employment are confounded by pre-existing individual characteristics. As Uggen (2000), explains, "presumably, people with good work habits would be less likely to commit crime in the first place than people with poor work habits, even in the absence of employment." Accordingly, when selecting offenders into workforce development programs, program managers must be aware of bias which would lead them to enroll either only offenders who are most likely to succeed or fail due to their personal characteristics, lest they run the risk of learning not if the programs are successful, but rather if they are successful for certain types of offenders. Indeed, some tools are needed to disentangle "program effects" from "person effects." These tools are usually either random assignment to conditions or techniques for statistical correction.

Questions of selection bias must be asked when comparing the effectiveness of different workforce development programs, whether one is looking at different groups of offenders receiving the same treatment in different offices throughout the same district or comparing entirely different programs offered in different districts. Sherman and Strang (2004) have pointed out that when characteristics of sample populations such as age, level of education and socio-economic status vary across experimental groups, the only empirical way to assess the effects of these characteristics may be to repeatedly test the treatments in different populations so as to determine effects which result from the interactions between these variables and the treatment being administered.

Another threat to internal validity is that of maturation. According to Shadish, Cook and Campbell (2002), maturation is the influence of "naturally occurring changes over time which could be confused with a treatment effect" (p. 55). Maturation specifically refers to changes which occur within the subjects being studied. In the case of offenders participating in OWD programs, these changes may include growth in personal and emotional maturity, biological changes or, in the view of Gottfredson and Hirschi, the aging process itself, all of which are changes not directly attributable to the treatment being provided.

History, by contrast, refers to changes in external influences found in the surrounding environment which occur concurrently with treatment. Offenders enrolled in workforce development programs may make stronger efforts to find employment as the result of any number of external events which are separate and apart from workforce development services. Such events may include growing pressure over time from family members to find employment, mounting financial difficulties, perhaps resulting from the termination of unemployment benefits or increased legal pressure applied by probation officers to seek employment. Changes in the economy over time can present threats to internal validity as well. As the economy declines or improves, offenders may find it more difficult or easier to obtain employment. Because variations in the economy are outside the control of workforce programs, their influence on the ability of offenders to find and maintain employment may confound efforts to draw conclusions about the general effectiveness of the treatment methods utilized in such programs.

Attrition, the fact that program participants may drop out or be terminated from the program before treatment is completed, also presents a threat to internal validity. Offenders may drop out of programs, for example, due to lack of motivation. Others may be terminated due to a failure to comply with program directives or other violations of supervision. If the participants who remain in and complete treatment are systematically different from those who discontinue or are removed from treatment, the outcome being measured may be attributable to the differences between participants, and not to the treatment itself. Attrition may therefore be regarded as a form of selection bias; in the words of Shadish, Cook and Campbell (2002), "attrition is therefore a special subset of selection bias occurring after the treatment is in place" (p. 59). Attrition among subjects in treatment groups may result in "treatment dilution" (Riecken and Boruch, 1974;

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Gartin 1995). When this occurs, program evaluators are faced with the unpleasant choice of whether or not they will include in their analysis subjects who have been partially treated or remove such cases from their consideration of treatment effects. As Farrington (1983) has noted, the primary argument for including such subjects is that one may preserve equivalence obtained via random assignment to conditions, but doing so may not allow the benefits of treatment to be effectively detected.

Goldkamp (2008) discusses an equally important but frequently overlooked threat to validity: attrition which occurs in the target population before assignment to treatment. This attrition may be the result of any number of processes. With regard to workforce development programs, however, paramount among these may be capacity; the fact that many programs may be limited to providing treatment to a small number of offenders due to space, time, manpower and/or budgetary considerations frequently results in small sample sizes, which hamper the ability to draw conclusions about treatment effects.

System filtering is another mechanism which may present a threat to internal validity. Goldkamp (2008) suggests that the filtering of cases which occurs through the disposition process may "screen out" a portion of the offenders in a target population prior to the intervention stage. Given that virtually all offenders placed into workforce programs are obviously under some form of supervision, system filtering would, at first glance, not appear to present a concern for those studying the effectiveness of these initiatives. This author, however, would suggest that system filtering may potentially impact analysis of workforce development programs in less subtle ways. For instance, in the case of offenders who come to supervision after serving a portion of their custodial sentence in residential reentry centers, researchers studying workforce programs may be able to collect some baseline-level information about these offenders prior to the introduction of treatment, specifically, whether or not they were employed prior to entering the workforce development program. However, with regard to offenders who have been released directly to supervision from the prison system and are placed in programs sooner rather than later, gathering such information is not possible, as these offenders obviously have not had the recent opportunity to find employment due to their incarceration status. In these cases, the question of whether or not such offenders would have found employment in the absence of workforce services is further complicated by the phenomena of system filtering.

Researchers have historically considered randomly assigning subjects to treatment and control groups to be the most ideal way of removing bias from the selection process. Random assignment does not reduce other threats to internal validity, such as maturation or historical effects, but it can serve to reduce the risk of confusing these threats with treatment effects. With that being said, random assignment cannot control for improper implementation of treatment or differences in how treatments are applied across experimental groups.

If random assignment to conditions is not feasible or desirable, researchers should at minimum endeavor to match the samples of offenders placed into OWD programs with offenders in a carefully-constructed control

group. This process would entail selecting for placement into the experimental and control groups offenders who are like each other on dimensions believed to be relevant to one's ability to find employment. Such characteristics might include age, level of education, extent of prior work history, skill level and, to the extent that it impacts one's ability to find employment, prior criminal record. If matching is employed, researchers may opt to use what Shadish, Cook and Campbell (2002) refer to as the "untreated control group design with dependent pretest and posttest samples" (p. 136). This design uses matched treatment and control groups which are each administered a pretest and posttest; the authors suggest that this is possibly the most common of all quasi-experiments. When performed properly, matching allows researchers to account for alternative explanations for posttest results which undermine the ability to draw causal inferences. If done incorrectly, however, matching can produce misleading findings. There are several ways in which efforts to match subjects in treatment and control groups can go awry; not only is there the risk of "undermatching," or overlooking characteristics relevant to the desired outcome, but researchers may fail to accurately define and/or measure some characteristics of interest. For example, while offender age has an obvious indicator, prior employment record and skill level may not be measured so easily. A more advanced form of matching which may serve to alleviate some of these concerns makes use of propensity score analysis (Dehejia & Wahba, 1999; Smith & Todd, 2001).

A final point to be considered when examining the effectiveness of workforce development programs is one which has often been oversimplified: the criterion for success. Usually, the dependent variable in efforts to study the effectiveness of workforce programs is reduced to a single dichotomous outcome: whether or not an offender obtains employment upon completing the program or receiving services. As Don Gottfredson (1987) has pointed out, however, "the definition of 'success' in many criminal justice problem situations may not be only debatable but quite complex" (p. 15). The answer as to whether or not a given program "works" depends on the precise question being asked. With regard to OWD programs, alternative measures of success may include whether these programs have increased offenders' knowledge about job searching skills or their level of motivation to find employment. A program may be considered to be successful even if the participants do not find employment right away; through participation in the program, they may have developed skills which lead to employment at some point in the future. This, of course, only further complicates the research question; if an offender finds employment several months after completing a job readiness class, for example, how are is one to know that the class itself produced its desired effect and the fact that the offender found employment was not the result of some intervening variable? Moreover, it might be difficult to justify dismantling a workforce development program which has not led to a great number of offenders finding employment but can be demonstrated to be effective at increasing offenders' knowledge of job-searching techniques and/or increasing their motivation to seek employment.

## DISCUSSION

Offender workforce development programs have undoubtedly grown in popularity in the recent past. The author would suggest that the professional culture of the federal probation system has changed with regard to how employment is viewed as a protective factor against criminality and probation's role in enhancing the employability of offenders under supervision. This change in culture may be viewed as the first phase of a paradigm shift with regard to employment. The next phase in this paradigm shift would logically be one in which we take a moment to assess the effectiveness of the assorted OWD programs which are currently in operation in order to further develop and refine our practices.

An understanding of criminological theory and how it pertains to the suspected association between unemployment and crime allows one to take a reasoned approach to developing an OWD program and, moreover, to understanding why a given program does or does not produce the desired results. Perhaps even more important is an appreciation of scientifically-sound methods for assessing program effectiveness. Faulty methodology in research does little to advance our understanding of causal influences which may be at work between constructs of interest.

In the words of Campbell and Stanley (1996), non-experimental designs, those in which a single group is studied only once – after a treatment has been delivered, are of "almost no scientific value" because they lack any form of control or comparison (p. 6). As such, it is most advisable for researchers and managers studying OWD programs to conduct true experiments whenever possible, randomly assigning subjects to treatment and control groups. When random assignment is not possible, researchers should attempt to carefully match subjects between conditions. Additionally, those studying OWD programs will want to carefully define program "success" and devise concrete benchmarks to measure success.

While the points offered herein are little more than basic scientific considerations, the paucity of quality research on OWD programs may suggest that they have heretofore largely been overlooked. By examining our practices using solid research methods, we can better fulfill the mission at hand. A first step toward embracing research methods which truly inform our efforts in the area of OWD initiatives and lead to greater results would be to recognize some of these fundamental theoretical and methodological considerations. ▹▹▲

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# THINK FIRST

by Kevin C. Jeffries with Lance Nickell

Legendary University of Alabama football coach Paul "Bear" Bryant said, "The will to win compares little with the will to prepare to win."[1] This axiom can apply to many worthy pursuits, including the topic of this article: the knowledge and mental preparation necessary for probation and parole officer (PPO) safety. Over the years, I have instructed thousands of officers in physical skills involving a wide range of defensive tactics techniques and safety-related tools such as OC spray, impact weapons, TASERs and firearms. I will always be an advocate for agencies to provide training on physical skills and safety-related tools to protect their officers. However, all officers should understand that, regardless of the types of training completed, age or fitness level, officer safety begins with the mind. The focus of this article will be on what the PPO should know, and how to prepare mentally to be safe on the job.

All PPOs have not been created equal. In fact, we come in a variety of shapes, sizes, ages, levels of physical conditioning and levels of coordination. For reasons of officer safety and general health, we should exercise and maintain a high level of personal fitness. But is officer safety only for those who are physically fit or young? Absolutely not. Officer safety is critical for everyone, and it begins with the mind…we need to think first.

Not all probationers or parolees are interested in doing us harm. However, it is important to understand there is a certain percentage of offenders who, given the right circumstance, could become assaultive. The problem is that we do not know which offenders we should be concerned about. You should not trust risk instruments to give you an indication of your safety with an offender. They are not designed to assess risk to PPO safety. There was a case in which a deputy sheriff was murdered by a misdemeanant probationer with no priors. With no priors and a misdemeanor conviction, it is unlikely that this probationer would score highly on any risk instrument. PPOs need to exercise caution with all people with whom they come in contact while performing their job duties, not just probationers/parolees.

## SITUATIONAL AWARENESS

Situational awareness is merely being diligently alert to the possible threats that are within the immediate environment. The benefit of situational awareness is that it leads to fast and effective decision-making. Officers must train themselves to be situationally aware. In order to increase situational awareness, start by using the initials of situational awareness to remind you of two important habits as you are performing your job duties. The "S", from the word situational, will remind you to Scan the area and persons for possible weapons. The "A", from the word awareness, will remind you to Assess the demeanor of the probationer and others in the area. If we can identify a weapon and/or a hostile attitude, we can enhance our safety by—at minimum—removing ourselves from the possible danger and addressing concerns in the relative safety of our office.

The first and most obvious place to scan for weapons is the offender's hands. Officers should become very comfortable saying "let me see your hands." Probationers and parolees should never be allowed to keep their hands in their pockets, behind their backs or under a table or desk while seated during interactions with the PPO. Also remember to at least initially see open palms, because if all that is seen are the backs of the hands, something could be concealed.

It is useful to use "the power of the first visit" to discuss safety issues like seeing the offender's hands. The first visit is usually a time that you can count on having the offender's full attention. Take advantage of this time to discuss safety issues. By doing this, you will be less likely to have to address this in the field. If you are uncomfortable asking the offender to show his or her hands because of fear he or she may be holding a weapon, then terminate the contact immediately. You don't need to deal with this at that time, and your safety is always the primary concern.

It is important for officer safety that officers are able to identify possible emerging

threats. Therefore, officers should be trained on how to recognize the traits of an armed subject and how subjects typically conceal firearms. Pinizzotto, Davis, and Miller (2006) advise officers to study their own weapon-carrying habits and movements as well as that of their peers, as they could expect that non-law enforcement persons may have similar movements and habits that could cue an officer to be cautious of them. Take note of the individuals clothing to see that it is appropriate to the season and pay particular attention to any bulges in the clothing. The authors point out that none of the armed persons in their study used a holster (even though all firearms were carried on the waistline). As a result, the majority of those subjects reported frequently touching the firearm with their hand or arm to assure themselves that the firearm remained secure, accessible and hidden. Those touches could indicate to an observant officer that the person may be armed.

Those probationers and parolees who are interested in carrying a weapon likely understand that knives are easier to conceal than a firearm. Officers should understand that folding knives that can be—with a little dexterity—quickly opened with one hand are commonly available. Even more concerning are spring-assist knives that, with no skills or dexterity, open quickly. This type of knife often has another feature: a small clip that enables the user to clip the knife to the inside of a pocket. This feature keeps the knife immediately at the user's disposal at all times. These knives should be taken seriously because they can, with one hand, go from the pocket to open in just over one second. So as you "Scan" the probationer/parolee or collateral for weapons, be on the lookout for small one to two-inch metal clips outside of their pockets.

**subjects reported frequently touching the firearm with their hand or arm to assure themselves that the firearm remained secure, accessible and hidden.**

Some years ago, as a new probation officer, I was shown the training film "Surviving Edged Weapons." The next day, I decided to conduct a pat-down search of all of the offenders reporting for office visits. Out of 29 pat-down searches, I discovered five with pocket knives. All of them had the same response: "I need it for work." While this may be true, we can agree that offenders with knives in their possession pose a safety risk.

A look at law enforcement officer statistics reveals that, on average, between three and four officers are attacked with edged weapons every day (Thompson

and Mesloh, 2006). Unfortunately, there is no national consortium for tracking PPO safety statistics.[2] However, during my career, I am aware of incidents where officers have been confronted and cut with edged weapons. The lack of national data doesn't alter the stark reality of the PPO—we need to have situational awareness and be on guard for all weapons.

Situational awareness may be hindered by advancing technology. When on duty, officers need to "be there", in the moment, paying attention to their surroundings. Texting, cellular phone conversations and listening to iPods lessens one's ability to perceive danger and respond accordingly. It also sends a message to those intending harm that you are vulnerable. Technology should be utilized and enjoyed where it is safe to do so, which does not include on-duty activities.

A great way to double situational awareness is to work with an observant partner, thus having someone to assist with scanning the environment and assessing demeanors of those present. With a partner, officers are 70 percent less likely to be assaulted; and with two other officers, 90 percent less likely to be assaulted (Thornton, 2003).

Increased situational awareness alone may not be the source of the reduced likelihood of being assaulted. Officers who work together are recognized as having a special relationship and are seen as protectors--one for the other. So while one officer may be seen as vulnerable, two officers are much less so.

## OODA LOOP

Safety can be significantly enhanced by understanding the OODA Loop concept. This concept was developed by John Boyd.[3] Simply put, Boyd believed that responses to threatening encounters could be broken down into four recurring phases: Observe, Orient, Decide and Act. He also believed that the key to success is to proceed through the process faster than your opponent and to challenge their thought process by performing in an unexpected manner.

Let's briefly consider each phase. The first is Observe, which is really situational awareness. In the Orient phase, our mind recognizes the threat and the level of the threat. In the Decision phase, our mind chooses a reasonable force option or other plan to deal with the threat. Then, in the Action phase, the plan is executed.

I have observed hundreds of officers work through countless OODA loops in reality-based non-lethal Simunitions[4] training. The vast majority of officers perform correctly and complete the scenario or drill successfully; however, approximately 10 percent need some remediation to meet the student learning objectives. Officers tend to Observe and Orient very quickly (perhaps because they know some threat or serious issue will be presented). However, a few will mentally stumble on the Decision. Many officers wait too long to Act even though the decision is made, as they have the force option (i.e., OC spray, TASER, baton or firearm) in their hand. They simply do not deploy. This inaction is blatant as the "bad guy" is threatening with weapon in hand while standing within one arm's length of the officer. In these cases, the officer either waits too long to act; or acts, but

not until after the scenario is stopped, and they are coached.

Debriefing officers after the scenario usually reveals that the officers who hesitated on the Decision phase did so because they did not internalize their use of force training. These officers were not confident that they knew the appropriate force option. The delay in the Action phase is more complicated. Officers usually give two primary reasons for their reluctance to act. The first is they hang on to the belief that verbal commands will change the subject's mind. The good news is that officers do develop great verbal skills. The bad news is they can over rely on them. Officers need to recognize that continuing to give verbal commands allows threatening subjects to close the distance, thus empowering the subject and compromising the officer's safety.

The second reason officers hesitate to act is their concern that their department would not support them in their use of force, even a reasonable use of force. This concern is often overstated. The answer again is that officers need to know their agency's use of force policy and the reasonable officer doctrine from the 1989 U.S. Supreme Court case, Graham v. Connor. It is incumbent upon the department to clearly articulate use of force policies and for safety instructors to transmit those policies to officers and management alike. Departmental management should have no higher expectation of allowable force than the Constitutional requirements of the Fourth Amendment set forth in Graham.

Another possibility is that this inaction is more than hesitation; it's reluctance. The average person does not want to—and perhaps will not—use deadly force even when in life-threatening situations. In fact, the military uses a variety of methods to train and condition soldiers to act lethally when in combat. This includes mechanical and mental leverage (Grossman, 1995). Therefore, officers should practice defensive tactics and, if applicable, firearms skills (mechanical leverage) and prepare mentally through visualization (mental leverage) to combat a reluctance that causes critical hesitation. Below, we will discuss the aspect of mental rehearsal and how this exercise can benefit officer safety.

As noted earlier, the successful officer is one who works through the OODA loop quickly and performs in a manner that the opponent will not expect. How does one do the unexpected? I believe a person who decides to be physically assaultive has a plan. This plan may be well thought out or spontaneous and includes an expectation of how the victim will resist. I suggest that we resist violently, move quickly and use full power with loud verbal commands. We do this in anticipation that the assailant, true to form, will overestimate himself and underestimate the target. When we act in a manner contrary to the perpetrator's plan, we cause the perpetrator to rethink (orient, observe and decide), which causes hesitation prior to Acting and provides officers with an opportunity to escape or enhance their defense. This allows officers to get inside the assailant's OODA loop and force the assailant to sort through their OODA loop again.

## MENTAL REHEARSAL

This concept is also referred to as: visualization, mental imagery, or crisis rehearsal. In fact, many athletes attribute

this principle to assisting them in winning gold medals and championships, or personal bests. With this technique, they envision an athletic event and their successful participation and conclusion to that event. In a probation/parole setting, officers would imagine a use of force situation that concluded successfully. The idea is that mental rehearsal tricks our mind into believing that we have been there before. Through this, officers react more quickly, more confidently, and in a reasonable manner, in accordance with Graham v. Conner.

Officers should take advantage of the time spent driving from contact to contact to mentally rehearse. Consider escape routes to use when confronted in the home of a probationer or a hallway of an apartment complex. Imagine being attacked by various types of weapons and by various types of people (older, younger, bigger, smaller, male, female, etc.). Visualize yourself in threatening situations that others in your department have encountered or even something read in a book or seen on TV… be realistic, but also be creative. Be sure to always see yourself as being confident, in control, and winning the encounter by retreat or force used. Also, be sure to rehearse using a reasonable force option. It is now that we can--within the safety of our imagination-- consider alternatives so that when confronted with reality, we can react quickly and reasonably. I am proud to say that I decided 15 years ago how I would act in a crisis that may not happen until tomorrow, next week or next year. Because of that, I am prepared to win…are you?

Some years ago, I was a unit supervisor with Ohio Adult Parole Authority in Youngstown, Ohio. Late one morning, one of our officers came walking in the office carrying an AR-15 rifle. I asked him where he got the rifle, as I knew his normal field partner was off that day and he was working alone. I asked if he had considered not taking the rifle? He told me the probationer saw that he had seen the rifle and the officer was concerned that if he did not take it, he would be shot by it. The officer went on to say that he had considered a situation like this before and decided that if it ever happened, he would confiscate for his safety. I was then, and am still, impressed with that officer's mental rehearsal and action.

## THREAT ASSESSMENT

As mentioned earlier, PPOs must have a firm grasp of the agency's use of force policy, state law and case law on use of force. They also must be able to recognize emerging and immediate threats. Further, they must be able to identify the type of threat as deadly or non-deadly and choose a reasonable force option or plan of retreat to deal with the threat.

Officers should look for behavioral cues to assist in threat assessments. Behavioral cues can be divided into subcategories. The first is unarmed threatening assailant. The behavioral cues in this category are the subject's resistance both verbally and physically while threatening the officer or another. The unarmed threatening then turns into the unarmed assailant when the threatening subject attacks the officer by grabbing, striking, biting, kicking, etc. The closing of distance is the officer's warning that the threatening is about to turn into

unarmed assailant. Of course, the assault is obviously a behavior cue (Gillespie, Hart, and Boren, 1998).

The unarmed threatening assailant should not be seen as harmless. People who threaten often carry out those threats. When the unarmed threatening assailant is closing distance, it is important for us to know that we can use preemptive force. The cases of Wardlaw v. Pickett and Prymer v. Ogden clearly state that an officer can act in a preemptive manner if a reasonable officer would believe that a physical attack is immediately pending.

How can officers know when they are in a deadly force encounter? Officers can use this strategy to identify deadly force situations. There are three injuries that can cause death or "serious physical injury." They are large gaping wounds, major internal organ damage, and major broken bones. There are three types of weapons that can cause those three types of injuries: firearms, edged weapons and blunt trauma instruments (Gillespie, Hart and Boren, 1998). So when officers are confronted with these three weapons (coupled with hostile intent), this should lead a reasonable officer to believe they are in a lethal force encounter. Keep in mind, a person who is standing still while holding and threatening with a knife or a blunt trauma instrument must demonstrate intent before lethal force can be used. This intent can be demonstrated by the armed threatening subject moving toward the officer or verbally threatening to use the weapon to harm the officer.

These talking points often prompt officers to question how the 21-foot rule comes into play. The 21-foot rule only applies when the subject is actively charging. Anytime someone is standing flat-footed, threatening, the PPO needs to access a reasonable tool for personal protection and/or leave. There is no downside in being prepared to protect ourselves. Drawing a reasonable force option will not escalate the situation-- it will more likely deescalate it. If we wait until the subject is charging us, we are way behind the curve and more likely to be injured. Do not ignore reality.

In an effort to help frame reasonableness in a deadly force situation, the FBI instructs its agents in the following four categories:

1. The subject possesses a weapon or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against the agent or others.
2. The subject is armed and running to gain the tactical advantage of cover.
3. The subject, with the capability of inflicting death or serious physical injury or otherwise incapacitating agents without a deadly weapon, is demonstrating an intention to do so.
4. The subject is attempting to escape the vicinity of a violent confrontation in which he or she inflicted or attempted the infliction of death or serious physical injury.

"If an agent has probable cause to believe any of the four examples exist, and the subject poses a threat of serious physical injury, then deadly force may be permissible under the policy" (Petrowski, 2002). Note that number three includes the possibility of a person with no weapon as being a lethal threat.

It is important to know that the human mind is always making threat assessments on a subconscious level and sometimes will perceive danger and communicate it by an unexplained bad feeling. This bad feeling is sometimes referred to as instinct or a gut feeling or the hair rising on the back of your neck. Whatever these feelings are called, they should not be ignored (De Becker, 1997). Officers should trust those instincts and safely remove themselves from that particular situation.

## COMPLACENCY

The American Heritage College Dictionary defines complacency as "…an unawareness of danger or trouble." It has been my experience that we can place complacent officers in two broad categories: those who deny that the job holds danger and those who see the dangers of the job but still become complacent. The former group is still complacent, as their denial shows an "unawareness of danger," and they are hard to convince otherwise. Sadly, it will likely take an actual or near tragedy for them to realize what other officers already know. In fact, they are not too likely to read this article past the first paragraph. Even though they recognize that they work with convicted felons in high-crime neighborhoods, they are still blind to the danger. Does a fish know that it is wet? Due to their constant denial and unconscious incompetence, these folks should not work in the criminal justice arena. Their lack of awareness could be a safety hazard to other officers.

At one time or another, we have all been a part of the second group of officers and have slipped in and out of complacency. It is a slow fade from being a well-trained, tactically-minded officer to a totally complacent officer. This group is teachable because they acknowledge the premise that the job can be dangerous. Three major factors can cause us to be complacent officers—laziness, hurriedness and offender cooperation. The first two need no explanation—we shortcut because it's easier and faster.

As PPOs, we want and strive for offender cooperation. I tell our Arizona officers to not let yesterday's cooperation lead to tomorrow's complacency. There is no guarantee that just because an offender is constantly cooperative and even friendly with you, that you are safe in their presence. So even in the midst of the cooperation that we expect and enjoy, be a safety-conscience professional. Mind your safety issues just as strongly with those offenders who cooperate and smile at us, as we do with those offenders who seldom cooperate and sometimes scowl at us.

## CONFIDENCE

In 1981, a study was conducted that is still applicable to our jobs today. A group of researchers went to a prison and interviewed 53 violent offenders. They showed these violent offenders a video tape consisting of 60 citizens walking up and down the street. They asked those offenders whom they would choose to victimize from this group? Overwhelmingly, the violent inmates chose people who appeared to lack confidence (Grayson and Stein, 1981). So what should officers take away from this study? Act confidently.

What about officers who lack self-confidence? The answer is simple: fake it; act confidently. Studies show that while it is

difficult to think your way to a new way of acting, you can act your way to a new way of thinking. When we act a new way and receive positive feelings regarding that action, our beliefs change and our behavior will follow suit (Kenagy, 2010). So act confidently, and you will see that, over time, you will grow into a person of confidence. While you are growing into that confident person, you will seem less vulnerable to human predators.

## CONCLUSION

Bear Bryant was right: Most of us have the will to win or be successful, but the victor is the one who plans, prepares and ponders what it will take for success. So prepare to win by practicing your defensive tactics techniques and with all available safety-related tools. However, do not underestimate the importance of the mental preparation and knowledge as it relates to safety. Mentally rehearse possible negative situations that could occur. Have a plan to be successful when any of those negative situations occur (remember--not if, but when). Exercise situational awareness by scanning the environment and subject(s) and assessing the demeanor of the subject(s). Know the OODA loop cycle and how to use that to your advantage. Be on the lookout for threats, and know how to assess them. Never let yourself become complacent by laziness, hurriedness or trust…Just Think First!

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*Wardlaw v. Pickett,* 1 F.3d 1297, 1299 (1993).


## ENDNOTES

[1] http://rolltidebama.com/forum/showthread.php?68535-Paul-quot-Bear-quot-Bryant-Quotes

[2] Editor's Note: The Bureau of Justice Statistics, in collaboration with APPA, is actively working on the development of a national reporting capability for tracking and report probation and parole officer attacks, similar to the reports now published on law enforcement officer safety.

[3] www.danford.net/boyd/essence.htm

[4] Simunitions ® registered trademarks of General Dynamics

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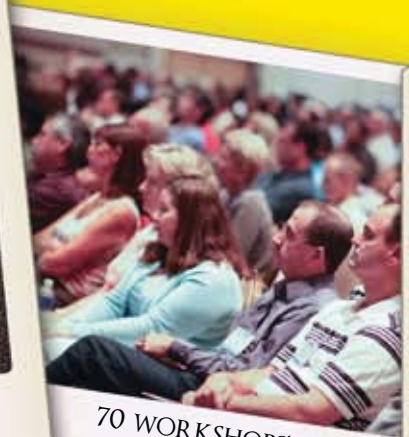

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