

PERSPECTIVES

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Number 1

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TRIAGE

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PRESIDENT'S MESSAGE

SCOTT TAYLOR

President

American Probation and Parole Association

COST EFFECTIVE IS NOT COST-FREE

The recent economic downturn has prompted every public service sector to rethink the costs of doing business as usual and consider alternative ways that could both save money while maintaining service levels. Across the nation, policymakers are struggling to redesign health care delivery, education and public safety. Over the past three decades, a growing network of jails and prisons has been the main economic engine driving the public safety system. Now in the face of a national fiscal crisis, policymakers are beginning to put some pressure on the brakes while they seek incarceration alternatives. Parole, probation and community supervision are now at the forefront of a system that is ready for a change.

In jurisdictions across the nation, community corrections administrators are being invited to participate in workgroups, policy meetings and legislative sessions. At the national level, APPA has begun participating in meetings in Washington D.C. with divisions of the Department of Justice. As your President, I was honored to represent our profession to representatives from the National Institute of Justice, the Bureau of Justice Assistance, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crime and Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking. Together, we discussed some of the most critical issues facing community corrections including sanctioning practices, victim issues, the special role of juvenile justice and the need for greater access to grant opportunities. My deepest appreciation goes to Laurie Robinson - Assistant Attorney General, Jim Burch - Deputy Assistant Attorney General, and Mary Lou Leary - Principal Deputy Assistant Attorney General (as of March 1, 2012 assuming the role of Acting Assistant Attorney General) for valuing this dialogue and for working so hard to make this meeting a reality.

In these and similar forums, community corrections officials will be expected to make convincing arguments as to how we can help transform and improve public safety. It is critical that in demonstrating our effectiveness that we speak with a unified voice. Community supervision is a complex and multi-faceted system. Parole and probation officers, sheriffs, parole boards, pre-trial services, half-way houses and community providers have a common purpose. Whether you are a member of APPA, the International Community Corrections Association (ICCA), the National Association of Probation Executives (NAPE) or the National Association of Pretrial Services Agencies (NAPSA), we are all ambassadors of community supervision. We are connected by a shared belief that the majority of defendants and offenders can be served well in the community and to do so is good public safety policy.

Working together, we can begin to shape a new vision of public safety that is both fiscally responsible and makes our communities safer. We must remember that community supervision is largely misunderstood by the general public. It is even misunderstood by those who wish to partner with us. In our dialogue with policymakers, we must focus on what we have to offer: cost-effectiveness and positive outcomes. As a first step, APPA has requested a technical assistance grant from the National Institute of Corrections (NIC) in partnership with the Bureau of Justice Assistance (BJA) to help bring together leaders from across the community supervision spectrum in an effort to raise our visibility and unite our messages.

PRESIDENT'S MESSAGE

The Pew Center on the States has reported that 1 in every 100 adults is now behind bars in America – for African Americans the figure is one in 11. In this current economic climate, it is no wonder that the \$50 billion a year being spent on state correctional costs is coming into question. Community supervision is a cost-effective solution. When you compare the costs per day of incarceration to community supervision, we operate at about 10 percent of the costs. This means that for every person in prison/jail, you could manage 10 people in the community. This is an eye-opening statistic for even the most tenured official. For those engaged in these discussions, I encourage you to read and share APPA's *An Elected Official's Guide to Community Correctional Options*.

However, we must not confuse being cost-effective with being cost-free. Evidence-based practice to reduce recidivism shows us that effective community supervision can only be achieved with an appropriate mix of supervision, sanctions and services. Community supervision is an investment and we do our entire field a disservice when funds are not made available to deliver effective practices. Unlike incarceration whose primary function is incapacitation, good community supervision can change a supervisee's future behavior. When implemented properly, community supervision reduces recidivism, reduces victimization and reduces taxpayer expenditures.

We have already witnessed in some states the organizational chaos that can occur when the transition from institution to community is unplanned and under-funded. APPA is taking the lead in quantifying the real costs of case management and reducing recidivism. I invite community corrections administrators to consider the APPA/BJA report, *Community Supervision Workload Considerations for Public Safety* for accurately estimating the costs of doing business in their jurisdiction. We can also take advantage of the cost benefit tool created by the Washington State Institute for Public Policy for comparing correctional programs and policy options.

The national spotlight is shining upon us. Let us demonstrate that we are a *force for positive change*. >>>



Scott Taylor
President, APPA
Multnomah County, Oregon

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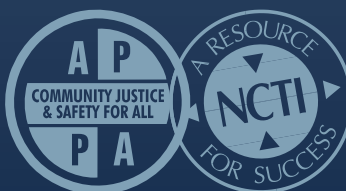


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EDITOR'S NOTES

BILL BURRELL
Management Consultant



Welcome to the Winter 2012 issue of *Perspectives*. As I reviewed the content of this issue, I was struck with the range of challenges and opportunities that face our field. All across the country, states and counties are struggling with budget shortfalls. In many jurisdictions, this is resulting in a spotlight being focused on community corrections as a way to relieve the cost pressures generated by incarceration. As President Scott Taylor notes, we are increasingly being given a voice and we need to make that voice heard.

In our cover article, Judge Steven Alm presents a new model for sentencing and community corrections which he calls "triage." Borrowing the term from the medical field, he suggests allocating judicial, probation and treatment resources in a systematic fashion based on risk and need for treatment. Such a model has great potential as a blueprint for improving both outcomes and efficiency in dealing with substance abusing offenders. When the spotlight of budget retrenchment targets probation and parole, we should take advantage of the opportunity to advocate for evidence-driven fundamental change like Judge Alm suggests.

In his article "Asking and Understanding Why?", James Fox, a member of the Pennsylvania Board of Probation and Parole, shares his insights into the importance of understanding the motivators of criminal behavior. In the context of making parole decisions, such information is critical. As he further notes, understanding why an individual offends is central to the process of supervision and risk reduction. Fox presents a simple tool to help develop and organize information gleaned from the parolee.

With relentless budget pressures, we must be creative in findings ways to do our work. In their article on collaboration and sex offenders, Brian Payne and Mathew DeMichele delve into the details of how to make collaboration work. Sex offenders pose unique challenges for supervision. Even though risk assessments made may indicate a low probability for reoffending, public expectations demand that supervision be provided. The challenge is how best to accomplish this. Working together with other justice systems, treatment and community partners is an excellent way to stretch limited resources to meet public expectations. This article is based on a collaborative project between APPA and the National Institute

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of Corrections (NIC) and the curriculum it describes is available at no charge from NIC.

Successfully navigating in these challenging times requires effective leadership. APPA Past-President Kathy Waters explores the issues and challenges unique to women in or aspiring to leadership positions. She also describes some of the efforts of APPA and affiliated organizations to provide developmental opportunities for women as they seek leadership roles.

With this issue's *Research Update*, we say farewell to Professor David Karp of Skidmore College. With an amazing cadre of undergraduates, David has been responsible for our *Research Update* for more than 30 issues. This has been a wonderful collaboration which has provided students with research and publication opportunities and our readership with brief and interesting summaries of academic research in our field. This issue is no exception, examining research on the issue of violent offenders and drug courts. Our profound thanks go to David and his students for their contributions to *Perspectives*.

Continuing with the research theme, Don Evans' *International Update* provides a comprehensive review of the latest research conference of the International Community Corrections Association (ICCA). For almost 20 years, ICCA has devoted its annual conference to the presentation and discussion of cutting edge research in community corrections. Don's article gives you an excellent overview of this event.

Responding to the myriad challenges in our field often leads us to technological applications. In the *Technology Update*, Joe Russo describes an excellent opportunity presented by the National Institute of Justice (NIJ). Its Technology Institute for Corrections provides an intensive opportunity for a select group of corrections technology professionals to explore the latest in technology, to share agency experiences and learn about new applications. These types of programs connect us directly to the latest applications and advances in technology.

In the *Safety Update*, Ron Scheidt and Bob Thornton address the critical importance of mastering the fundamentals of staff safety. They discuss the allure of the advanced, flashy and "really cool" stuff and caution us to ensure that we pay sufficient attention to the basics. This is excellent advice for us all, at all levels of the organization and across the various functions we are responsible for, whether a line officer, first line supervisor or agency executive. We must master the basics before we can move to the advanced techniques and strategies.

Scott Taylor exhorts us to demonstrate that we are a **force for positive change**. As the challenges and opportunities swirl around us, we hope that the resources you find in this issue of *Perspectives* help you to become that force for positive change in your agency and in your community.

As always, we welcome your feedback and comments on this, your professional journal. >>>



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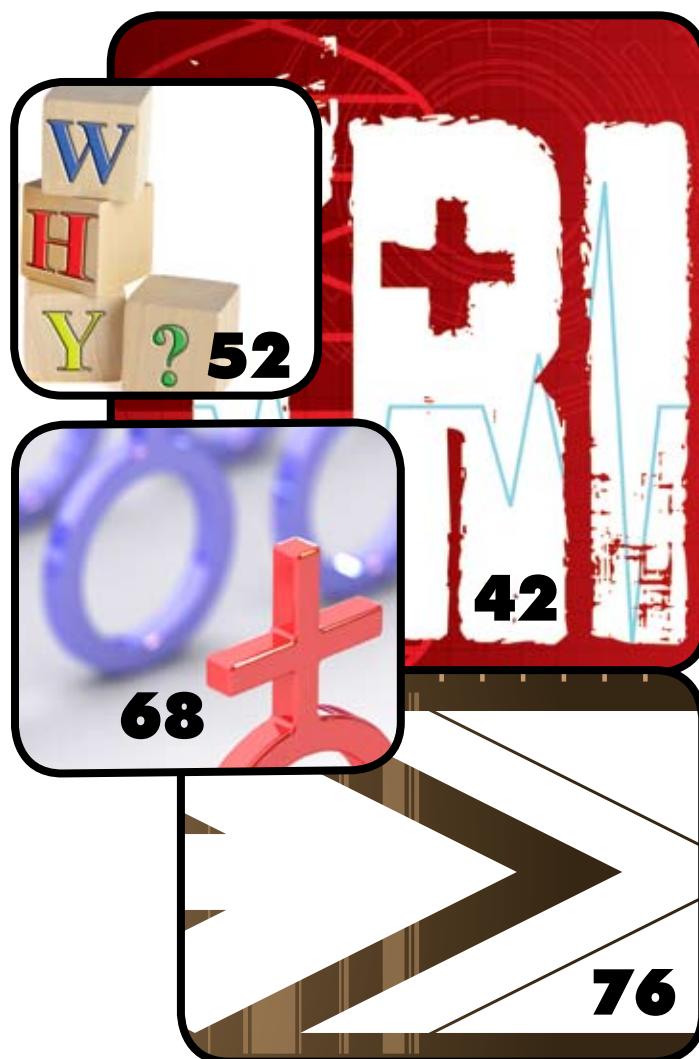
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PERSPECTIVES disseminates information to the American Probation and Parole Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole 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:

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

All submissions must be in English. 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.

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WHEN DO WE GET TO DO THE ADVANCED STUFF?

In providing Control Tactics training around the country, we often get the following question: "When do we get to do the advanced stuff?" Of course, the "advanced stuff" refers to the Ninja moves showcased on TV and in the movies. Who hasn't seen Jason Bourne doing all kinds of exotic things without breaking a sweat or, for that matter, uttering a word? We would like to envision ourselves being able to jump in the air, spin around three times and kick someone along-side the head as in "The Matrix". As we know, these techniques are very effective; legally defensible; work on

everyone in a variety of settings; require little practice; and, admittedly, look really cool.

Seriously, let's look at this question about the "advanced stuff." Regardless of your sport, system, style or area of expertise; or whether you are a beginner/novice or a professional/grand master, your level of proficiency begins with, and is rooted in, fundamentals and basics. A quote we constantly use and strongly believe in is "Advanced skills are nothing more than a mastery of the basics." Proficiency in a

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basic skill set is an absolute requirement for mastery of advanced techniques. Fundamentals set the tone physically, mentally and attitudinally for all that follows. In dissecting the famous fight scene in "The Bourne Ultimatum" movie, they are all fundamental techniques that the main character employs, although the skills are performed at a very high and entertaining level, greatly enhanced by camera speed and other technical enhancements.

In this age of instant gratification and a quick fix, a return to basics and fundamentals is desperately needed. Unfortunately, the quick-fix mindset is pervasive in today's society. One only needs to watch an athletic event at any level to appreciate that teams and individuals that have placed a premium on fundamentals perform at a higher level. Each of us, regardless of our title or position, is a teacher/instructor, as teaching is simply modeling behavior. How we choose to do this and what we stress, is critical to those in our sphere of influence.

As an example, we believe that in control/defensive tactics (DT), the primary skills of balance, stance and movement are often overlooked or glossed over to more quickly progress to the advanced techniques. This is almost certainly a disservice in any skill set, proficiency begins with a strong foundation. These errors are often very evident in the officer's performance or lack thereof. The individuals who perform at a high level in stressful situations must have certainly placed a high emphasis on mastery of the basics. In spite of what we've been led to believe by "Eight-Minute Abs," fad diets, etc., there is no

substitute for hard work, perseverance and commitment.

The way we train also affects how long it will take to master basic skills. No court ruling has established a mandate for the frequency of DT training. A general "standard of the industry" for follow-up DT training in community corrections—after initial training in an academy or the officer's first exposure to DT training—is eight hours annually. While this may be a standard in many jurisdictions, it is certainly not frequent enough to ensure skill retention of even basic tactics, especially for officers with little or no prior defensive tactics training.

A July 2011 news article by The Force Science Research Center stated that, in reference to "physical force" training for law enforcement officers, "The average officer, within months of leaving an academy, will be able only to describe how a given suspect-control technique should be used but will have little ability to actually apply it effectively in a dynamic encounter with a defiantly resistant subject." The article went on to state, "At the rate academy and in-service training is typically delivered, it could take the average street cop up to 45 years to receive the number of hours of training and practice in arrest-and-control and officer-safety techniques that a student athlete gets in competitive sports during the usual high school career." (Force Science Research, 2011) Adult learning research shows that adults learn through spaced repetition. For these reasons, more agencies are moving to semi-annual training, with some going to quarterly.

If you, as an instructor or DT participant, you feel you have mastered the basic techniques, test yourself. Not by performing in a static situation with a cooperative partner, but by participating in scenarios that require choosing an appropriate physical response and then applying the technique on a resisting role-player. In doing such exercises, we find that it often provides the “aha” moment, when participants realize they do not have the proficiency they thought they had. After such realization, students are more receptive to going back and working on the fundamentals.

We currently have some of the best and brightest people employed in our profession; however, observation continues to show that fundamentals are weakest in our core skills. A challenge to us as instructors and managers is that people can become easily bored in the training environment. As participants, we not only want to be informed and educated, we want to be entertained as well. Often, therein lies the disconnect. Although the WOW! factor might be missing, mastering the fundamentals is a constant, critical component of being able to perform at a high level in any stressful situation. We often spend too much time and effort looking for the shortcut or the mystical, magical technique that doesn't exist, when the real answer lies within us via hard work and personal commitment to the basics – the cornerstone to success. Remember, practice doesn't make perfect...perfect practice makes perfect.

Although “super cool” is the flavor of the month, we will take vanilla, please – the old blue collar lunch bucket fundamentals. After all, they were good enough for Jason Bourne. An old saying in the martial arts world states,

“Fear not the man that has practiced 10,000 techniques once; fear the man that has practiced one technique 10,000 times.”

REFERENCE

Force Science News (2011) Current Training May Leave Officers More Vulnerable. *Force Science Research Center Issue 182*. Available at: <http://www.force-science.org/fsinews/2011/06/force-science-news-180-%e2%80%9c-current-training-may-leave-officers-more-vulnerable%e2%80%9d-early-highlights-from-forthcoming-fsi-assessment-project/>

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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:

Fall 2012 Issue: May 20, 2012
Winter 2013 Issue: August 23, 2012
Spring 2013 Issue: November 12, 2012
Summer 2013 Issue: February 16, 2013

For more information, [click here](#) to go to page 13 of this publication for submission details and guidelines.



NIJ'S TECHNOLOGY INSTITUTE FOR CORRECTIONS

In this Technology Update I would like to make the membership aware of a unique opportunity offered by the National Institute of Justice (NIJ), the research and development arm of the United States Department of Justice. One of the missions of the NIJ is to assist law enforcement and corrections agencies use new and emerging technologies to better perform their missions. One way NIJ does this is through the annual Technology Institute for Corrections. This week-long event provides a forum for professionals from across the country to learn

about and discuss technology initiatives and issues affecting the corrections community. Institute participants are introduced to NIJ's programs and are briefed on current research and development projects related to corrections technology. More importantly, participants share their needs and present creative solutions to technology issues they face. By sharing their experiences practitioners are able to help each other with technology challenges and most Institute alumni report that the benefits of these networking opportunities continue long after the Institute ends. In turn, NIJ is able to use the discussions held at the Institute to provide valuable input that will help to guide their future research and development efforts.

For much of the Institute, participants work in breakout groups according to their discipline (institutional vs. community corrections). In addition, tours are organized which spotlight the use of technology in real-world settings.

In short, the goals of the Institute are to provide:

- Participants the opportunity for continual education on technologies applicable to corrections.



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- Participants the opportunity to meet and interact with other corrections professionals.
- NIJ the opportunity to improve and build on its technology development programs based on participant experience and comments.

COST AND SELECTION PROCESS

There is no registration cost and all travel, food and lodging expenses are paid through NIJ. These are welcome words in these difficult fiscal times!

Participation is limited to 30 full-time state and local corrections professionals who are actively involved in technology related issues within their agencies. The applicant should be senior staff with responsibility for making technology decisions and ensuring the implementation of selected technologies and should be responsible for helping to set the course of future technology implementation within their respective agencies.

Selected applicants will be required to deliver a 20-30 minute presentation addressing a technology challenge/solution that their agency is currently managing or has recently dealt with.

During the 2011 Technology Institute for Corrections participants from probation and parole agencies reported out and discussed issues such as:

- Implementing an Automated Telephone Reporting System
- Mobile Computing for Probation & Parole Officers
- Pupillometry as an Adjunct to Urinalysis Testing
- Challenges of Implementing an Automated Restitution Payment System
- Supervising the Child Pornography Offender
- Implementing an Automated Reporting Kiosk System
- GPS Monitoring Programs
- Establishing a High-Tech Computer Laboratory
- Leveraging Information Technology to Enhance System Effectiveness
- Continuous Alcohol Monitoring Systems
- Challenges Presented by 21st Century Communications (Texting)

The 2012 Technology Institute for Corrections will be held in the Washington, DC area during the week of August 6, 2012.

Please check the National Law Enforcement and Corrections Technology Center website www.justnet.org for more information and instructions on how to apply.

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. >>>

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

RECENT RESEARCH ON DRUG COURTS

"Should Violent Offenders Be Excluded From Drug Court Participation? An Examination of the Recidivism of Violent and Nonviolent Drug Court Participants"

Christine A. Saum and Mathew L. Hiller
Criminal Justice Review (2008) 33: 291-307.

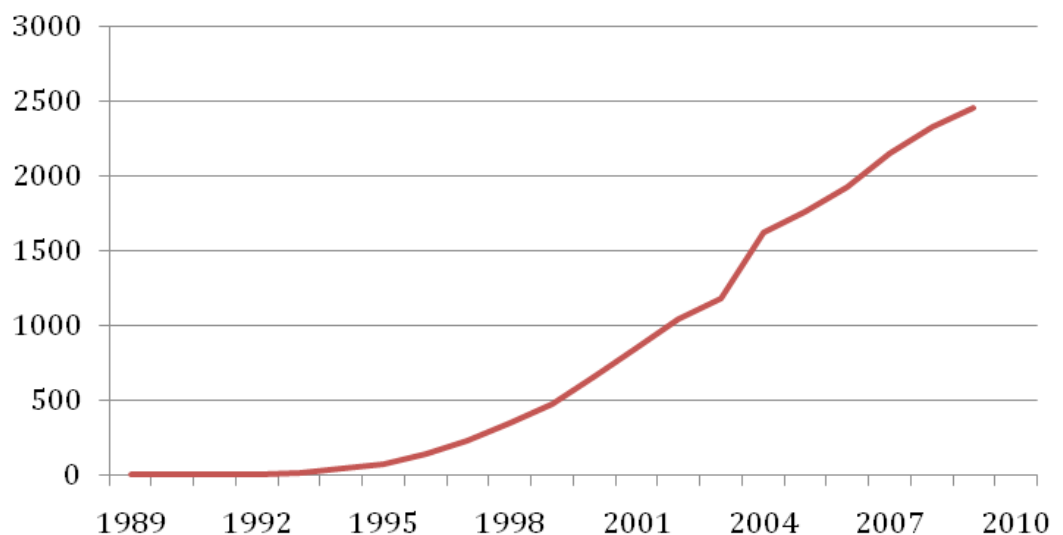
Drug courts emerged in the 1990s as a way to ease some of the strain on states' judicial and correctional systems. As of 2009, 20 years after the first program was created in Florida, there were 2,459 drug courts operating throughout the United States.¹ By managing nonviolent, first-time offenders within the community, drug court programs reduce costly and unnecessary incarceration while reserving prison space for repeat and violent offenders.

The Violent Crime Control and Law Enforcement Act of 1994 created the Drug Court Discretionary Grant Program, which provides yearly federal funds for the operation of drug courts. However, the billions of dollars in federal funds are only available to programs whose eligibility criteria limit participation to drug-involved, nonviolent, and first time offenders.

To ensure the future expansion of similar programs, early drug courts needed to demonstrate a more effective treatment model than traditional incarceration, but did not challenge public and political sentiments in an era of "tough on crime" policy. Therefore, programs readily accepted the federal criteria and rarely lobbied for the inclusion of violent offenders. Recently, this has changed.

While most drug courts today remain focused on the non-violent offender population, some have expanded their admission criteria to include a more diverse clientele. The gradual expansion of admission criteria is occurring for several reasons. Oftentimes, once a drug court has been established and federal funding has run out, programs are able to attract outside funding. No longer beholden to the federal

Drug Courts in the United States 1989-2009



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stipulations, drug courts can adopt less stringent standards for admission. Also, as traditional probation and/or incarceration fails to reduce drug use and crime, policymakers have begun to focus the limited resources available to drug courts towards individuals with serious addictions.

Although a number of studies have found that drug courts are effective in reducing drug-related criminal activity, very little research has examined whether drug courts are as effective for offenders with violent histories. As drug courts increasingly adopt more flexible eligibility requirements, it is important that researchers determine whether programs that were originally intended to divert less serious, nonviolent offenders from the criminal court system can be effectively applied to a violent offender population. This study evaluated recidivism rates for drug court participants with serious and violent criminal histories in order to determine whether these programs are a viable option for violent offenders.

The study sample includes 452 offenders who participated in a Delaware drug court program between October 1993 and March 1997. This program accepted both violent and repeat offenders, enabling the researchers to examine the effectiveness of the program for these populations. In order to determine whether participants with a history of violent offense were more likely to be rearrested than those with no history of violent offending, Saum and Hiller examined arrest data collected 12 and 36 months after discharge. After 12 months, 67 percent of offenders with a history of violent offending

came in contact with the criminal justice system compared to 42 percent of offenders with no history of violent offending. After 36 months, 87 percent of offenders with a history of violent offending came in contact with the criminal justice system compared to 75 percent of offenders with no history of violent offending.

In addition to history of violent offending, other factors were found to affect one's likelihood of being rearrested. Likelihood of rearrest increased as length of time after discharge and number of lifetime charges increased. In other words, participants with lengthy criminal histories were at greater risk of recidivating. The younger a participant was, the more likely he or she was to recidivate. Finally, participants who graduated drug court programs were less likely to be rearrested than those who failed.

Although individuals with a history of violent offending were more likely to recidivate than nonviolent participants, this had more to do with other factors than with violent history. When controlling for age, ethnicity, drug of choice, time at risk and discharge status, researchers found that offenders with violent histories were no more likely to recidivate during the post drug court follow-up period than their nonviolent counterparts. Extent of criminal history, not violent history, was found to be a better predictor of recidivism following drug court participation.

During the past two decades, drug courts have proliferated throughout the United States. However, these programs

are available to only a fraction of offenders who require treatment. Despite the outlet provided by drug courts, the volume of drug-using offenders continues to hold up court processing and overwhelm jails and prisons.

Although early drug courts were created to divert less serious offenders away from prison and reserve scarce space for chronic and violent offenders, oftentimes these more serious offenders are sentenced directly to probation. Many violent offenders are sentenced to probation and many of them are addicts. Treating their addiction might disrupt their violence. The findings of this study have significant policy implications in that they challenge policies that exclude offenders with violent histories from

participating in drug court programs. This study suggests that violent offenders might benefit from drug court treatment and that public safety might be improved by their inclusion. bba

ENDNOTES

¹ For data on drug court trends, see West Huddleston and James B. Marlow (2011) *Painting the Current Picture: A National Report on Drug Courts and other Problem-Solving Court Programs in the United States*. National Drug Court Institute (www.ndci.org).

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19TH ANNUAL ICCA RESEARCH CONFERENCE

In the past decade I have travelled to a number of international conferences in various countries in Europe, Asia, Africa and Australia and the main topic or theme of these conferences has centered on promoting “what works” in corrections or the more recently used term “evidence based practices”. In fact, if you peruse the many international and national conferences you will see a consistent theme regarding research based programming and an emphasis on evaluation of programs. The exchange of ideas from North American researchers and practitioners with researchers and practitioners from other countries has occurred with increasing regularity in recent years. The use of conferences and institutes to foster this exchange and transfer of knowledge and practice has facilitated this exchange. The International Community Corrections Association (ICCA), an affiliate of the American Probation and Parole Association is a great example of leading this exchange through its annual research conferences.

For almost two decades ICCA has provided a forum for the discussion and dissemination of research results and practice innovations in keeping with the principles of effective programming and the general themes of the ‘what works’ agenda. The majority of its conferences have been held in the United States but a few have been held in Canada. During these years an excellent exchange with academics and practitioners from other countries presenting and participating in the meetings has

developed. The results of these exchanges have appeared in their Journal of Community Corrections and in the series of “what works” books that have emanated from the conferences and total of eight volumes with a ninth forth coming. The books are a result of a publishing collaboration with the American Correctional Association (ACA). (For more detail on the history and future of these conferences see my epilogue in Edward R. Rhine and Donald Evans, 2009:369-378). Many of the books still in print or forthcoming can be obtained from APPA publications. In this International Update I plan to share with the reader the major points raised by the research presenters at the 19th Annual Research Conference of ICCA held in Cincinnati, Ohio September 11-14, 2011. I do this to assist all of us in furthering the pursuit of effective correctional practice and in anticipation of even greater co-operation and collaboration between APPA affiliate organizations such as ICCA, the European Organization of Probation and the National Association of Probation Executives (NAPE), all of which have an eye on global events and practices that impact the delivery of community correctional services.

For those who have not attended an ICCA research conference the format tends to have a major researcher present in a plenary session with a knowledgeable practitioner offering a brief response to the speaker and then open to the floor for question and answer period. An effort is made to have workshops on the general theme of the plenary session follow. At the Cincinnati



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conference there were five sessions that featured a major researcher/practitioner presenting the latest findings in their specific domains. Dr. Patricia Van Voorhis, professor of Criminal Justice at the University of Cincinnati served as the research conference chair. Dr. Van Voorhis has herself published and presented on a number of issues relevant to the field of community corrections. Topics include correctional effectiveness, program implementation, evaluation technologies, professional classification and she has especially become known for her work on women offenders and gender-responsive assessment and program implementation.

TARGETING DISPOSITIONS FOR DRUG OFFENDERS BY RISK AND NEED

The opening research plenary session heard a paper delivered by Dr. Douglas B. Marlowe, the National Association of Drug Court Professionals and University of Pennsylvania's School of Medicine. Dr. Marlowe's presentation centered on the use of risk and need to determine the type of disposition and intervention that would assist in managing resources and costs of dealing with drug offenders. He outlined the prognostic risk factors as follows:

- Current age < 25 years
- Delinquent onset < 16 years
- Substance abuse onset < 14 years
- Prior rehabilitation failures
- History of violence
- Antisocial Personality Disorder
- Psychopathy

- Familial history of crime or addiction
- Criminal or substance abuse associations

Dr. Marlowe then spent time explaining the criminogenic needs that are important in working with drug offenders. He isolated three areas: substance dependence or addiction, substance abuse and collateral needs. Under substance dependence/addiction he noted three elements, binge patterns, cravings or compulsions and withdrawal symptoms and noted that abstinence is a distal goal. For substance abuse he noted that abstinence is a proximal goal. Collateral needs included: dual diagnosis, chronic medical conditions and homelessness, chronic unemployment and again he noted that for these offenders regimen compliance is proximal.

Based on the background to risk and need relevant to the drug offender he then created a risk/need matrix that would assist in deciding on the disposition or intervention that would be appropriate. So in the High Risk/High Need section of the matrix he suggested that accountability, treatment and habilitation were important. In the High Risk/Low Needs section it would be accountability and habilitation while in the High Need Low Risk category it would be an emphasis on treatment and habilitation. For Low Need and Low Risk prevention would be the goal.

Taken this approach Marlowe then suggested a number of practice implications of his approach that aligned with the risk/need matrix. In terms of dispositions for drug

offenders he saw the following as a result of empirical evidence: low risk low need would be diverted, low risk high need would get probation without verdict, high risk high needs would be assigned to drug/DWI courts, high risk low need could be managed by intermediate sanctions and only those who posed a risk of dangerousness would be incarcerated.

Given the fact that a large number of incarcerated offenders are in for drug offenses Marlowe's presentation certainly had an appeal if we really wanted to use science to assist us in using the expensive prison resource for only those who pose a real threat to public safety. I would have thought there might have been more questions of Dr. Marlowe but given the audience was chiefly made up of practitioners and not those responsible for sentencing the full implications of what he was saying might have been missed.

FROM ZERO-SUM TO WIN-WIN: HOW RESEARCH ON WOMEN ADVANCES OUR WORK IN CORRECTIONS

Dr. Marilyn Van Dieten of Orbis Partners presented a comprehensive overview of what is involved in developing and delivering more effective and responsive programs for women involved in the criminal justice system. Her extensive overview consisted of three broad areas of focusing on different aspects of work with woman offenders. First, she asked and answered from research the basic question: what is a gender-informed approach by looking at a definition and at core practices. Dr. Van Dieten suggested that "gender-responsive is used to describe approaches and strategies that intentionally incorporate the existing knowledge and research on women and girls". She noted that these approaches ultimately demonstrate favorable outcomes with the population being discussed. However, like most

FIVE DIFFERENCES BETWEEN MALE AND FEMALE POPULATIONS THAT IF TAKEN INTO ACCOUNT WOULD MAKE A DIFFERENCE IN WORKING WITH WOMEN OFFENDERS. THEY ARE:

- **Reproductive/ Pregnancy and Parenthood:** differences that speak to women as primary caretakers
- **Economics:** women are still more likely to earn less and to hold fewer positions of authority than men
- **Medical:** response to medication; cardiac research, stress-hormone research, etc., vary for males and females
- **Victimization:** women more likely to be hospitalized as a victim of rape, and twice as likely to receive a diagnosis of post traumatic stress disorder
- **Developmental pathways:** tend to be aggression and depression.

researchers she offered a caveat, namely that research on women in corrections is relatively new and results thus far are preliminary. Because in the past she said males have been the standard primary basis of comparison across studies and disciplines there has been an ignoring of what are in fact critical differences between these two correctional populations. Citing a number of recent research findings she suggested five differences between male and female populations that if taken into account would make a difference in working with women offenders. They are:

- **Reproductive/Pregnancy and Parenthood:** differences that speak to women as primary caretakers
- **Economics:** women are still more likely to earn less and to hold fewer positions of authority than men
- **Medical:** response to medication; cardiac research, stress-hormone research, etc., vary for males and females
- **Victimization:** women more likely to be hospitalized as a victim of rape, and twice as likely to receive a diagnosis of post traumatic stress disorder
- **Developmental pathways:** tend to be aggression and depression.

Building on these findings Dr. Van Dieten then raised the question of what this means for correctional practice. She completed this section of her presentation by looking at the implications for corrections that are

embedded in each of the differences she had noted. A better way forward she said would be to “stop trying to ignore, minimize or get rid of gender differences but rather to work to understand and accept them . . . Thus we would then be in position to provide equal resources but not the same resources! Dr. Van Dieten then discussed the core practices in a gender-responsive approach which she noted were relational and culturally competent, strengths-based and trauma informed. Important in developing practices for work with women offenders is the requirement to use qualitative and quantitative research on women to guide our efforts.

In the second section of her presentation Dr. Van Dieten looked at the value of integrating evidence-based practices with gender-responsive practices and indicated that the research demonstrated enhanced outcomes when this occurred. She outlined three areas of promise: assessment, casework (supervision) and treatment programs. This section of her presentation was the most useful for practitioners and covered fairly extensively the major issues in practice with women offenders. She presented a good description of the Women Offender Case Management Model (WOCMM) developed with the funding assistance of the National Institute of Corrections. Evaluations to date of this model have been positive.

The third point in the presentation noted the implications of research on women offenders for work with both women and men. Van Dieten indicated that we need to move away from homogenous models

that will allow us to be effective both with women and men. She had an extended discussion of interpersonal violence, especially intimate partner violence and suggested that a better understanding of the pathways research which shows strong developmental differences across gender in the areas of aggression and depression would be particularly relevant for corrections in understanding intimate partner violence and post-traumatic stress disorder (PTSD). In this very interesting and informative presentation of violence and depression a number of interesting points were raised: In regard to depression and post-traumatic stress disorder it was noted that research with criminal justice populations suggests that justice involved women are more likely to be diagnosed with PTSD than women in the general population. There may also be gender differences in the presentation of disorders, she noted and added that what looks like aggression may not be linked to temperament but a response to trauma. In other words similar etiology and circumstances do not mean the same outcome for men and women, she stated.

In closing her presentation Dr. Van Dieten hoped that the audience would have grasped a better understanding of why we should look more closely at gender and by accepting that there are differences and accounting for them means the achievement of better outcomes

REDEMPTION IN THE FACE OF STATE CRIMINAL RECORDS USED FOR BACKGROUND CHECKS

The third plenary session dealt with an emerging issue for reentry practitioners who are finding barriers to employment for ex-offenders to a particular difficult hurdle to overcome. The widespread resort to criminal background checks coupled with the improved information and data managing capacities of all levels of law-enforcement and with no policy as to when a record is stale or irrelevant many otherwise hireable ex-offenders are finding it difficult to get and keep jobs. Dr. Alfred Blumstein of Carnegie Mellon University and Dr. Kiminori Nakamura, Assistant Professor, University of Maryland presented a summary of their findings to date in an ongoing research project seeking evidence as to when an offender times out or his or her record is irrelevant for purposes of employment. Some of the key points raised in this presentation were:

- Examining the impact of the broad and extensive penetration of criminal history records into the fabric of society.
- Case histories of former offenders being refused jobs on the basis of prior criminal history prompt the presenters to determine empirically when it is no longer necessary for an employer to be concerned about a criminal offense in a prospective employee's past.

- To date determining when a potential employee's criminal record is no longer relevant has been an arbitrary decision.
- We know that recidivism steadily declines with time clear of criminal activity.
- There should be a point in time after which an offender is no longer handicapped in finding a job.

The task of their research project, funded by the National Institute of Justice is to see if a scientific method can be devised that will assist in establishing that point that estimates how long is long enough for someone with a prior record to remain arrest-free before he or she should be considered redeemed by an employer. They described their research method and showed how on the sample of offenders arrested in 1980 in New York State till 2005 they had established a "hazard rate" to indicate the probability that over time someone who has stayed clean will be re-arrested. The interesting and important finding revealed that for a person who has been arrested in the past, the hazard rate declines the longer he stays clean.

The presenters then discussed the policy implications of their preliminary findings and the future research being undertaken in this area. They believe that this work and their findings to date is the first empirical evidence on what might be termed "redemption times" and how this research would affect at policies attempting to improve employment opportunities for ex-offenders.

I was interested in listening to this presentation by the use of the word "redemption" to describe the situation of being brought back into the mainstream. It links nicely with the concept of second chance. Just recently I noticed that the Canadian Broadcast Corporation is airing on television a show called Redemption Inc. This is a prime-time series in which a group of 10 ex-offenders are given the opportunity/chance to set up their own business with a start-up investment of \$100,000. Kevin O'Leary, a multi-millionaire businessman, sees a business potential in offering these ex-offenders a second chance and recognizes that they have paid their debt to society. At the end of the series one of the ten will have earned support from Kevin and the money to start their own business. This "reality show" format has its drawbacks and I am sure its critics but it at least gets a different perspective regarding offenders before the public eye.

The seriousness of the employment situation for offenders and ex-offenders should guarantee that we keep a close eye on the Blumstein and Nakamura research project. Establishing an evidence-base for time clear of arrest has to be of assistance in lowering barriers to employment faced by ex-offenders.

MAKING CORRECTIONS WORK: IT'S TIME FOR A NEW PENOLOGY

The fourth plenary session featured a paper by Dr. Francis T. Cullen of the School of Criminal Justice at the University of Cincinnati (Cullen, 2011). Dr. Cullen makes the case

for a new penology that embraces what we have gained from research and practice during the past two decades. He argues that we are standing in a special place and time in corrections in which it is possible to move corrections in a fresh direction, that correctional workers must see themselves as part of a profession marked by a strong ethic of care and scientific expertise, and that to make corrections work by taking rehabilitation seriously, we will require the invention of what he calls “treatment paradigms”.

He suggested that the way to a new penology is the paradigm approach, but he doesn’t mean one overarching paradigm but rather multiple paradigms! Currently he sees the Risk-Needs-Responsivity Model as one such paradigm another might be Multisystemic Therapy but there are others and as long as they incorporate the three core elements namely:

- An empirically supported theory of criminal conduct that is rooted in existing studies of the causes of recidivism
- A set of principles that, if followed, research shows lead to reductions in recidivism
- The technology to implement the principles in a way that treatment integrity will be achieved and reductions in recidivism made possible.

Dr. Cullen’s presentation was very thoughtful and challenging and made a strong case for doing what we say we can do—namely, change offenders!

WALKING THE WALK: YOUR ROLE IN THE EVIDENCE BASED VANGUARD

In the conference closing session the participants listened to an interesting paper delivered by Dr. Peter Greenwood of the Association for the Advancement of Evidence-Based Practice. Dr. Greenwood opened his presentation by noting who the interested parties would be in an effort to advance evidence-based practice and he listed the following: providers, purveyors, public agencies, research organizations and intermediary organizations. He then explained the process of moving from experience to science, a process that started in the 16th Century. Any effort to introduce something new involves reaction often the same: disbelief, resistance and counter-movement. Eventually the early adopters of an idea or innovation begin to explore applications and slowly the mainstream adopts and accelerates the process until a tipping point is reached.

After using an example of the process from the problem of yellow fever and its subsequent eradication; he turned his attention to evidence-based corrections. Greenwood noted that the EBP movement was subjected to resistance from entrenched powers, suffered a lack of infrastructure and had few staff with scientific training. Economic facts are often used as an excuse for not proceeding but sometimes helpful and thoughtful realignment can help. He saw three possible roles for the state: letting it happen, helping it happen and making it happen. (I am sure that any agency head or local practitioner trying to embrace and

implement EBP would be thankful for the State to act on any one of these roles!)

Greenwood called for the development of local evidence-based expertise/centers for effective practice. The key elements in these centers would be:

- Involvement of all key stakeholders.
- Designation of evidence-based programs for special support.
- Risk assessment guidance and support.
- Program assessment and evaluation.
- Assistance in needs assessment and program selection.
- Initial piloting of new evidence-based programs.
- Monitor and publicize outcomes.

To further assist practitioners in walking the EBP walk Greenwood outlined specific recommendations for various staff. For the program developers he suggests they must do more evaluations, these evaluations must meet the standards of the field and they must develop and test manualized implementation packages. For agency or organization executives he recommends that they become familiar with the characteristics and costs of multiple models, have the skills to choose between models, make choices between in-house and contracted services, invest more in infrastructure, research and training and finally be able to defend their choices. The supervisors of staff will become familiar with multiple models and be able to provide effective feedback and coaching to staff and themselves be accountable for team

outcomes. For the line staff the important interface between the consumer of service and the provider of the service the following suggestions were made by Dr. Greenwood: provide more in-service training and coaching, more feedback from supervisor and be held accountable for fidelity to the model in use.

Dr. Greenwood's comments and directions helped to ground the participants in the work yet to be done in establishing evidence-based practices. It was a good ending to a very helpful dialogue and discussion between researchers and practitioners.

SOME FINAL THOUGHTS

I began this update with references to international forums and the exchange of information on practice and research topics and how much evidence-based program had spread around the globe. For the practitioner who wishes to stay current and to follow trends the number of journals that are now available is staggering. Beyond our own *Perspectives* and NAPE'S Executive Exchange and ICCA'S *Journal of Community Corrections* the U.S. Courts, Federal Probation and the British Probation Journal. There are now available in digital media the European Journal of Probation, the Irish Probation Journal and in print the Probation Journal. There are other newsletters and bulletins too numerous to list but a cursory look at APPA's CC Headlines gives you an idea of what is out there for the reading!

There are some meetings and conferences I am following to ascertain what can be learned and shared via this international

update for APPA members. One that is happening in February 2012 seems to have some interesting aspects to it. I will attempt to get information on the outcome of that meeting for our membership. An example of this relates to the implementation of EBP in the United Kingdom and Europe and efforts that have been made to assure program integrity. Development of accreditation panels is one such innovation and since some jurisdictions have initiated accreditation panels to accredit specific programs. As recently as this winter, the European Organization of Probation has issued an invitation to members to attend an "expert's" meeting on accreditation and evidence-based probation organized by the Scottish Centre for Crime and Justice Research to be held in Glasgow on the 10th of February, 2012. This meeting plans to address some of the following questions:

- What has accreditation achieved? Under what conditions has it been most effective as a mechanism for increasing the effectiveness of services? What has limited its contribution to the development of effective probation?
- What are the proper relationships between accreditation, innovation and evaluation?
- What other strategies have services used in the pursuit of effective practice, and is there any evidence about which strategies have worked best?
- What can and what should be subjected to accreditation processes? Can a practitioner, a risk assessment tool, a practice process and a system be accredited?

- What is the proper remit and composition for an accreditation panel?
- Should an accreditation panel advise governments and services on what kinds of practice development are required, or simply make accreditation decisions on what is brought before it?
- What are the links between accreditation panels and professional training and education?

This meeting of experts is worth following and I will attempt to do my best to find out what they discuss and what outcomes emanate from the proceedings. >>>

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APPA ELECTIONS - CALL FOR NOMINATIONS

All active individual, affiliate or agency members are encouraged to nominate individuals to serve as regional directors from the following regions for a term of three years.

Region	States represented in Region	Present Incumbent
Region 1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Jack McGrimley
Region 2	New York	James Birrittella
Region 3	Deleware, New Jersey, Pennsylvania	N/A
Region 5	Ohio	Juli Tice
Region 6	Georgia, North Carolina, South Carolina	Linda Layton
Region 7	Alabama, Florida, Louisiana, Mississippi, Puerto Rico, Tennessee	Robert Anderson
Region 8	Indiana, Kentucky, Michigan	Ralph Watson
Region 11	Arkansas, Kansas, Missouri, Oklahoma	Kenny Holloway
Region 12	Texas	Gregory Dillon
Region 13	Colorado, Nebraska, North Dakota, South Dakota, Wyoming	Timothy Hand
Region 14	Arizona, Nevada, New Mexico, Utah	N/A
Region 15	Alaska, Idaho, Montana, Oregon, Washington	Deena Corso
Region 16	American Samoa, California, Guam, Hawaii, Mariana Islands, Palau, Phillipines	Ursula Lifoifoi-Aldan
Region 17	Canada	Gerry Minard and Robin Robertson

According to the APPA Constitution, Article V, Section 9: To qualify for elected office in this association, the candidates must be:

(a) an active member in good standing, willing and able to fulfill the duties of the office for which nominated, and be willing and able to serve in the office for the length of time necessary to fulfill the duties of the office.

Nominations must be received in writing by April 16, 2012. Members are encouraged to nominate themselves for regional director positions. This position offers members an opportunity to present and discuss issues germane to the field and set the course for future initiatives for your association. Candidates accepting a nomination for regional director must provide a biography or statement of fewer than 150 words, which will be included on the ballot. The schedule below will be followed for the 2012 election

February - April	Call for Nominations for regional director positions.
April 16	Cut off date for nominations for regional director positions.
April 30	Nominations Committee selects two candidates for each regional director position from those nominated and prepares ballot.
July 16	Last day of ballot postmark.
July 17	Ballots counted.
July 30	All candidates notified of election results.
August 13	Nominations Committee reports results at membership meeting.

All nominations should be sent by April 16, 2012 to:

Gini Highfield, Chief Probation Officer
2nd District Juvenile Court
P.O. Box 325, Farmington, Utah 84025
Phone: (801) 447-3973, ext. 1, Fax: (801) 447-3976
email: ginih@email.utcourts.gov



TRAIN

A New Medical Model for Sentencing



g and Probation

by Steven S. Alm

At the end of 2010, just over four million adults were on probation in the United States, (Glaze and Bonczar 2011) Many of these probationers (approximately 360,000 nationally) will fail on probation and end up in prison. What is the reason for this failure rate? Is it the probation officers (POs) and judges? POs tend to be caring, industrious public servants, as are judges. The problem is not with them. The system itself is broken.

At sentencing, I as a judge have the choice of sending defendants to prison or placing them on probation or deferral to be supervised in the community. And make no mistake, the violent and dangerous or those who won't stop stealing need to be sent to prison, often for many years, to protect the public. Most defendants, I believe, can successfully be supervised in the community.

I typically order defendants on probation to comply with a variety of conditions (e.g., drug testing and treatment, meeting with the PO, etc.), to help the offender stop substance abuse, stay employed, abide by the laws and thus avoid a long prison term. Judges around the country do basically the same thing.

The bad news is that many offenders fail to comply with the conditions of their probation. Defendants on "probation-as-usual" rack up numerous violations by, for example, testing positive for drugs, missing appointments and failing to attend or complete treatment. Typically, the violation results in a scolding from the PO which in the probationer's mind is of no serious consequence. Unfortunately, because the offenders learn that probation is not serious about non-compliance, they will continue to violate the conditions of probation.

Eventually, they will accumulate a substantial number of violations and the PO will finally conclude that they have to be brought before the judge. Finally, at that often much-delayed point, the PO spends hours writing up all of the charges in a violation of probation report. Next, a motion to revoke probation is filed and eventually the probationer is arrested and brought to court, where if found guilty of the violation, he or she may be sentenced to prison for years.

In what I characterize as “probation-as-usual”, the process is delayed and uncertain, and when action by the court is finally taken, it is often overly harsh. The good news is that in Honolulu, we have found a way out of this disastrous situation. It’s not a miracle, but it does require people in the criminal justice system to do that hardest of things: change the way they do business.

HOPE began to accept all types of offenders (regular probation, domestic violence, etc.), always targeting the toughest customers or those most likely to fail.

THE EDUCATION OF A JUDGE

In June of 2004, I was assigned to a felony trial calendar. From the first week, I saw Motions to Revoke Probation listing numerous violations with no real serious interim consequences for the offender. The near-universal recommendation by the PO each time was that probation be revoked and the probationer be sentenced to prison for many years. I thought that this was a crazy way to try to change anybody’s behavior. I asked myself, what would work to effectively supervise offenders on probation? I thought of how my wife and I had raised our son. We told him the rules and if he misbehaved, we gave him a consequence right away. It did not have to be severe, but it did have to be swift and certain. That taught him to tie the consequence to the behavior and learn from the experience. I thought that if we could bring that same type of thinking to the probation system, we might get better results.

I looked at the relevant statutes and talked to my staff. I was fortunate to find a gifted and innovative probation supervisor, Cheryl Inouye and she was happy to work on ways to bring more accountability to the system. We then brought the prosecution and the public defender to the table. I spoke to the jail administrator and to the sheriff.

Everyone recognized that what we were doing was not working effectively for many offenders and all agreed to operate differently. Operating differently meant that from then on, the targeted offenders would be arrested on-the-spot or as soon as possible for any probation violation. They would be held in jail for two days and brought before me for a hearing with both prosecution and defense represented.

I asked the prosecutor to design a new fill-in-the-blanks motion to modify the probation form that the probation officer could fill out in five minutes. The public defender pointed out that while the rules of probation were going to be the same, we were going to be enforcing them much more swiftly. The public defender asked if I could warn the offenders about the change. I thought that made good sense from both a practical and a due process standpoint. The sheriff agreed to swiftly take violators into custody at the probation office six blocks away and bring them to the cellblock at the courthouse for transport to the jail. The jail agreed to expect more short-time offenders and to revise their intake procedures, as they would be seeing some repeat customers.

I then spoke to the United States Marshal and the High Intensity Drug Trafficking Area (HIDTA) director. The Marshal agreed to have his Federal Fugitive Task Force serve the warrants for my courtroom (these were state, not federal probationers), and HIDTA agreed to pay any needed overtime. Based on my years as a federal prosecutor, I had earned the respect and trust of the law enforcement

community. In one of those “Nixon goes to China” situations, they were willing to listen to this new way of doing business and agreed to our proposal to work swiftly to take violating offenders into custody and track down absconders.

TARGETING THE HIGH RISK POPULATION

To get the best bang for our probation dollars, we focused our efforts on those high-risk probationers most likely to fail on probation and those we want to watch the closest. To try to eliminate accusations of cherry-picking at probationers who were likely to succeed, I asked Ms. Inouye to identify all those high-risk offenders under her sections supervision who had originally been sentenced out of my courtroom. The offenders were made up of two groups: 18 sex offenders and 16 others convicted of a variety of felonies (e.g., burglary, assault, drugs, threatening) who had failed at regular probation and were still using drugs and/or alcohol. Rather than being revoked, they had been transferred to Ms. Inouye’s high-risk section. The sex offenders who were given probation were placed under Ms. Inouye’s supervision at sentencing. Where regular probation officers had 150 or more clients, the POs in Ms. Inouye’s section supervised about 100 probationers each.

We started Hawaii’s Opportunity Probation with Enforcement, or HOPE, on October 1, 2004, with the first, newly-created warning hearing. Present were 34 probationers and their attorneys, the prosecutors and POs. It is important to note

that HOPE started with existing resources, no new funding was provided.

I told the assembled offenders that everyone in court wanted them to succeed on probation. I said I respected the fact that they were adults and would make their own choices regarding complying with the conditions of probation and that I could not control what they did. I could, however, control how I would respond, which would be to send them to jail for every probation violation. I said I understood that as human beings, we can all forget things and make bad choices. I said that the length of the jail time I would impose would depend on how they handled any probation violation. If they violated, but turned themselves in right away, the jail time would be a short two- or three-day stay. On the other hand, if they ran away and law enforcement resources were used to arrest them, the jail time would be a lot longer, at least thirty days. And, if they repeatedly ran away, I would send them to prison. I encouraged them all to make good choices and succeed and answered any questions they or their attorneys had.

Given the prevailing positive drug test rate on “probation-as-usual” of over 40 percent, and frequent non-appearance for probation appointments, we braced ourselves for multiple violations. We had three the first week, and two the second. We kept adding offenders from the high-risk section during 2005 and added a drug test hotline to randomize the drug testing (at least once a week and up to six times a month). On-the-

spot drug test kits ensured swift results with laboratory confirmation testing available.

HOPE was subsequently funded by the Hawaii State Legislature in 2006 (\$1.2 million per year, mostly spent on drug treatment), and every year since then. We expanded HOPE to all ten felony judges in Honolulu and all judges got similar good results. HOPE began to accept all types of offenders (regular probation, domestic violence, etc.), always targeting the toughest customers or those most likely to fail. The Honolulu Police Department stepped up and started tracking down many of the absconders, as did the sheriff’s office, supplementing the resources of the U.S. Marshal.

HOW WELL DID HOPE WORK?

To find out if HOPE really worked, we made sure the program was evaluated from the start. The State Attorney General’s Office kept statistics from the first day of HOPE and worked with the POs and the court to get accurate data and report on their findings. From the start their data told us that HOPE dramatically reduced positive drug tests and missed probation appointments.

In 2007, Dr. Angela Hawken, an economist and public policy professor at the School of Public Policy at Pepperdine University in California, received funding from the National Institute of Justice and the Smith Richardson Foundation to study the effectiveness of HOPE. She conducted a randomized controlled trial study (the gold standard of research designs) of more than

500 Honolulu offenders on probation (2/3 placed in HOPE, 1/3 left in “probation-as-usual”). The 507 participants were in their mid-30s, 3/4 male, with an average of 16-17 prior arrests and current felony convictions for drugs (35 percent), property (35 percent) and violence (25 percent).

Dr. Hawken's research produced results exceeded all expectations. HOPE probationers were 72 percent less likely to test positive for drugs (even though they were randomly tested, while those in the “probation-as-usual” group knew up to a month in advance when their next drug test would be), and 61 percent less likely to miss a probation appointment. Those in HOPE were arrested for new crimes 55 percent less often and had their probation revoked 53 percent less often. As a result, they were sentenced to 48 percent fewer days in prison. (Hawken and Kleiman 2009)

Given these outstanding results, and in an effort to provide more efficiency and consistency, I took all of the HOPE cases from my colleagues and had most of my trials transferred to them. This allowed me to focus on HOPE and make it easier for the prosecutors, public defenders and private counsel to staff the HOPE hearings because all of the hearings were now held in one courtroom.

REFINING THE PROCESS

Unlike drug court where the judge sees the offender regularly, I only see the HOPE probationers, after the initial warning hearing

when they are arrested and brought to court for violating a condition of probation. That means virtually no review hearings. The average violation hearing lasts less than eight minutes. Very rarely are hearings contested. As a result, I am able to monitor a large number of HOPE probationers. I currently supervise in HOPE more than 1,950 of the 8,200 felony probationers on Oahu. In addition, the POs email the motion and a violation template report to my court. My court staff hands copies of those out to the attorneys prior to the hearing and the POs don't have to appear in court.

A NEW PARADIGM

HOPE has been fine tuned and is working very well. Where does that leave us now? We now have three choices for supervision: “probation-as-usual”, HOPE, and Drug Court. Experience suggests that these three options each appear to be best suited for different groups of offenders. Based on our experience and using research as our guide, we sought to design a continuum to most effectively supervise offenders in the community and make optimal use of judicial and court resources. In one sense, we have taken a page from the history of courts and corrections in the US and applied it to today's challenges.

Until the “nothing works” and “get tough on crime” philosophies took hold in the US in the late 1970s, American sentencing and correctional philosophies and practices were firmly based on a medical model. We “diagnosed” offenders, evaluating their

backgrounds and behavior and “prescribed” interventions and treatment to address the drivers of their criminal or delinquent behavior. With the proper successful treatment, offenders could be restored to a productive, law-abiding life in the community.

Our new model is based on a medical principle, triage. Medical professionals assess the nature and severity of a patient’s injury or illness and respond with medical treatment based on the patient’s condition. Those with acute, life-threatening conditions are immediately treated and hospitalized, often in intensive or critical care units and remain there until their condition has stabilized or improved. Other patients with less serious, non-life threatening conditions may be treated and released or engaged in a course of treatment on an out-patient basis. The principle is that the nature and extent of medical care is tailored to the needs of the individual patient.

In our new model, we practice triage. Consider the courthouse as a hospital. Offenders or patients who are not sent to prison at sentencing but are placed on probation are triaged into the most appropriate track for them to succeed. Regular probation is the outpatient clinic. Many probationers, especially low risk, can succeed there. Their criminal histories and problems are not so severe. They are motivated to comply and can work with a PO and get referrals to services as appropriate. Many probationers can be placed on regular probation to start. Then, if they start having problems such as positive drug tests, missed


appointments, etc., they can be transferred to a more structured and intensive placement: HOPE Probation.

Some offenders, based on their past problems with supervision or their high-risk status, require more intensive treatment than what the “outpatient” clinic can provide. They will be placed in HOPE by the judge at sentencing.

HOPE Probation is an upgrade in the level of service, akin to the general hospital ward for medical treatment. These offenders require meaningful supervision, with proportionate consequences administered swiftly for probation violations. HOPE includes treatment for those requesting it or who demonstrate it is needed (i.e., those probationers who can’t stop using drugs on their own). The violent offender and many with serious addictions can and do succeed in HOPE. Many of the addicted go to quality residential treatment with step-downs to intensive outpatient and aftercare, with the HOPE structure as a safety net to help them succeed.

The treatment programs in Hawaii love HOPE. They appreciate the emphasis on personal responsibility and the fact that we are only referring to treatment those who can’t stop using drugs or alcohol on their own. The offenders also know they will be sanctioned if they quit going to treatment, so they try harder.

For the chronically addicted offenders, the drug court then becomes the intensive



care unit. Most of the new drug court clients will be those who have tried, and failed, at HOPE, even with the assistance of a judge, a probation officer and a drug treatment program. They will have shown that they are unable to succeed on probation and are headed for prison. Drug court, while certainly more expensive than HOPE, is a much more cost-effective alternative to prison.

Most drug courts are currently not positioned for this role. They are used to working with lower-risk offenders and often use screening criteria to keep out those who need drug court the most. Instead, drug courts should change their focus to higher-risk offenders, including those with prior violent convictions and those on probation for a violent offense. This is clearly what the research advocates – focus supervision and treatment resources on the moderate and high risk offenders. (Andrews and Bonta 2010). Drug courts can be very effective, but should be targeting the right offenders. When drug courts focus on low risk offenders, it is akin to using a Ferrari to run to the grocery store.

After all, if we say someone is too violent for drug court, what are we really saying? Those offenders don't disappear. A judge has already decided that the offender won't be sent to prison. If we exclude them from drug court, then he or she will be sent to probation to work with a single probation officer. Is the offender too dangerous for drug court, but not too dangerous for a single probation officer to supervise? That does not make any sense and it does not comport with the research. You put your resources where the problems are the greatest. That means drug court for the seriously addicted, high risk offender.

I acknowledge this is quite a departure from the business model of most drug courts. Making this shift will take a willingness to change and will require real leadership across the system. I am confident that with the right leadership, the committed professionals in our court systems and our drug courts can make this needed change.

**Those in
HOPE were
arrested for
new crimes
55 percent
less often
and had their
probation
revoked 53
percent less
often.**

RESPONDING TO PROBATIONER NEEDS AND BEHAVIOR

This new paradigm provides a real and effective continuum of services for offenders under court supervision. Flexibility will, of course, need to be maintained to allow movement along the continuum when needed. Those offenders who have minimal problems and who are at lower-risk will be placed into regular probation. Those who are showing difficulty complying with “probation-as-usual” or who are at high risk from the start will be placed in HOPE Probation. Often the most criminally-minded and antisocial (who perhaps should have been sent to prison to begin with) are the ones who will frequently fail to comply with the conditions of HOPE probation. They tend to abscond, repeatedly. These offenders will be sent to prison.

Those in HOPE who don’t repeatedly run away but who are still failing, will be referred to drug court. With the intensive, wrap-around services that drug court provides, many should find success. Of course, not all will succeed in drug court and some will end up going to prison. But everyone will know that they had a real shot with many chances to succeed before that happened.

BUT WILL IT WORK?

This triage paradigm requires that a fundamental change be made in the sentencing and probation business models. Some will question the wisdom of this approach, but I am confident that it is the right way to go. How do I know this

continuum of services is possible? Because we are doing it right now in Honolulu. I was assigned to preside over the drug court in March of 2011, in addition to HOPE. At the time, 60 percent of the drug court clients had come from the lower-risk pretrial population and 40 percent came from the higher-risk probation population, but any with a violent crime or violent history were excluded. That meant that we had a lot of broken legs and routine gall bladder surgeries in our ICU. That is now changing.

I am certainly not going to remove the lower-risk, pretrial offenders currently in drug court. They were allowed into the program and will remain. Eventually, however, when they hopefully graduate or fail from drug court, their replacements are predominantly coming from the higher risk probation population. That includes violent offenders. And that almost certainly means they have been in HOPE (the hospital wards), have not totally failed and been sent to prison, but have shown themselves to need a greater level of supervision and intervention. That means the ICU. That means drug court.

With HOPE, we certainly now know whether offenders can succeed on probation. Most will. With drug court then at the most serious end of the addiction/risk continuum, it becomes the last stop before prison. That makes sense from both the research and experience perspectives. The majority of our supervision and treatment resources should be devoted to those offenders who need them most. Each person that succeeds in drug court is one less person going to prison.

This approach is extremely cost-effective. The Judiciary in Hawaii spends less than \$1,000 per regular probationer per year. HOPE costs less than \$2,000 per probationer per year. Drug court, at \$6,000-\$7,000 per probationer per year, is certainly more expensive. However, as drug courts will be dealing with the highest-risk offenders, those who are headed for prison next, then it is a very cost-effective alternative to the \$50,000 it costs to incarcerate a state prisoner for a year in Hawaii.

THE FUTURE

The truly violent, dangerous and chronic offenders need to be sent to prison at sentencing to protect the public. However, those who are sent to prison at sentencing are the minority. The greater majority of offenders can and should be placed on probation and can be supervised effectively in the community under this new system of triage.

By performing triage and supervising offenders at the most appropriate level, we can reduce crime and increase public safety, help offenders and their families and save taxpayers millions of dollars a year. It won't be easy, but with the right leadership, it can be done. >>>


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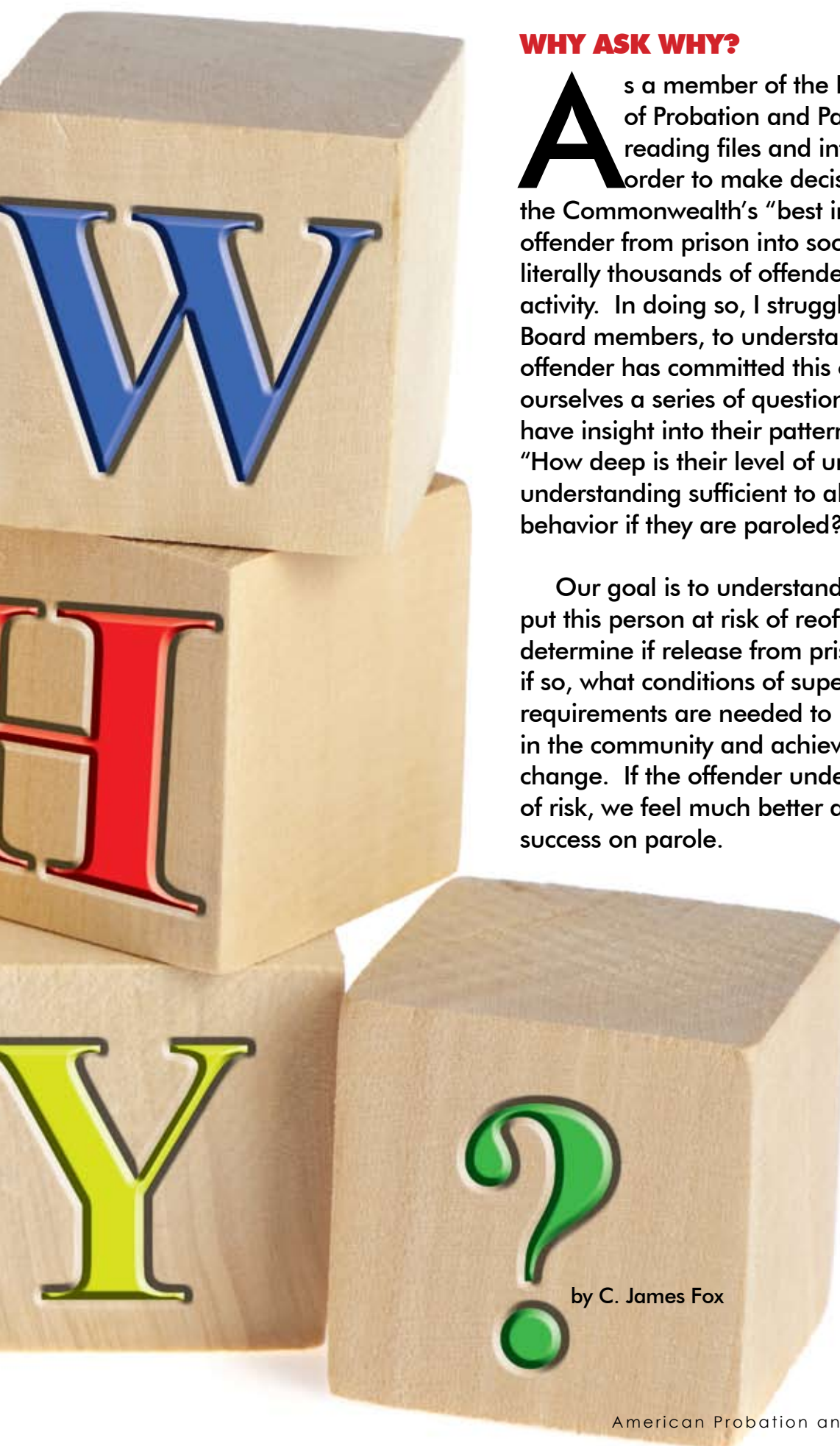
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STEVEN ALM is the First Circuit Court Judge, 2nd Division in Honolulu, Hawaii.



Asking and Understanding

The Most Often
Overlooked Element
of Effective Supervision
and Community
Protection



WHY ASK WHY?

As a member of the Pennsylvania Board of Probation and Parole, I spend my days reading files and interviewing offenders in order to make decisions on whether it is in the Commonwealth's "best interest" to release an offender from prison into society. I have interviewed literally thousands of offenders about their criminal activity. In doing so, I struggle, along with my fellow Board members, to understand why an individual offender has committed this offense. We ask ourselves a series of questions, such as: "Do they have insight into their pattern of criminal offending?" "How deep is their level of understanding?" Is their understanding sufficient to allow them to control their behavior if they are paroled?"

Our goal is to understand the dynamics that could put this person at risk of reoffending. This helps to determine if release from prison is appropriate, and if so, what conditions of supervision and treatment requirements are needed to help control the offender in the community and achieve the needed behavior change. If the offender understands the dynamics of risk, we feel much better about the chances for success on parole.

by C. James Fox

As a federal probation officer in the 1990's, I really didn't really spend too much time considering why the offenders committed their offenses. Of course, this was after Robert Martinson's declaration that "nothing works" (Martinson 1974) and prior to the field's adoption of "evidence-based practices" (Bogue, et al 2004). I was content to know the conditions of probation or parole and to enforce them. I wanted to be fair and supportive, of course and would respond to problems as they arose, but I had no real interest in understanding why the offender committed the offense. Looking back, I surmise that had I developed a deeper understanding of the actual drivers of crime for the offenders I supervised, I likely would have responded much more effectively as a supervising officer.

I believe that my experience is common and that it suggests that much work remains to be done to optimize the accuracy and reliability of our assessment, release and supervision practices. In this article, I will explore this issue and suggest a method for enhancing parole practices.

PRESCRIPTION WITHOUT DIAGNOSIS!

It is common for the first meeting between a parolee and parole officer goes something like this; "Come on in, sit down. I see you were serving a five to ten for robbery. Where are you living? Are you working? Having any problems? Here are the conditions of parole and our expectations of you while on supervision. Sign here... any questions? None? I will see you next week."

Imagine you go to your physician's office with a headache. The exchange goes something like this. "Come on in, sit down.

So, you have a headache. That's too bad. We will schedule you for brain surgery next week! Sign here...any questions? None? Good, I will see you in the operating room!"

What is the doctor missing in this scenario? Obviously, there is no credible inquiry into or diagnosis of the actual illness. Each patient is unique and there are many causes for a headache, but all don't need treated with invasive surgery. Treating an illness successfully requires a complete understanding of the causes. Failure to do so can result in the symptoms continuing or getting worse, but could also lead to inappropriate or unwarranted procedures.

In parole, as in medicine, it is simply sound practice to take the time in the process to diagnose the factors and circumstances that would most likely cause an offender to reoffend. Unfortunately, such sound practices are not always followed. I would argue that, even today, little conscious thought is given in too many instances to identifying and understanding the offender's criminogenic risk factors. Commonly used assessment instruments, like the Level of Service Inventory – Revised (LSI-R), (Andrews and Bonta, 2004) do identify the domains of risk and need, yet probation and parole officers (PPOs) don't take the time to really analyze and understand the results of these assessment instruments or to diagnose the problem.

If we agree that the primary reason we provide community supervision is to protect the public from further crime and that the most effective way to protect the community is to change an offender's behavior, then it logically follows that we must understand the thinking that creates the criminal behavior.

Yet this is a step often overlooked by far too many PPOs in the field. Once a thorough diagnosis is made, the appropriate special conditions can be imposed and a supervision strategy and case plan developed to address the specific thinking patterns and triggers that could lead to reoffending.

THE SINGLE BEST PREDICTOR OF FUTURE CRIMINAL ACTIVITY

Pose this question to a group of criminal justice practitioners, “What is the single best predictor of future criminal behavior?” Police, prosecutors, correction officers and academicians generally agree to the answer to this question. Their answer is likely to be, “past criminal behavior”.

Researchers and statisticians report that the nature of the instant offense examined in isolation is not very helpful in predicting recidivism. In other words, a person convicted of robbery, a serious violent offense, is not necessarily more likely to commit another offense than a nonviolent offender, such as a drug dealer. In fact, the opposite is often true. What is helpful in predicting recidivism is knowing the nature and extent of a prior record. A person who has committed numerous prior offenses is much more likely to commit another violent offense than a person who has not. But that information on crime seriousness and prior record is still limited in how much it tells us about the risk of future offending.

Offender management should always focus on “what is likely to happen” rather than “anything that could possibly happen.” Trying to account for and address all of the possible outcomes will result in expensive, unwarranted levels of supervision that are

unlikely to be more effective at preventing crime and may even cause it. To answer this question of “what is likely to happen”, probation and parole agencies have turned to risk assessment instruments based on actuarial data. These instruments place offenders into groups that have similar probabilities of reoffending. But, just as each criminal act is unique in its impact on the victim and its effect on society, each criminal offender is also unique in his or her thought patterns, motivations and methods. This uniqueness should be explored in case assessment and incorporated in the development of an effective supervision strategy and case plan.

The formulation of a supervision strategy and the development of a case plan is the point in the parole process where identifying these unique offender factors helps the PPO to gain a deeper understanding of the offender as a person and to better manage risk in the community. The danger to not recognizing and understanding the uniqueness of each offender is the tendency to create stereotypes of offenders and respond to them accordingly. While some of the elements of the stereotypes about offenders may be accurate for certain offenders, these boilerplate approaches will be wrong for the majority of offenders, often with disastrous consequences.

CONTINUED ON PAGE 59

OFFENDERS ARE NOT ALL THE SAME.

Even those who seem on the surface to be the same are different in ways that are critically important to understand. This reality became very apparent to me one day as I conducted three consecutive parole eligibility interviews of armed robbers at the State Correctional Institution in Somerset, PA. On the face of it, they were very similar offenders. Each had received a substantial prison term. Each of the robbers displayed a firearm, and threatened the victim for money or valuables. Each of them came from inner-city Philadelphia. Each of them was “high risk” according to the risk assessment. Here are brief summaries of the three cases.

1

ROBBER ONE: robbed a convenience store at gunpoint. He walked into the market, showed the clerk a gun and demanded cash. When asked why he did so, he replied, “I am an addict. The crack had me so bad, I hadn’t slept for days. I was out of cash and dope sick.” Drug seeking behavior is, of course, a very common motive for robbery.

2

ROBBER TWO: held up a diner. He not only robbed from the cashier, but he robbed several men who were sitting at a table near the register. When asked why, he responded, “I didn’t need the money. I’m not saying I couldn’t use it. I wasn’t even going to rob the diner. My girl went into the bathroom, she was a little drunk. The guys at the table made a rude remark to her when she left. I couldn’t let that go. I pulled a hoodie over my head and went back inside. I wanted to humiliate them. I made them give it up. I took their cash and watches. Hell, I was already committed so I robbed the diner as well.” The motive here was completely different, it was about respect...the code of the streets.

3

ROBBER THREE: robbed several women waiting for a bus. Why? “My rappers told me to do it. I’ve never done anything like this before. They were bragging about the crimes they had pulled, and I hadn’t done any. In my neighborhood, doing this kind of stuff makes you a man. These guys were guys I wanted to impress, I didn’t want them thinking I was a punk.” His motive, pure and simple, was peer pressure.

WHY NOT TREAT THEM ALL THE SAME?

Former NFL coach Herman Edwards was asked if it was important to treat all his players the same. His answer bears some wisdom. He said he treats all his players fairly, but he makes it clear from training camp, "I won't treat you all the same." He goes on to explain, that each player comes from a different background, has individual expectations, presents differing potential and carries a different level of importance to the team (Edwards and Smith, 2004). By recognizing these differences, Edwards was able to adjust his coaching in a way that is fair and also benefited the team. In the world of probation and parole, each offender is also different and also has unique potential, both for good and for bad. Why not recognize this and tailor supervision to the uniqueness of the offender?

Much like Herman Edward's football players, these robbers are not all the same. In fact, managing them "fairly" but not "all the same" makes a great deal of sense. All are high risk, but all are different in terms of the conditions of release, supervision strategy and case plan that would be the most effective. For robber one, a positive urine test, especially for cocaine, is a major red flag and should be met with a sanction that removes the parolee from the street, either incarceration or treatment. A positive drug test for robbers two or three could be managed differently, possibly with an outpatient referral or enhanced monitoring. For robbers one or two, being seen with another felon on parole may not be cause for swift action, but for the highly impressionable robber three, it would be very important to address immediately. In fact, the supervision and field assessment techniques for each of these types of offenders are significantly different. For the drug addicted robber number one, compliance with a relapse prevention plan is key. For the "respect seeking" robber number two, it is all about examining his "belief system" and challenging and addressing even the slightest indication of criminal thinking and noncompliance. For the peer pressured robber number three, supervision strategies and contacts should focus on monitoring associates and developing new, pro-social peers.

There is a twofold danger in not understanding why offenders commit their crimes. First is the danger of missing a legitimate "red flag" that an offender is heading for trouble. How many new crimes and new victims result from missing these red flags? Second is the danger of over-reacting to a situation which is not a "red flag" for this particular offender.

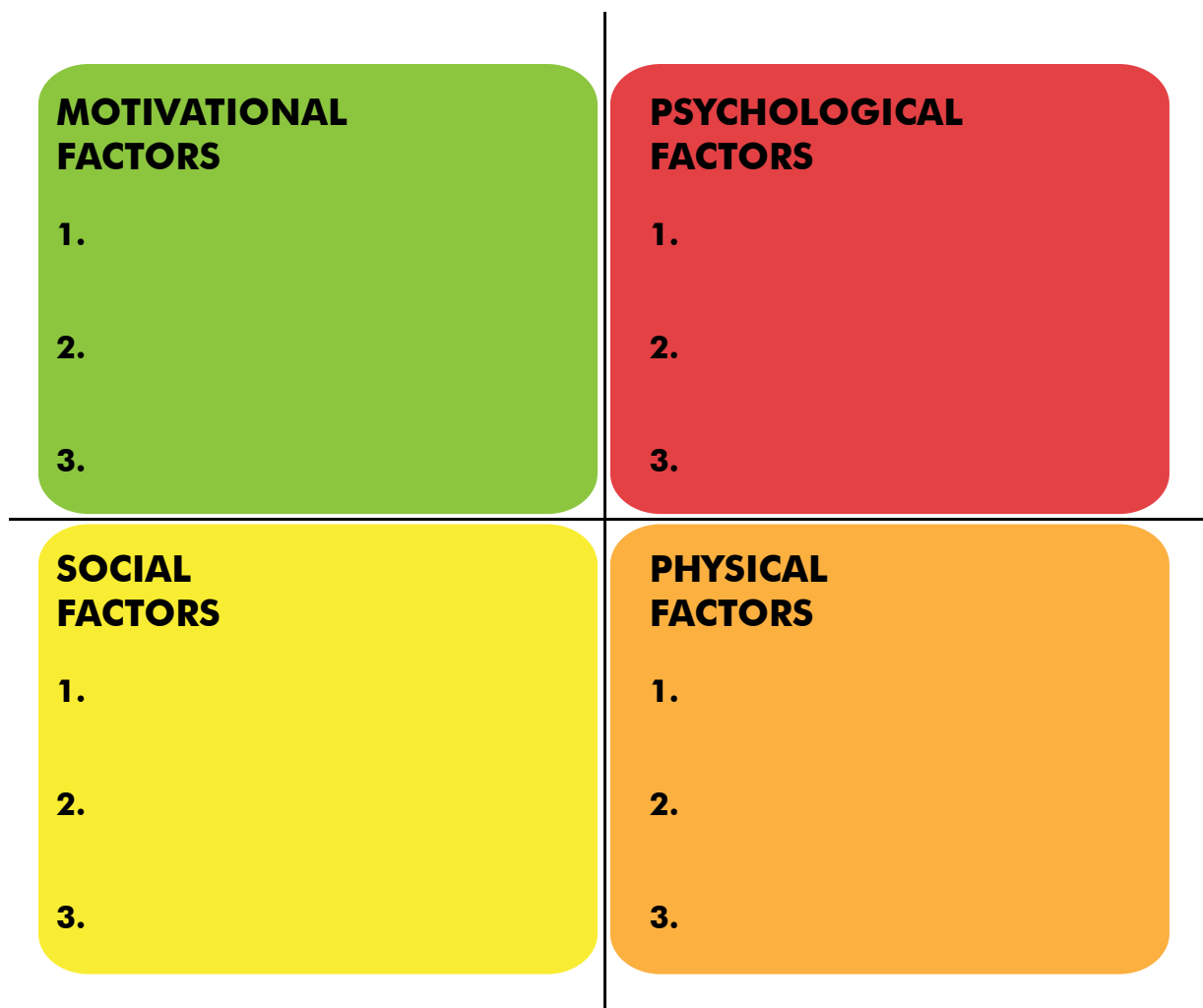
There is a twofold danger in not understanding why offenders commit their crimes. First is the danger of missing a legitimate “red flag” that an offender is heading for trouble. How many new crimes and new victims result from missing these red flags? Second is the danger of over-reacting to a situation which is not a “red flag” for this particular offender. How many offenders are needlessly locked away as the result of misreading and over-reacting to a “red flag”?

UNDERSTANDING THE PHYSICAL, PSYCHOLOGICAL, SOCIAL, AND MOTIVATIONAL FACTORS

Because there certainly is no single cause of criminality, the challenge for the PPO is to understand why this particular offender commits crimes.

Addiction treatment models address all the elements of the addict’s substance abuse, the physical dependence as well as the psychological and social factors, to gain a full understanding of the motivational factors of abuse and relapse. The same approach can be used to understand the drivers of criminal activity. One way a supervising officer can analyze

FIGURE 1: THE PRE-OFFENDING THOUGHTS AND CIRCUMSTANCES GRID



and understand these factors is to draw a simple grid (see Figure 1) and take essential notes on it while interviewing the parolee or reading case files.

EXPLORING THE PRE-OFFENDING DOMAINS

The Pre-Offending Thoughts and Circumstances Grid (the Grid) illustrated in Figure 1 sets out four domains of factor related to the offending process. This simple model provides an easy-to-use tool for collecting and analyzing the drivers of criminal behavior. A short explanation of each of the domains follows.

PSYCHOLOGICAL PRE-OFFENDING FACTORS

First, identify the intelligence level of the offender, if known. Understanding an offender's intellectual limitations will help the officer intervene at the appropriate level. In other words, don't try to teach them calculus, if their intelligence level limits them to "shop math." This is an aspect of the responsivity principle (providing supervision in a way that reflects the offender's capabilities) articulated by Andrews and Bonta (2010).

Next, identify any psychological disorder that may have played the offense. Does the offender suffer from depression, bipolar disorder, antisocial personality disorder, narcissistic personality disorder or any other disorder which caused distress prior to the commission of the offense? These disorders are quite common among the offender population. Obviously, an individual who commits a crime during a schizophrenic episode will need close monitoring for proper treatment and medication. Even when there is no diagnosed disorder, it is important to

understand what the offender identifies as his "key stressors" when he commits his crime.

Lastly, many crimes occur because an offender has a flawed belief system. A compelling body of research shows that pro-criminal attitudes, values and beliefs are the strongest driver of criminal behavior (Andrews and Bonta 2010). Offenders will state things like, "It is okay to deal drugs if you need to provide for your family." "You have to put your hands on a woman if they don't show you respect in your own home." "Stealing from a corporation isn't a crime, that is why they have insurance." It is important to examine the basis for these statements and challenge them. They stem from a belief system that has developed from an offender's unique background and experiences. If the supervising officer does not understand and challenge pro-criminal values, the offender will continue to behave based on those beliefs. For short term gains, work on an offender's attitudes and behaviors. For long term success, challenge offenders to make changes to their values and belief systems.

PHYSICAL PRE-OFFENDING FACTORS

Offenders will occasionally commit crimes because their basic physical needs are not being met. Maslow's hierarchy of needs (Maslow 1943) identifies physical needs, such as nourishment and shelter as key needs. Some offenders only resort to crime when they cannot see any other way to meet these needs. In understanding an offenders reasoning for crime, supervising PPOs should note whether they were homeless, dependent on others or self-sufficient when they commit their offenses.

Living situation is an important contributor to criminal events. For certain sex offenders, they are a serious risk if living with or regularly involved with children, but are much less likely to commit an offense when living alone.

Just as important as living situations are an offender's physical condition and their perception of their physical condition. Certainly, alcohol or drug dependence is a major driver of criminality. For many offenders, staying clean and sober means staying crime free.

SOCIAL PRE-OFFENDING FACTORS

Social norms can often explain the reasoning behind both white-collar crime and street crime. Financial crime is often a means to maintain social status. Offenders will commit crimes like selling drugs or embezzling from an employer simply because they want to be seen by their spouse, peers or others as being successful, affluent and influential.

Sociologists agree that in certain urban neighborhoods, a subculture has developed whereby a different set of mores, beliefs and behaviors are promoted (Anderson 1999). Values such as "don't snitch" and "don't be disrespected" take the place of traditional pro-social values. Parolees who grow up in these neighborhoods and who return following prison, can quickly find themselves surrounded by criminal peers and involved in criminal activity. As a colleague of mine once put it, 'We are not in the rehabilitation business, for many of these offenders, we are in the habilitation business.' In other words, as Durkeim noted in his "anomie theory" (Merton 1938), offender mores and

norms are confused or fractured, totally at odds with that of larger society. Pro-social norms have to be taught, including the value in respect for others, in delayed gratification and in nonviolent resolution of interpersonal disputes.

Lastly, some offenses are committed by offenders who are clearly motivated by a dysfunctional relationship, which can be with a parent, partner, employer or significant other. Often the crime results because of the breakup of a meaningful relationship, either by the offender or the significant other. This instability and volatility needs be identified and understood when determining what could potentially set an offender off in the future.

MOTIVATIONAL FACTORS

After looking at the physical, psychological and social circumstances that exist before an offender commits a crime, it is important for the officer to explore why an offender commits a crime by asking, "What is the offender's motivation?"

Anger, revenge, financial gain, sexual gratification, deviant sexual interest, power and control, satisfying addiction, impressing criminal peers, obsessing over negative relationships, jealousy, feelings of desperation, satisfying significant others and psychological conditions are among the myriad reasons cited as contributing to the commission of crimes. No crime is committed without motive. In reality, each criminal act happens twice, first in the offender's mind, and then in the physical act. It is thus very important to understand the motivations and thinking that precede the commission of an offense.

After the PPO determines what the pre-offending circumstances are, it is important to review them with the offender for discussion and confirmation, as the offender may be able to shed additional insight. The offender may also be clueless as to motivation, and the discussion can give the offender something to think about in understanding their own criminal thinking and motivation. Additionally, the discussion will give the supervising PPO a sense of whether the

offender has developed enough insight to effectively self-monitor their behavior.

AN EXAMPLE – JOHN

The use of the Pre-offending Thoughts and Circumstances Grid (figure 1) is illustrated through the analysis and discussion of the case of “John”, an adaptation of a real case.

JOHN

John, a 21 year old male offender, scores “medium risk” on the LSI-R for general recidivism and “low” on the STATIC 99 for sexual offending risk. He was convicted of statutory rape for sexually offending against a 14 year old girl. He met her at a local mini-market and on two occasions fondled her breast and vagina. On a third occasion, he had sex with her in his van. John has five prior arrests for thefts and drug offenses, starting at age 15 and continuing up until his arrest for statutory rape at age 20. He is of low-average intelligence and lives in a small town.

From official records and treatment records, we learn that John was high on marijuana and alcohol at the time he committed the offense. He associated with younger peers, and had few friends his own age. He said he has no other victims. He admits that the victim of this offense, a 14 year old girl, looked up to him. It made him feel good to be with her, and he really didn’t care about her age. He admits a sexual attraction to “developed” teenage girls, but also to adult women. Evaluation reports do not diagnose exclusive pedophilia and there is no other reported allegation of sexual impropriety.

John’s criminal record includes a marijuana possession conviction and three retail theft charges from ages 15 to 20. At age 20, he and a juvenile co-defendant committed a residential burglary

Planning for the “worst likely case scenario” we recognize that John has demonstrated the potential to sexually assault and burglarize. But we will be able to develop a better supervision strategy and case plan for John if we look at “what is likely to happen”. Additional information beyond his prior criminal background is needed.

We begin by examining the physical characteristics of his life prior to offending.

PHYSICAL PRE-OFFENDING FACTORS

John is a healthy young man. He is somewhat dependent on marijuana. He lived with his mother until his arrest, and is very dependent on his mother, essentially, living like a teenager himself. He has not had regular employment.

PSYCHOLOGICAL PRE-OFFENDING FACTORS

John is of low average intelligence (IQ of 89) and has a GED which he earned while confined in the county prison. The psychological report notes a prior diagnosis of depression and describes him as developmentally stunted and acting out to compensate for low self-esteem and feeling of inadequacy.

SOCIAL PRE-OFFENDING FACTORS

While 21 years old, John admits that he only has a few friends his age and he primarily socialized with kids in their late teens as they looked up to him. He has had numerous girlfriends, but no serious relationships. The longest he ever dated was six months and that relationship ended a few months prior to the offense.

MOTIVATIONAL FACTORS

Sex offender treatment reports indicate John's primary motive for the sex offense was for immediate gratification. At the time, he said he really didn't care about the victim's age. John committed a burglary at age 20 and says he did so to get money to spend on marijuana and beer. John also admits in trying to impress his juvenile codefendant in the burglary.

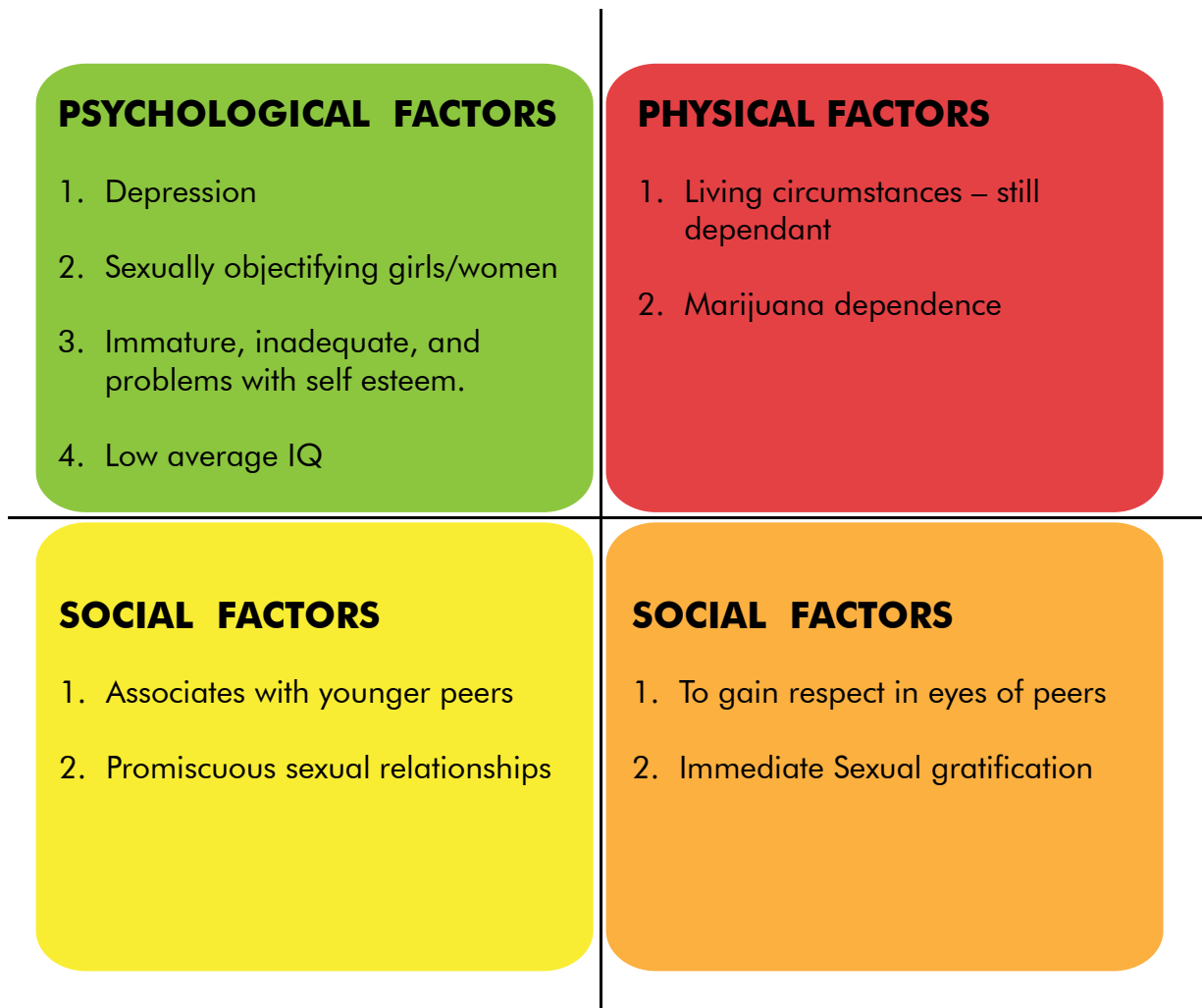
Figure 2 illustrates how a supervising PPO could use this information to develop a grid to better understand the offending characteristics for John...

Understanding the information generated by completing the grid is also useful for release decision-making and setting conditions of supervision. In addition to the general instructions governing sex offenders, a few focused special conditions or instructions should be imposed for John:

- No unsupervised access to minor females
- No work at employers who employ minor females
- Sex offender evaluation and, if indicated treatment
- Cognitive behavioral counseling to address criminal thinking patterns.

The supervision strategy for John should include encouraging him to pursue appropriate adult recreational and vocational activities and develop pro-social adult friends. John should receive significant positive feedback when he behaves in a pro-social manner. A red flag for this offender requiring immediate response would be unauthorized contact with teenage girls.

FIGURE 2



While general sex offender protocols would suggest that this offender should not have “contact with children”, based on what is known about John, underage boys are not at risk from him, so a blanket prohibition from all minors is not necessary and may even be counterproductive.

PREDICTING AND PREVENTING THE STORM

Forecasting criminal behavior is but one area where we attempt to predict the future. Weather is another. Meteorologists look at a set of existing atmospheric circumstances in order to predict what will happen. We expect that they will be able to anticipate severe weather before it happens and sound the appropriate warnings.

Meteorologists use tools that identify the potential conditions which could lead to storms and severe weather. Doppler radar, thermometers, anemometers, and barometers are just a few of the sophisticated tools they use predict future weather conditions. These tools of the trade are essential to the accuracy and usefulness of their forecasts. Imagine asking a meteorologist to predict a coming storm, yet precluding the use of the tools that identify



UNDERSTANDING WHY: THE BEST WAY TO PREVENT THE STORM

Like the weatherman, PPOs rarely get credit when they get all the predictions right, and, unfortunately, the majority of the blame when they fail to predict the coming storm. Unlike meteorologists, who are expected just to forecast the weather and predict the storms, PPOs are expected to also prevent the storm, in the form of criminal behavior, from occurring.

In order to accurately and reliably forecast and then prevent the impending storm, while not over-reacting to false indicators of problems, PPOs should make full use of all of the tools and technologies available to them. The Pre-offending Thoughts and Circumstances Grid is a quick and simple tool to use for gathering and understanding critical offender information.

STEP 1 - Use the Pre-Offending Thoughts and Circumstances Grid to identify motivating factors and pre-existing circumstances for the most serious crime or crimes the offender has committed.

STEP 2 - Identify key criminogenic factors, which will be targets for interventions or treatment. Identify motivators and potential red flags that call for an immediate response. These factors are the first signs that would indicate that the risk of reoffending has increased .

STEP 3 - Review the assessment findings with the offender. Discuss the criminogenic factors, motivating factors and red flags that have been identified. Determine if the offender has significant insight to self-monitor against thoughts and circumstances that are red flags and triggers.

STEP 4 - Develop a purposeful supervision strategy and case plan that incorporates the assessment and analysis in the nature, frequency and purpose of contacts both personal and collateral, interventions and other services, such as treatment.

STEP 5- Regularly review and revise the assessment, supervision strategy and case plan. It will be useful to update the Grid periodically to reflect the current status of the case.

the atmospheric conditions most likely to lead to trouble. It only makes sense to use the latest tools and technology. Without them, the accuracy and value of the forecasts will suffer.

In some ways, PPOs are a lot like meteorologists. They also have tools, such as the LSI-R and other assessment instruments to determine the probability of whether potential harm, in the form of criminal behavior, is on the horizon. Many agencies and PPOs do not fully exploit the information and guidance generated by state-of-the-art risk and need assessment instruments. Much more can be done with existing tools to predict the potential offending. Relying solely on risk assessment, as is the case in too many agencies, is much like expecting the meteorologist to forecast the weather with just a thermometer.

Forecasting future criminal behavior is where a close examination of the pre-offending circumstances is key. Review of the pre-sentence report and correctional documents will give the supervising officer some general information about the offenders living arrangements, associates and work status prior to offending. Psychological assessment and treatment reports also give insight into disorders in their thinking. But a structured interview with the intent of determining exactly what the offender's circumstances and motivations were prior to offending is key.

It is a given that 100 percent accuracy in forecasting is not possible, whether you are predicting a hurricane or future criminality. Meteorologists will tell you that the atmospheric circumstances are so complex, that the track, nature and severity

of a storm can not always be predicted with absolute certainty. In similar fashion, the lives and motivations of offenders are complex and we cannot fully comprehend all of the factors involved. But a full set of state-of-the-art assessment tools, applied with skill and understanding can improve the accuracy of our forecasts.

CONCLUSION

Given the limited resources of and increased demand on our probation and parole systems, it is incumbent on everyone to 'work smarter' by using all of the available 'tools of the trade'. Since supervising offenders to reduce the risk of recidivism is the primary function of probation and parole, the PPO needs to know what to look for in order to determine if this individual offender is 'doing OK' or 'heading for trouble.' Physical, social and psychological characteristics and motivating factors identified in the Grip can be useful tools.

Over the past decade, the probation and parole field has embraced evidence-based practices and has shown some improvements in both tactics and outcomes. As we continue down this road, it is important to recognize the unique qualities and characteristics of each offender and develop a supervision strategy and case plan that further enhances community safety by addressing specific risk factors related to recidivism.

The extra time and effort work of understanding what drives the criminal behavior of each individual offender will help the PPO better meet the challenges of community supervision. Making a conscious decision to "not treat them all the same" but to identify, analyze and incorporate key

criminogenic factors and motivators into supervision strategies will prove helpful in predicting and preventing many potential offender storms. »»»

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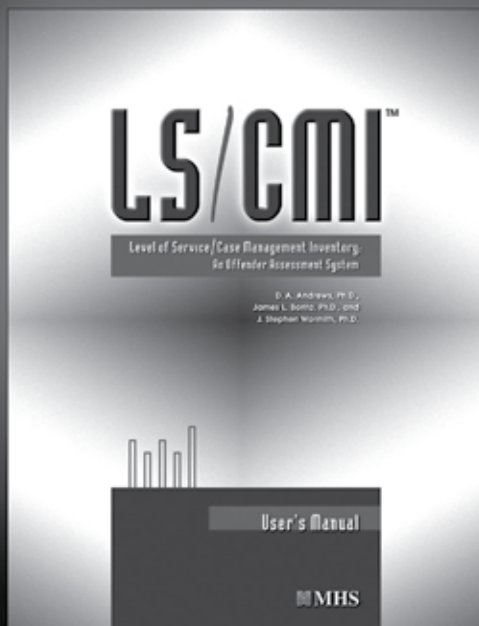
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WOMEN AND LEADERSHIP IN CORRECTIONS

by Kathy Waters

The evolution of women into nontraditional working roles has taken many women on many courses. When looking at the history of women working in America, I am not sure the country was prepared for the women of America and the roles they were to play. Pioneering women began to break barriers in various disciplines and continue to do so today. These pioneers include Elizabeth Blackwell, the first female doctor in the United States in 1849, to Sandra Day O'Connor as the first female Justice of the United States Supreme Court in 1981, to more current day achievements of Ann Dunwoody as the first female four-star general in 2008 and Christine Lagarde as the first female to head the International Monetary Fund in 2011. The stories of these women reflect many moments of growth, leadership and most of all courage. These stories deserve to continue to be told to understand how very far women have come in the work place.

I am fortunate to work in Arizona, a state that has a strong history of women's leadership. I have served under the leadership of not only one but two female Chief Justices of the Arizona Supreme Court. Experiencing this strong leadership has been an exceptional opportunity for me. Having strong female leaders does not, however, mean that the path to leadership is easy for all. There are stories of adversity to tell here as well, stories that are all too familiar to those told by other women who entered the workplace at a time when women were not very prominent, let alone holding high ranking positions of authority. Over the decades, women have been held back by the barriers of cultural attitudes, the demands of balancing job and family responsibilities, difficulties in achieving leadership positions and the challenge of being accepted as supervisors and managers of men.

Considering the struggles that women experienced in the early years of this country, trying to break down the barriers just to get the opportunity to apply their skills and have a chance to fulfill their dreams, it seems almost a miracle that so much progress has been made and that there is such a dynamic female workforce. The stories of these struggles also give compelling testimony to the strength and courage of the women of this country. Who would have thought that after graduating first in her class from law school, Sandra Day O'Connor, a future Justice of the highest court in the land would only be offered a job as a legal secretary? As important as her accomplishment is what Justice O'Connor learned along the way and how she chose to give back in return. She remembered how it was to face these challenges and her response was to become a mentor to others and give them

the same opportunities she had been given. Who could have known that her first law clerk, Ruth V. McGregor, would go on to be the Chief Justice of the Arizona Supreme Court? In the words of Justice McGregor, "She (O'Connor) was a wonderful mentor, interested, helpful and encouraging. But it was her outstanding performance in the court, the stuff of which role models are made, that inspires the generations of women behind her" (Arizona Republic, 2005).

A CHALLENGING CHOICE

What might appear to be simple decisions that women have made about entering the work force over the years have been anything but that. For instance, does a man have to choose between having a career and having a family? Historically, women have had to make a conscious decision about having a family or having a career. Why can she not have both?

Should a woman decide to try and combine a family and a career, she will face many challenges unknown to men. Consider the types of questions that were routinely asked of female candidates during job interviews?

- Do you realize you are the first woman in this position to have a family?
- Will this job impact your children?
- What will your husband say if you have to work long hours?
- Do you expect to have children?

These are questions that men would not be asked in any job interview. In less enlightened times, women went along because there were so few opportunities; they had no other choice but to answer if they wanted the job.

A CHANGING FIELD

Reflecting back on the history of most corrections agencies, we see so many circumstances that reflected the attitudes, experiences and events of the larger society. At a time when both racial and ethnic discrimination were prominent feature of society, prisoners were segregated in housing and work according to race. African-American staff were few and Hispanic staff all but unheard of. Women were routinely prohibited from supervising male parolees or probationers, or working inside of prisons or even applying for a corrections officer's job in a male facility. Women first entered the community corrections field as reformers in the 19th century during an age of growing social problems and rapid changes in the status and role of women (Feinman, 1994). Social work was becoming more professionalized with the increase of runaways, prostitutes and delinquents. This area seemed perfect for women. In fact, some women's clubs paid the salary of female probation officers in the early years of the court system (Article by Ann Ferguson, 20 APPA Perspectives, Fall 2006). With the expansion of the Civil Rights Act in the 1970's women climbed the ranks to become successful in many areas of the American workforce. In 1969 only 12 percent of the correctional workforce was women. According to the American Correctional Association's 2002 (Last time published) Directory women make up over 34 percent of the personnel in adult correction agencies and almost 40 percent of the staff working in the juvenile justice system (American Correctional Association, 2002). Today, 50 percent of the work force in community corrections, including those working in state corrections, community-based programs,

state and federal probation and profit and nonprofit community based correctional agencies, are women. The latest report I can find is from BJS and it is only for parole. I have a request into them to see if there is something more recent since the Corrections Yearbook has not been published since 2002.

LEARNING FROM OTHERS

It is important to track the history of women in corrections, including examples of previous women leaders, to learn from their experiences and to help develop principles of effective leadership for women. These principles provided the guidance to the fortunate women of today and will help future women leaders to meet the challenges that they will surely face in corrections. We can learn much from past and current leaders who took the chances and made conscious decisions to pursue the necessary changes in our corrections world to improve the conditions and environments in which we all would work. They made the workplace a better world for all of us and for those who will follow in our footsteps.

Well over a decade ago, one such leader had a dream of helping women to develop and grow and to give them the strength to survive in the corrections business. Susan Hunter, who at the time was the Chief of the Prisons Division at the National Institute of Corrections (NIC) and long-term corrections professional, had a vision. She was responsible for the development and marketing of a leadership training program for women through the NIC Academy. While this was just a dream in the early 1990s, the Executive Leadership Training for Women and the State Supervisory Leadership Program are today successful programs that have served

hundreds of female corrections staff across the country. These NIC-sponsored career development opportunities for women at all levels have helped to fundamentally change the face of corrections in the US. Just recently, NIC released a call for soliciting proposals from organizations, groups or individuals to enter into an 18-month cooperative agreement to provide for the revision of the Strategic Essentials for the Development of the Executive Woman Executives in Corrections curriculum, and to plan and deliver the program in 2012 (National Institute of Corrections, 2011). NIC continues to build upon the success of its women's-only programming, where gender barriers are eliminated and acceleration of learning is possible.

THE ROLE OF PROFESSIONAL ORGANIZATIONS

Out of one dream comes another. A small group of women saw the need to continue the dream of Susan's and create an ongoing support group for women in corrections. From this dream came the reality of the Association of Women Executives in Corrections (AWEC).

AWEC is an organization that was started by a commitment and passion for leadership development and sustainability of women executives. Celebrating its 16th anniversary this year, AWEC seeks to continually and creatively play an important role in correction's business while meeting the commitment to women in the profession. The mission, vision and values of AWEC guide its commitment to the members and inform decisions to contribute to the profession of corrections as a whole. The organization champions the continued importance of the role of women

in leadership. AWEC members are inspired by the stories and successes of others and are committed to continue the dream of those that have gone before. "Each one teach one" is the principle that this organization is committed to. Mentoring of women leaders is key to the association's mission. AWEC is also an affiliate member of the American Probation and Parole Association (APPA) and the American Correctional Association (ACA). Through these "sister" organizations, opportunities for sharing, networking, mentoring and professional exchanges of ideas are further strengthened.

WHY JUST WOMEN?

Why is it important to have organizations and training programs that take on the issues of women in the workplace or women working in corrections? One might ask, "Is this not discriminatory for those in the workplaces who are not women?" It would be nice to think that all hiring practices and personnel matters in the workplace are fair and gender-neutral and that there are not equity issues to be dealt with, but as history has shown us, that is not the case.

Gender-focused organizations and trainings give women the opportunity to talk and discuss issues specific to their experiences. These are opportunities to share that women may never have experienced before. Being in a safe environment allows them to speak freely about their feelings and about the situations they may have encountered. Before such an opportunity, many thought they were the only ones who had to face these situations. Many issues come to light without much provocation, just through the sharing of personal experiences and stories.

One such occurrence took place at the APPA Annual Institute in Cleveland back in 2002. I was President of APPA at the time and had the opportunity to host a reception in the President's Suite. Numerous female members of APPA were invited to attend to have an open discussion in regards to gender issues and women's leadership. The event was highly successful and well attended. From that dialogue, it was clear to me that there was a need for specific sessions at APPA Institutes. We also determined that we should seek to establish a Gender Issues Committee. The event was highly successful and well attended. The participants were very engaged in the conversations. and it was very clear that a committee of this type was needed. Following that meeting, the APPA Gender Issues Committee was formed by Drew Malloy, the incoming President of APPA, in 2004. The Gender Issues Committee determined that there is a need for specific training for female probation and parole officers and other women working in community corrections. In order to determine the type of training that female line officers feel would be important, the committee held a focus group at the Annual APPA Training Institute in Orlando in 2004. This session concentrated on developing a comprehensive list of training issues and needs that would be used for future APPA Institutes and regional training events. The focus group also provided female officers with an opportunity to discuss issues specifically relevant to their duties with other line officers and female administrators. From the size of the focus group and the participation of the attendees, it was clear that there were issues specific to females that warranted this committee and gender specific sessions.

Professional organizations such as APPA, AWEC and ACA and gender-focused training opportunities are not about women only, but rather women working in corrections. APPA has strengthened this ongoing commitment through the ongoing support of the Gender Issues Committee whose charge is to continually provide sessions on women's leadership at the Annual and Winter Training Institutes. One popular ongoing session has been that of "Trailblazers" telling their personal career stories. The latest presentation of this session July, 2011, in Chicago, Illinois included three notable community corrections leaders, Francine Perretta (NY), Geraldine Nagy (TX) and Ellen Fabian Brokofsky (NE), the current President of the National Association of Probation Executive (NAPE). As always, this session drew a standing room only crowd. There are ongoing plans to repeat this session with other executive women telling their stories. In addition, an Intensive Session focusing on emerging women leaders has also been proposed for the Annual Institute in Indianapolis. This daylong session will be modeled after AWEC's E2 program which is in its fifth year and has served over 200 women since its inception.

These professional organizations also provide information to their members about the respectful, humane and professional manner in which corrections practices should be administered. This helps to encourage each member to be proactive in implementing good practices in the corrections field. It encourages correctional leadership development and ethical behavior, professional development, personal growth and wellness and the development and adoption of innovative model programs and strategies for offenders and employees.

The field of corrections has been blessed with some exceptional women leaders but is in need, more than ever before, of strong women of courage and experience to make a difference in corrections.

ONE MYTH OF LEADERSHIP

One widely held myth about leadership is that most leaders are born with leadership in their genetic makeup. Experts have told us that while some leadership traits may be genetic, most leaders are made. (Bennis and Nanus, 1985). Leadership can be learned and improved through the acquisition of knowledge, the development of traits and the practice of key leadership skills. These attributes are gender-neutral—not exclusive to men. These are critical skills that every organization should want in all of their employees, regardless of gender.

Leadership is an ongoing challenge and seems easier during good times. Because leaders are under such intense pressure to generate short term results, it is easy for them to get caught up in the daily frenzy of management and neglect their responsibilities to develop and inspire their employees. However, leaders who can tap into the very best qualities of all of their employees will be the most successful in creating effective organizations.

CONCLUSION

The leaders who have forged the way for women in corrections and in other fields have been those who have been willing to step up to the difficult moments, faced the tough challenges and have made the risky decisions to take on the gender issues and promote women when others would not. Other women, indeed all employees,

will benefit from the wealth of correctional experience and knowledge that successful women leaders can share. It is sad to say, but there are agencies that exist today where women face many of the same gender issues faced and overcome by women in the 1970s. Organizations such as AWEC, APPA, NAPE and NIC and the training opportunities that they provide, support women working in corrections and are important for the future of, and in some instances survival of women. Some of these women are in leadership positions, some are line staff and others in management level positions, but regardless of their position they need help and support.

Leaders are those who recognize that when we exclude or restrict people from the workplace solely on the basis of gender, we create and perpetuate injustice. As key players in the administration of justice, we all must work to ensure that we and our agencies provide positive role models for justice and fairness.

Many leaders in organizations follow in the footsteps of others who have heard the call and taken on the challenge to business as usual in their organizations. One such leader was Susan Hunter, who convinced NIC director Morris Thigpen that a program for women's leadership is paramount. Director Thigpen listened then and continues to support this important program today. There are many directors or commissioners in corrections agencies who understand the value and competencies of women in the corrections environment and who recognize the quality they bring to the workplace. They are to be commended for doing the right thing and having the courage to make necessary changes in their workforce. Organizational change is not an easy task,

but those who have the fortitude to make changes are the true leaders from which we all must continue to learn and follow by example. >>>

EDITOR'S NOTE

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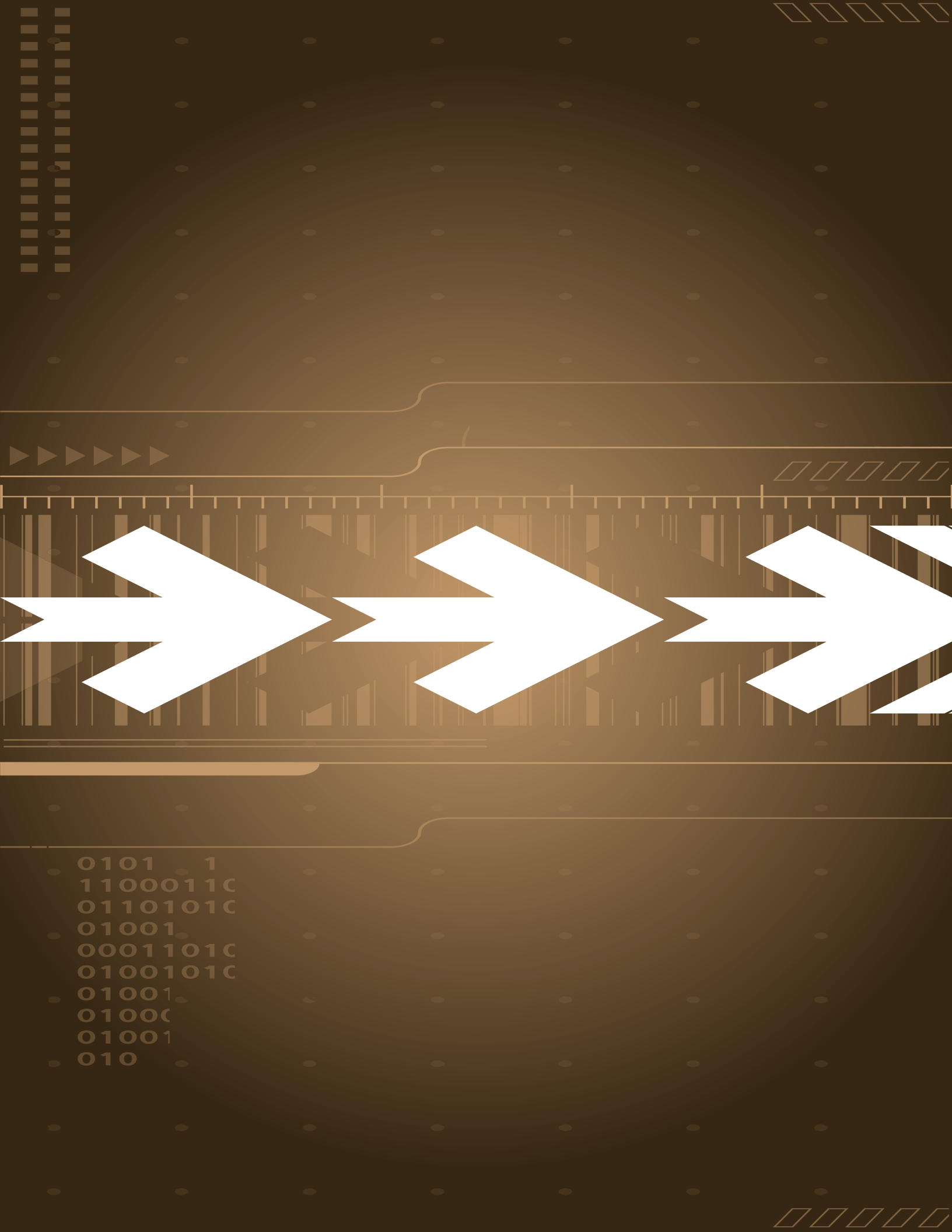
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THE COLLABORATIVE RESPONSE TO LOW LEVEL SEX OFFENDERS: THREE'S COMPANY OR THREE'S A CROWD?

In the classic television show Laverne and Shirley, the experiences of two Milwaukee women who lived together was portrayed with the pair finding themselves in delicate situations requiring some sort of comedic intervention. Other shows have had similar themes: The Odd Couple showed Oscar and Felix figuring out how to live together; I Love Lucy brought the lives of Lucy and Ricky Ricardo into our living rooms; Happy Days showed Richie Cunningham and his gang of conformists searching for their thrills on Blueberry Hill; Three's Company showed a straight man pretending to be gay so he could live with two women. The Brady Bunch chronicled the lives of two families joined together as one.

THE COLLABORATIVE RESPONSE TO LOW LEVEL SEX OFFENDERS

by Brian K. Payne and Matthew DeMichele

All of these shows have one thing in common with probation and parole: anything officers do requires that they interact with others. Just as Laverne worked with Shirley and Richie relied on Fonzie, probation and parole officers (PPOs) rarely work alone. Indeed, they must routinely work with others in performing their duties.

Reflecting this collaborative theme, the American Probation and Parole Association (APPA) recently worked with the National Institute of Corrections (NIC) to develop a curriculum focusing on effective strategies for supervising low level sex offenders. Central to this curriculum is the collaboration section, which explores the parties involved in responding to sex offenders, the principles of collaboration, and barriers to collaboration. Recognizing the importance of collaboration, this article summarizes the barriers to collaboration and considers the principles of collaboration. Just as Laverne and Shirley were able to overcome their barriers once they realized what the barriers were, as will be shown below, the identification

of the barriers to collaborating in response to low level sex offenders provides a foundation from which community corrections professionals can effectively work together in providing effective supervision of sex offenders.

THE DIVERSITY OF SEX OFFENDING

A few recent media reports about sex offenses demonstrate the wide range of behaviors and dynamics that comprise these cases. In one case, for example, an Oregon man was sentenced to two days in jail, eight days on a work crew and two years probation after he exposed himself to a woman at a drive-through restaurant. The judge ordered a mental health evaluation for the offender (Associated Press, 2008a). In another case, a parolee was arrested at a nude beach after he “flashed his way across San Luis Obispo” (Associated Press, 2008b). In a third case, a North Dakota man was sentenced to six months in jail and two years probation after he was convicted of indecent exposure. His defense attorney argued that the sentence was too severe because the probation officer incorrectly calculated the offender’s risk for re-offending. The prosecutor and judge stood by the probation officer’s risk assessment. Said the prosecutor, “I’ve never seen a defendant with a high score who comes back and agrees with it” (Michael, 2008, p. 1B).

These cases show that low level (less serious) sex offenders evoke serious responses from the justice system. It is clear that the PPOs involved in these cases will work with a number of different professionals from other fields. These professionals include judges, law enforcement officers, prosecutors, defense attorneys, polygraphers, mental

health workers, caseworkers, treatment providers and victim advocates. In working with these different groups, it is likely that PPOs will find themselves in situations requiring expertise and knowledge related to the ability to work effectively with others. With lower level sex offenses, in particular, officers typically collaborate with a number of different criminal justice and human services professionals.

The APPA/NIC curriculum focuses on the importance of collaboration in the response to low level sex offenders. In this context, low level sex offenders refers to sex offenders who commit offenses judged to be less serious offenses by legal codes and societal definitions. This is not to say that the offenders are less likely to re-offend or that they do not pose a danger to society. However, the offenses – including non-contact offenses such as voyeurism, indecent exposure, distribution of pornography and contact offenses such as illegal consensual relations – tend to pose comparatively less harm to victims than do more serious assaultive and violent sex offenses.

Perhaps the simplest way to demonstrate how sex offenses vary by seriousness is to briefly consider legal definitions of sex offenses. Some sex offenses (e.g., forcible rape, sexual contact with minors, and so on) are felonies while other sex offenses (e.g., no contact offenses, voyeurism, public indecency) are typically misdemeanors. Misdemeanors are less serious offenses than felonies. The distinction about seriousness is important because the level of the offense will influence which justice officials become involved in responding to the offense. For felonies, one group of justice officials, typically a state court and state correctional system, will work

together to process the case through the justice system. For misdemeanors and lower level sex offenses, there is often a different group of justice officials, perhaps municipal courts and county jails, will be involved in processing the case through the justice system.

The identification of the barriers to collaborating in response to low level sex offenders provides a foundation from which community corrections professionals can effectively work together in responding to sex offenders and reducing future offending.

BARRIERS TO COLLABORATION

Both personal and professional experiences tell us that conflict can occur any time individuals are together. Whether working together or living together, conflict often seems to be inevitable. When individuals with similar backgrounds, beliefs and values work together, the potential for conflict is reduced. Following this line of thought, if three individuals in the same agency work together on a project, the possibility of conflict, or barriers to working together, while present, is minimal. On the other hand, if individuals from several different agencies, in this case – the numerous agencies involved in responding to sex offenses, are expected to collaborate, the chances of conflict increase.

The curriculum identified seventeen barriers that arise when individuals from different agencies respond to sex offenses. Space does not permit discussing all seventeen barriers; this presentation summarizes eight barriers:

- Suspiciousness
- Conceptual confusion

- Differential understanding about sex offenses
- Isolation
- Territorial issues
- Expanded duties
- Funding
- Occupational subcultural value conflict

These barriers are discussed below.

SUSPICIOUSNESS is one possible barrier that arises in the collaborative response to sex offenses. Groups that historically have had little contact with one another or have had a bad experience with a member of the group previously may be suspicious of one another. This may be particularly problematic if individuals in those groups (e.g., law enforcement and probation officers) are at least indirectly trained or socialized, to be suspicious. It may be difficult for them to let down their guard and work with individuals from other occupations. Imagine any relationship where individuals do not trust one another. The possibility of that relationship thriving and producing good outcomes is diminished when participants are not able to trust one another.

CONCEPTUAL CONFUSION is a possible barrier in that individuals from different groups might define certain aspects of sex offending differently. Some individuals define sex offenders as a homogeneous group, when in fact there are great differences between offenders and offense types. Viewing all offenders the same results in strategies that may ignore individual differences between offenders and offense types. For example, some justice officials have been accused of focusing on sex offenses that are primarily “stranger rapes,” thereby ignoring

acquaintance rapes. At the same time, some officials may be discussing past offenses when they talk about sex offenders, while others may be discussing future possible offenses. As well, some professionals may define sex crimes somewhat narrowly, while others may follow a broader conceptualization.

DIFFERENTIAL UNDERSTANDING ABOUT SEX OFFENSES is a related barrier that may inhibit collaborative responses to sex crimes. In some cases, participants may not fully understand the risk factors or predictors of the diverse nature of sex offenses. Some participants may see sex offenses as being caused primarily by sexual urges, while others may see sex offenses as being about power and control. If individuals define causes differently, they would be prone to suggest different types of responses. This lack of clarity may make it more difficult to work together. As an analogy, readers are encouraged to think of a time when their teachers or professors made them do group projects with fellow students. It is likely that readers encountered fellow students who knew very little about the topic at hand. Working on these group projects in college courses has been shown to be a source of contention for students (Payne and Monk-Turner, 2006). In a similar way, group projects in “the real world” are difficult if members of the group have different levels of understanding about the topic.

ISOLATION is another possible barrier in collaborative responses to sexual assault. Certain individuals within the process may be isolated from the efforts. On the one hand, some individuals may isolate themselves from others out of disinterest in the process. This is referred to as self-imposed isolation.

Individuals may separate themselves from their workgroup. On the other hand, certain members of the process might isolate other members of the process. This is referred to as group-imposed isolation. Group-imposed isolation results from (1) a lack of trust, (2) concerns about competition, (3) lack of understanding about roles or (4) personality issues. The problem that arises is that isolating individuals defeats the purpose of collaboration.

TERRITORIAL ISSUES have also been noted as a problem in collaborative responses to sex offenses (Payne, 2007). Different groups that historically do not work together may have concerns that certain individuals are encroaching on their territory. These territorial issues can be very subtle. One study found that community-based victim advocates reported territorial issues with justice system-based victim advocates. (One group works for the victim and the other works for the criminal justice system). The territorialism stemmed from competition for the victim’s attention (Payne and Button, 2008). It is also possible that competition is related to survival. If groups cannot demonstrate the need for their services because someone else is doing them, they may lose funding and subsequently may cease to exist. The process is similar to the concept of mission invasion where a group may diminish another’s value by infringing on their responsibilities. If advocates have territorial issues between different types of advocates, it should not be surprising that territorial issues would arise with professionals from divergent justice agencies as well.

EXPANDED DUTIES is another barrier in collaborative responses to sex offenses. In particular, some participants will be called

upon to do things that they did not have to necessarily do in the past. Additionally, working together takes effort and time. If groups have not historically worked together, then collaboration will be a new effort. In addition, justice officials who are asked to perform new functions may perceive that they are being given new duties, without old duties being eliminated.

FUNDING is a problem in all justice endeavors, but it may be particularly problematic in collaborative efforts (Nannett and Greer, 1996). Who is paying for the collaborative effort? Where do the funds come from? How does the collaborative effort influence each agency's bottom line? These types of funding questions are sure to rise in formal collaborative efforts. Clearly defining (1) how the process can be funded, (2) the funding mechanisms available, (3) the costs and benefits of the process, and (4) strategies to minimize and offset the costs will help to address funding issues that arise.

OCCUPATIONAL SUBCULTURAL VALUE CONFLICT refers to the fact that the underlying values of different occupational groups may come into conflict with one another. For example, those focusing primarily on victim advocacy may promote one set of activities, while those focusing on offender advocacy would promote another set of activities. In a similar way, law enforcement professionals might focus more on "catching" offenders, while probation officers might focus more on "changing" offenders. On another level, some participants might have preconceived agendas – stemming from their occupational values -- that they bring with them to the collaborative effort. Working with individuals who have preconceived agendas creates significant barriers for those involved in the collaborative effort.

To some, the possibility of these barriers suggests that collaborative efforts should be avoided. As noted in the curriculum, this sort of thinking must be avoided. Each of the barriers addressed can be overcome. Additionally, bringing several different groups together to adjudicate and supervise sex offenders produces a stronger response. The benefits of a collaborative approach far outweigh the possible barriers. In the next section attention, a focus is given to how the principles of collaboration help to maximize the benefits of collaborating, while minimizing the barriers discussed above.

THE PRINCIPLES OF EFFECTIVE COLLABORATION

The curriculum is based on the premise that the success of collaborative efforts in the response to sex offenses hinges on the implementation of the principles of collaboration. The principles identified in the curriculum include

- Communication,
- Objectivity,
- Leadership,
- Listening,
- Awareness
- Boundary flexibility,
- Objectives,
- Research,
- Advocacy,
- Trust,
- Improvement,
- Openness, and
- New strategies

(see Payne and Gainey, 2009 and Payne, 2011 for further discussion of these principles).

The approach of the curriculum to these principles is summarized below. Note that these principles are not discussed in the order they would occur in practice, but are discussed in an order that makes the flow more logical for purposes of this discussion.

COMMUNICATION is integral to any successful collaborative effort. Open communication between all of the agencies responding to sex offenses is needed to effectively address sex offenses. Effective communication provides a structure guide the supervision of sex offenders and minimizes the likelihood of errors and mistakes. Communication should also focus on roles and expectations of different participants in the collaborative response system. Communicating with one another about their roles, biases, concerns and expectations will facilitate a network in which participants are able to clearly articulate the activities and tasks they are willing and able to perform.

OBJECTIVITY means that participants must strive to be of their personal values and not let them interfere when working with one another. Sex offenders, in particular, are stigmatized and vilified by the public. When individuals from different agencies come together to respond to sex offenses, they will likely bring with them attitudes, beliefs, emotions and values that are seemingly consistent with their agency's overriding orientation. Objectivity is particularly significant in defining what is meant by "low level sex offender." The phrase "sex offender" often conjures up emotional images of child molesters, serial rapists and other dangerous offenders. In being objective, participants in the collaborative process will be more likely to recognize that there are different levels of sex offenders.

This, in turn, will place them in a better position to supervise sex offenders in the community.

LEADERSHIP is the foundation of any collaborative effort. Formalized collaborative efforts typically come from one of three sources: incident-based, legislative-based and leadership-based (Criminal Justice Mental Health Consensus Project, 2002). Each of the sources has implications for leadership. Incident-based efforts come from specific incidents that result in groups being joined together to respond to sex offenses. Legislative-based collaborative efforts stem from laws or policies mandating, either directly or indirectly, that professionals collaborate with officials from outside their agency. Leadership-based efforts occur when leaders of different agencies require their staff to develop and implement collaborative efforts. This sort of agency support is crucial for the success of collaborative efforts (Pullen and Pullen, 1996). In addition to providing a foundation for collaboration, leaders can be instrumental in helping to determine how to define levels of sex offenders and appropriate response mechanisms.

LISTENING is an integral part of any successful collaborative effort. When people talk about communication, they tend to conceptualize the act of sharing information, rather than the act of receiving and consuming information. Professionals must listen to those who are sharing information with them. Tips for improving listening skills include:

- Stop talking. You can't listen well if you are talking.
- Concentrate on what the other person is saying.
- Pay attention to nonverbal messages—facial expressions, body language.

- Let the other person know you are listening.
- Remove distractions (food, pens, papers, mobile communication devices).
- Listen to what is not said, as much as what is said.
- Listen to how something is said.
- Avoid thinking of a response until the other person is done talking
- Tell the other person what you've heard.
- Ask questions if you don't understand. (Minnesota Department of Health, 1999).

HONING listening skills improves communication between all parties in a collaborative effort. With regard to low level sex offenders, participants must listen to their colleagues in order to assess risk, develop case plans, promote safety and develop treatment plans.

AWARENESS is also central to any successful collaborative effort. If community corrections officials are not aware of certain information, they won't be able to effectively respond to low level sex offenders. Those participating in collaborative efforts must be aware of (1) their role in the effort, (2) the role of the partners, and (3) the dynamics of sex offenses. According to Nannett and Greer:

PROFESSIONALS in all disciplines who deal with sex offenders need specialized training in order to assess and manage these cases and probation and parole officers must understand the underlying dynamics of sex offending and victimization. Without such knowledge, no one is served. Victims

may not be believed, offenders may avoid responsibility, for their actions, and society remains at risk (Nannett and Greer, 1996: p. 8-3).

If participants are not aware of relevant information, then the collaborative effort will face a number of barriers (summarized above).

BOUNDARY FLEXIBILITY refers to the fact that different agency's boundaries may need to be flexible in order for collaborative responses to be successful. Organizational structures must be accommodating to allow individuals from different agencies to "walk on one another's turf" to the degree necessary for collaboration to succeed. Treatment professionals must be willing to allow criminal justice professionals flexibility and criminal justice professionals must be willing to work with treatment providers. All agencies and organizations must be open to having "outsiders" involved in decision-making about low-level sex offenders.

OBJECTIVES that are based on a shared mission for collaborative responses to sex offenses must be developed. Organizational and management theorists have long recognized that the success of a policy is linked to whether or not those implementing the policy have goals consistent with the overall policy and specific objectives to reach their goals. In terms of low level sex offenders, one objective should be to make sure that the offender's risk of re-offending decreases. If all parties involved in supervising sex offenders are focused primarily on long-term community safety and victim protection, the likelihood of success increases.

RESEARCH is important to collaborative efforts in several ways. First, those working on these efforts should use research (or evidence-based practices) to inform their activities. Second, efforts should be made to evaluate the collaborative efforts on a regular basis. Third, participants must evaluate (1) offender progress to determine if changes need to be made in the way a specific offender is being supervised by justice officials and (2) victim satisfaction with the effort. Lastly, officials should use the information gathered from studies about low level sex offenders to educate future professionals about strategies to effectively supervise this offender group.

ADVOCACY is another principle of the collaborative response to sex offenses. In this context, advocacy refers to the ability to identify and promote that which is in the best interests of the parties and their goals for whom the collaborative effort exists. On one level, it is important that there be an effective advocate for the interests of victims of sex offenses. One of the authors recalls a trainer who asked a group of criminal justice professionals to raise their hand if they were victim advocates. Few in attendance raised their hands. The trainer noted that participants were defining their identities with occupational titles (police officers, probation officers, and so on) rather than by activities performed. One doesn't have to have the job title of "victim advocate" to be a "victim advocate."

While victim advocacy is part of this effort, though, one must also bear in mind that there also must be an advocate for sex offenders' concerns, rights, interests and needs. Other than defense attorneys, treatment providers are often those who are

best able to advocate for sex offenders. To be sure, few would identify themselves as sex offender advocates; still, their rights and interests must be addressed.

On still another level, it is important that those involved in the collaborative effort also advocate for the effort itself. It cannot be assumed that the collaboration will occur without some degree of commitment from participants. At least some of the participants must work towards promoting the collaborative effort so that the process continues to exist and meet the needs of its participants.

TRUST between individuals and agencies is necessary to effectively reduce sex offending. Members of the supervision and treatment network must develop a trusting relationship which will help them share information more openly (McGrath et al., 2002). Workers in one agency should be trusting enough of workers in another agency to contact them to ask for and share information about specific offenders.

IMPROVED WORKING RELATIONSHIPS should be a goal of collaborative efforts. With any collaboration, members will routinely have conflicts and disagreements. With the diversity groups involved in the response to sex offenders, the likelihood of conflict is substantial. Participants must be willing to work to avoid the conflict or resolve it quickly and effectively should it occur. In an ideal collaborative effort with low level sex offenders, law enforcement, jail staff, community corrections officials, victim advocates and others involved in the response system coordinate to develop an improved response.

OPENNESS is another principle of collaborative efforts identified in the curriculum. Those working to respond to sex offenders must be open to two things: (1) new members and (2) new ideas. With regard to new members, the success of a collaborative effort must not be dependent on the presence of a specific member (if any particular member leaves, the effort must continue). Adding new members should help to build the strength of collaborative efforts. In terms of new ideas, workers must accept new ways of responding to sex offenders. On another level, participants must be open to the idea that there are different levels of sex offenders and that not all sex offenders require a stiff response from the justice system in order to promote public safety.

NEW STRATEGIES are the final principle of collaborative efforts. Innovations only occur because some group tried something different. As summarized in the curriculum, sometimes, major changes may be needed to make a collaborative effort work. Other times, minor changes may make an effort clearer and more effective.

The 13 principles of collaboration fit together well, both in improving practice and in providing an easy and effective way to organize and remember them.

Communication

Objectivity

Leadership

Listening

Awareness

Boundary flexibility

Objectives

Research

Advocacy

Trust

Improved relationships should be goal

Openness

New strategies

CONCLUSION

This article provides an overview of the collaboration component of the APPA/NIC curriculum. It is important to note that while they were developed for low level sex offenders supervision, the principles discussed here are readily applicable to other offense types, and indeed other work assignments. Effective collaboration is a core component of many justice system innovations, most notably the drug and other specialty courts. The complete curriculum is available on CD-ROM and provides criminal justice officials the opportunity to review and use the complete curriculum.

Probation and parole staff can complete the training curriculum on their own, or in the spirit of collaboration, they could complete the training with their colleagues. In working with others to complete the training, professionals can determine if they think "Three's Company" or "Three's a Crowd." Their perceptions about interacting with others will undoubtedly influence their collaborative experience.

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