

PERSPECTIVES

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PRESIDENT'S MESSAGE

SCOTT TAYLOR

President

American Probation and Parole Association

SUCCESS THROUGH PREPARATION

Parole, probation and community supervision is now firmly in the spotlight for a nation that has grown weary of mass incarceration policies which have consumed a disproportionate amount of taxpayer dollars without delivering their promised results. A quick glance at both the academic research literature as well as mainstream media coverage reveals a public safety system ready for a change. This theme also kicked off the APPA 2012 Winter Training Institute in San Diego during the opening keynote address by Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation. In many ways, California's efforts to restructure and expand their use of county probation departments are representative of the opportunities surrounding community corrections systems across the nation. The question I would like to pose to our field is – have we done what we need to prepare?

Civil rights leader, Whitney M. Young Jr., once said, "It is better to be prepared for an opportunity and not have one than to have an opportunity and not be prepared." These are wise words that every community corrections professional should consider if we are to capitalize on the opportunities that are emerging for our field. The community corrections field is a diverse group of programs and services which operate at different points along the justice system continuum (pre-trial through post-prison), on a variety of governmental levels (federal, state, tribal, local); and organized by various branches of government (executive and judicial). Yet in every facet of community corrections and at every organizational level, there are steps that each and every one of us should take to improve our practice and prepare us to be leaders for a new policy direction.

Every organization needs a clear strategic direction so that everyday decisions by employees can be tested for their alignment with the strategy. If your organization suddenly received an additional \$1 million in revenue, would you know where you would want to invest it? I encourage all formal and informal leaders to engage in strategic planning and organizational development to better meet the new demands that will be placed on our agencies. There are plenty of free resources available to assist organizations in these efforts. For example, the National Institute of Corrections' (NIC) APEX: Achieving Performance Excellence Initiative helps correctional agencies enhance public safety and fine-tune their operations <http://nicic.gov/APEX>. This comprehensive corrections-based model can help agencies begin moving their visions to action.

It is also incumbent on every community corrections professional to develop a familiarity with evidence-based practices. During the plenary session in San Diego, Dr. Christopher Lowenkamp challenged the parole, probation and community supervision community to begin thinking critically about the research of evidence-based practices and its implications for our work. Translating research to practice is being made easier for professionals with the launch of new websites such as CrimeSolutions.gov <http://www.crimesolutions.gov>, or the Council of State Governments' Justice Center <http://www.justicecenter.csg.org>, or the NIC online library <http://nicic.gov/Library>. APPA also offers one of the largest libraries for online courses. Also, the APPA Training Institutes are a national forum to hear about the latest research developments and to engage in critical dialogue about the merits and future directions of emerging research findings. If you are a jurisdiction with research staff, you can

PRESIDENT'S MESSAGE

serve a valuable role in contributing to APPA and our collective knowledge base. Jurisdictions that are unable to retain their own evaluation and research staff may want to explore developing partnerships with local colleges and universities for mutual benefit.

Lastly, we all have a role in marketing the value of community corrections and promoting our success stories. If you haven't done so already, I encourage every member to review the National Branding Kit on the APPA website at: http://www.appa-net.org/eweb/DynamicPage.aspx?WebCode=VG_NationalBranding or the Community Corrections Marketing Strategies at: <http://ccmarketingstrategies.org/>. No matter where you work in the community corrections continuum, you should know your organization's effectiveness and be conversant in how community corrections contributes to public safety. All of us are ambassadors for our field. Some of us will work with the media to promote our profession while others educate the public on a local scale – how will you respond at the next family gathering when you are asked, “what do you do for a living?”

Being a good ambassador for our field is not just memorizing statistics and outcome measures. It is sharing our success stories of managing and treating those involved with the justice system. Too often, we find ourselves focusing on our areas of improvement rather than what we have already achieved. As a result, most of the general public has no idea that across the country there are thousands of community corrections heroes who are making their communities safer each and every day. It is easy to underestimate the ripple effect of sharing positive stories. In APPA's closing session in San Diego, we heard from Theresa Regina “Gina” Castaneda of the County of Santa Cruz Probation Department. In April 2008, Gina founded the Aztecas Soccer Program for Latino juvenile probationers who are affiliated with local rival gangs. As word spread about her success with these hard-to-reach youth, she became featured in a short documentary on ESPN <http://search.espn.go.com/castaneda/videos/6>. Thanks to Gina's willingness to share her story, every audience member learned a little more about community corrections and public confidence in our field has been enhanced.

There is no doubt that we are in tough economic times; however, none of these steps require an influx of new resources to get started. There is no reason why your organization could not begin today in strategic planning, accessing evidence-based practices, and sharing their success stories. One way to share your success stories is to celebrate Probation, Parole and Community Supervision Week July 15-21. To get more information on the week go to: http://www.appa-net.org/eweb/Resources/PPCSW_12/. The bottom line is actually quite clear. We must be willing, able and committed to making the necessary preparations for our own success, or else we are simply dreaming or wishing that success finds us.



Scott Taylor

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from Scott
Taylor!**





American Probation and Parole Association

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Community Supervision Week
July 15-21, 2012 A Force for Positive CHANGE.



yesterday. **TODAY. TOMORROW.**





EDITOR'S NOTES

BILL BURRELL
Management Consultant



Welcome to the Spring 2012 issue of *Perspectives*. This is our fifth on-line issue. We hope you enjoyed the special spotlight issue "Voice of the Victim". I'm sure many of you were surprised to receive a print issue. That project was underway with funding from the Office for Victims of Crime (OVC) when we made the transition to electronic publishing. With funding available and plans for a print edition, that issue went forward as our last print edition. We extend many thanks to the APPA Victim Issues Committee, to all of the authors who contributed and particularly to OVC for the resources to produce this special issue.

This issue's lead article is "The Great Punishment Experiment", which is based on Todd Clear's keynote address to APPA in Chicago. Correctional populations, particularly prisons and jails, are declining for the first time in four decades. Does this signal the end of a lengthy social experiment with harsh punishment, or is it a statistical aberration? Are we facing a new era? If so, what are the implications for probation and parole? How will we contribute to the future of corrections in this new era?

In "Ophelia Twenty Years Later", the work of Todd Clear makes a second appearance. In the 1990s, Dr. Clear wrote a paper that attempted to describe community corrections 20 years in the future. Mark Hendershot and the APPA Technology Committee used this vision of the future as a vehicle to examine the changes which have occurred over the past two decades and gauge the accuracy of Dr. Clear's crystal ball.

In her article "The Mark of a Criminal Record", Beth Skinner raises the critical issue of the availability of private criminal record repositories and their impact on hiring decisions, with particular emphasis on those involving offenders and ex-offenders. The timeliness of this article is reinforced by the fact that the Equal Employment Opportunity Commission just issued an extensive guidance document to clarify when and how criminal history information can be used in the hiring process.

In the *International Update*, Bob Brown provides an excellent review of the emerging evidence-based models for

EDITORIAL COMMITTEE

William D. Burrell, Chair
Management Consultant
37 Cliveden Court
Lawrenceville, NJ 08648-1447
Phone: (609) 895-0212
william.burrell@comcast.net

Arthur J. Lurigio, Ph.D.
Dept. of Criminal Justice
Loyola University of Chicago
820 N. Michigan Ave.
Chicago, IL 60611
Phone: (312) 915-7564
alurigio@luc.edu

Edward E. Rhine, Ph.D.
Deputy Director
Ohio Dept. of Rehabilitation and
Correction
1050 Freeway Drive N
Columbus, OH 43229
Phone: (614) 995-3599
erhine3997@aol.com

Faye S. Taxman, Ph.D.
University Professor
Criminology, Law & Society
Director, Center for Advancing
Correctional Excellence
10519 Braddock Road, Ste 1904
Fairfax, VA 22030
Phone: (703) 993-8555
ftaxman@gmu.edu

Susan V. Burke
Assistant Juvenile Court Administrator
Administrative Office of the Utah Courts
450 South State
PO Box 140241
Salt Lake City, UT 84114-0241
Phone: (801) 578-3811
sburke@utah.gov

Susan Blackburn
Juvenile Court Consultant
Pennsylvania Juvenile Court Judges
Commission
1871 Old Main Drive
Shippensburg, PA 17257-2299
Phone: (717) 277-1411
sblackburn@state.pa.us

Geraldine F. Nagy, Ph.D.
Director
Travis County Community Supervision
and Corrections Department
411 W. 13th St., #400
Austin, TX 78701
Phone: (512) 854-4608
geraldine.nagy@co.travis.tx.us

Judith Sachwald
Consultant
16106 Audubon Lane
Bowie, MD 20716
Phone: (240) 245-4126
judithsachwald@comcast.net

EDITOR'S NOTES, CONTINUED

supervision (STICS and EPICS) that links to the history of probation and parole supervision and officer roles. He then links the models to efforts in other countries where they are also exploring ways to make offender supervision more effective. It is always interesting to see how probation and parole practitioners in other countries learn from one another.

The monitoring of offender computer use provides daily challenges to probation and parole staff. In the *Technology Update*, Joe Russo describes the development and current status of the Field Search software developed by the National Law Enforcement and Corrections Technology Center with funding support from the National Institute of Justice. Available free to qualified users, the software is an excellent tool for monitoring computer use. The Field Search software is an excellent example of leveraging technical expertise and developmental funding to meet an urgent and critical need of the field. The fact that close to 10,000 copies of the software have been downloaded is a powerful testament to its value to the field.

APPA's Research Committee has a new chairperson, Charlene Rhyne and an ambitious new agenda. The *Research Update* provides the details of the Committee's plans, including renewed linkages to *Perspectives*. The challenge of keeping up to date with the latest research is a continuing challenge for the field. We look forward to the work of the Committee.

In this issue, we are publishing two APPA resolutions, one concerning the use of alcohol monitoring devices with first time DUI offenders and another in support of providing tribal justice agencies access to state and federal criminal records data bases. These

are examples of your Association playing a pro-active role in critical policy issues. We also publish the APPA **Position Statement on Crime Victim Issues**. This provides a series of recommended strategies for probation and parole agencies and officers to adopt in pursuit of justice for victims of crime.

In his President's Message, Scott Taylor exhorts us, as individuals and in our agencies, to be proactive. This is particularly timely as opportunities for change seem to be everywhere in the justice system. If the great punishment experiment is indeed over, it seems that many of the lower risk, lower seriousness offenders who previously went to prison will be sentenced to probation and our caseloads may start to grow. Scott suggests that we develop a clear strategic direction, become conversant with state-of-the-art practices and advocate through marketing community corrections to the community. We have a million human interest stories that will capture the imagination and support of the citizens and demonstrate how we create and contribute public value to our communities. The upcoming Probation, Parole and Community Supervision Week (July 15-21) provides a marvelous opportunity to connect with our communities. APPA has a toolkit overflowing with ideas and resources to help you.

We hope you enjoy this issue of *Perspectives*, your professional journal. As always, we welcome your feedback. >>>



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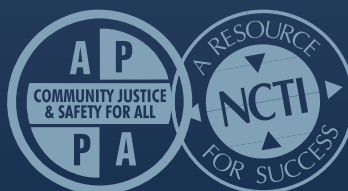


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INSTRUCTIONS TO AUTHORS

PERSPECTIVES disseminates information to the American Probation and Parole Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole and community corrections agencies throughout the United States and Canada. Articles submitted for publication are screened by an editorial committee and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation or research methodology. PERSPECTIVES does not reflect unsupported personal opinions. Submissions are encouraged following these procedures: Articles should be submitted in MS Word format on an IBM-compatible computer disk and mailed to Karen Mucci, Production Coordinator, PERSPECTIVES Magazine, P.O. Box 11910, Lexington, KY, 40578-1910, or can be emailed to kmucci@csg.org in accordance with the following deadlines:

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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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Communications should be addressed to:
American Probation and Parole Association
C/O The Council of State Governments
P.O. Box 11910, Lexington, KY 40578-1910
Fax: (859) 244-8001, E-mail: appa@csg.org
Website: www.appa-net.org

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3M

Kerri Ryan
Director of Marketing and Business Development
3M Electronic Monitoring
1838 Gunn Hwy.
Odessa, FL 33556
Phone: (813) 749.5454 x1275
Fax: (813) 749.5474
Email: kerri.ryan@mmm.com
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Marketing Manager
1241 West Mineral Avenue
Littleton, CO 80120
Phone: (303) 785-7828
Email: jmill@alcoholmonitoring.com
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AnyTrax

Andrew Cohen
V.P. Business Development
344 Maple Avenue West, Suite 250
Vienna, VA 22180
Phone: (703) 242-9400
Fax: (703) 941-2152
Email: acohen@anytrax.com
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BI Incorporated

Monica Hook
Marketing Communications Manager
6400 Lookout Road
Boulder, CO 80301
Phone: (800) 241-2911
Fax: (303) 218-1413
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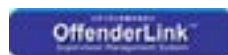
Capita Technologies

Michelle MacDonald
Forensic Case Management Specialist
17600 Gillette
Irvine, CA 92614
Phone: (949) 260-3038
Fax: (949) 851-9875
Email: mmacdonald@capita.com
Website: <http://gov.capita.com/>



Corrections Software Solutions, LP

James Redus
President
316 North Lamar Street
Austin, TX 78703
Phone: (512) 347-1366
Fax: (512) 347-1310
Email: jredus@correctionssoftware.com
Website: www.correctionssoftware.com



Fieldware, LLC

Scott Grundberg
Managing Partner
549 W. Randolph St. Suite 701
Chicago, IL 60661
Phone: (312) 258-1000
Fax: (312) 258-1753
Email: sgrundberg@fieldware.com
Website: www.fieldware.com



iSecuretrac Corporation

Angela Bender
V.P., Customer Support and Sales
5078 S. 111th Street
Omaha, NE 68137
Phone: (402) 537-0022
Fax: (402) 537-9847
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JPay, Inc.

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 V.P. of Business Development
 10800 Biscayne BLVD # 770
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 Phone: (818)943-9944
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Marquis Software

Ben Harrell
 Director of Sales and Marketing
 1611 Jaydell Circle, Suite G
 Tallahassee, FL 32308
 Phone: (850)877-8864 x 123
 Fax: (850)877-0359
 Email: ben.harrell@marquisware.com
 Website: www.marquisware.com



National Curriculum and Training Institute

Gary Bushkin
 President
 319 East McDowell Road, Suite 200
 Phoenix, AZ 85004-1534
 Phone: (602) 252-3100
 Fax: (602) 252-4736
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 Website: www.ncti.org



New Dawn Technologies

Marlene Martineau
 Director of Marketing & Communications
 843 S 100 W
 Logan, UT 84321
 Phone: (435)713-2100
 Fax: (603)308-8138
 Email: mmartineau@newdawn-tech.com
 Website: www.justware.com



Northpointe Institute for Public Management

Sherri Hughes-Smith
 Director, Marketing and Communications
 Phone: (303) 216-9455
 Email: sherri.hughes-smith@northpointeinc.com
 Website: www.northpointeinc.com



Protocol Global Solutions

Henry Conforti
 Vice President, Case Management & Monitoring
 1000 Corporate BLVD
 Aurora, IL 60505
 Phone: (630)820-5021
 Fax: (630)820-7186
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 V.P. of Business Development
 1212 North Post Oak Road #100
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 Phone: (832) 553-9503
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 Website: www.stopllc.com



Smart Start Technologies

Don Nebhan
 V.P. of Marketing
 4850 Plaza Drive
 Irving, TX 75063
 Phone (800) 880-3394
 Fax: (972) 915-0562
 Email: dnebhan@smartstartinc.com
 Website: www.smartstartinc.com



Syscon Justice Systems

Bob Elson
 Senior V.P. of Sales Marketing
 230-8211 Sea Island Way
 Richmond, BC V6X2W3
 Phone: (888) 797-2662
 Fax: (604) 606-7654
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 Website: www.syscon.net



The Williams Institute

Mr. James Young
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 6615 N. Scottsdale Rd., Ste. 250
 Scottsdale, AZ 85250
 Phone: (480) 517-1891
 Email: j.young@ethics-twi.org
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IT'S NOT JUST HOW: IT'S ALSO WHY AND WHEN

In safety-related skills training, agencies often focus on the how: how do we handcuff properly, how do we search safely and effectively, how do we apply control tactics to subdue the assailant? But the how is only one part of the training equation. The why and when are elements of the skills that are just as important and are often the basis for lawsuits. Why was the person handcuffed? Why was a particular safety tool used as opposed to some other tool or option? Why did the officer(s) search at that time as opposed to waiting for another time or until further investigation was completed?

The when relates to the timing of the application of the skill or tool. When should the officer go from verbal skills to hands-on control? When can or should handcuffs be applied, especially if the handcuffing is for officer safety reasons and not to effect an arrest? When has enough evidence been collected to establish "reasonable suspicion" if that is a basis for a search?

In the Federal 9th Circuit case of *Davis v. Mason County*, 927 F.2d 1473 (1991), which related to the use of force by Sheriff's Deputies in four separate arrests, the Court found for the plaintiffs regarding their allegations of violation of their civil rights under 42 U.S.C. § 1983 and ruled that "Training of officers on use of force was a practice that fell within the sheriff's policymaking authority. While most of the deputies involved had some type of training,

even if it was minimal at best, the issue was the adequacy of training. While they may have had some training in the use of force, they received no training in the constitutional limits of the use of force." The why and the when.

In the case of *City of Canton v. Harris*, 489 U.S. at 390, 109 S.Ct. at 1205, the Court went on to say in a footnote (Id. at 390 n. 10, 109 S.Ct. at 1205 n. 10) that "the need to train officers in the constitutional limitations on the use of deadly force can be said to be 'so obvious,' that failure to do so could properly be characterized as 'deliberate indifference' to constitutional rights." However, it is important to note that, as in *Davis*, it is not just in cases that involve application of deadly force that the "why and when" issues exist; it is in all forms of training where any level of force can be applied, a safety tool employed or the possible restriction of liberties of any individual exists, that training must include not only how to apply the technique or execute the skill, training must include how to articulate the justification on when the application or skill was justified and why such application was appropriate at that given time based upon the circumstances that existed at that moment.

For trainers, it is mandatory that not only the skill be taught, but when it is appropriate to apply the skill and why the application of the particular skill or tool was appropriate at that time. For the officer, it is also mandatory

that they clearly understand the when and why of the application of the skill; and for the administrator, it is mandatory that they ensure their agency's training meets the legal mandates outlined by Canton and Davis.

How do we evaluate our officers' understanding of the when and why? We can test their decision-making skills through classroom "tabletop" exercises, where they are asked what skills they would apply, and then support their decisions. The agency should also "test" their officers' skills through scenario-based training, where instructors can evaluate officer performance under stress

and ensure not only the proper application of the skill, but ensure officers can then articulate why they chose that particular response and why they chose to apply the skill at that particular time.

Understanding not only how to apply a safety skill, but also when and why to apply the skill, is the level of training standard that has been set by the Courts. Does your training program meet that standard? >>>

ROBERT THORNTON is the Director of the Community Corrections Institute, Springdale, Washington.

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WHY OFFENDERS QUIT OFFENDING CAREERS?

**Review of *The Dynamics of Desistance: Charting Pathways Through Change*
Deirdre Healy, Willan Publishing.
2010, 238 pages.**

Recently, more attention is being given in research and in practice to how offenders quit their criminal activity and become contributing members of society. An example of this is the international series on desistance and rehabilitation, under the editorial guidance of Stephen Farrall that has been instituted by Willan Publishing in the United Kingdom. The first volume in the series is by Deidre Healy, a post-doctoral fellow at the Institute of Criminology, University College, in Dublin. Healy addresses the subject of the dynamics of desistance through her study of a group of repeat male offenders. Based on fieldwork done in Ireland with repeat offenders under probation supervision, Healy uses a combination of quantitative and qualitative analysis to explore the shifts that occur in the offenders minds and lives as they travel the turbulent road to living a crime free life. This is an exciting exploration of the 'black box' that comprises offender change efforts.

The book consists of nine chapters that examine the various aspects of desistance from crime. The first chapter looks at what we know about desistance and reintegration and is an examination of the current theoretical and empirical knowledge about what is

known regarding desistance. This is an important starting point since the majority of offenders eventually quit their criminal activity. She concludes this chapter with the useful reminder for practitioner's that "it is better to view reintegration as a long-term process rather than the outcome of a single intervention."

In chapter two, the author discusses the issues and challenges relative to the consideration of the concept of desistance. This is a clear presentation of the pressing challenges and application of what we currently know about these challenges. She covers the psychology of desistance, the role of identity, social trends and the context of change, the role of social capital, and issues regarding "opening the black box" of change. Healy concludes this chapter by noting that "sustaining desistance requires a repository of personal and social resources, including optimism, determination, good problem-solving abilities and strong social support networks."

The next chapter entitled "Person and Place" describes the key characteristics of Irish society that could impact crime and the capacity of individuals to desist from crime.

The author provides the reader with a socio-demographic profile of the environment that housed the offenders who took part in the study. There is also a section on the selection of the offenders to be interviewed and a discussion of their criminal histories. Healy also explores the psychosocial pathways to desistance and profiles the offenders who were in transition. For those interested in the research aspects of this study the author uses this chapter to outline the research design and data sources that she used, as well as how she selected and recruited the participants for the study.

The fourth chapter begins to explore definitions of desistance and records the outcomes of investigations of the psychosocial factors involved. Furthermore, it identifies whether the factors that are that are included in the early stages of change are similar or different from the factors observed in later stages of desistance. In noting the changes in thinking, attitudes and lifestyle among the offenders in the study who began their journey towards change, the author has made a good first step towards our understanding of the desistance process. Healy concludes this chapter by stating that the "analysis identified the factors associated with desistance but could not explore how or why people change." She attempts to tackle these issues in the next two chapters where she uses in-depth analysis of the offenders' narrative accounts to gain insights into the offenders' pathways to change.

Chapter five relies on the offenders' reflections on their efforts regarding rehabilitation and explores the factors and

processes involved in the commencement and maintenance of their change effort. The value of this chapter is the reminder that there are multiple paths to desistance and that sometimes these roads are curved! Also the analysis of the participants' narrative scripts indicate the importance of social capital in long-term change, the value of close relationships in prompting change and creating bridges over time to larger social networks that reinforced conventional lifestyles.



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In chapter six, Healy looks more closely into the offenders' narratives in an effort to understand how they integrate their past, present and future selves into a coherent narrative. The chapter concludes with a comparison between desisters and offenders. The desisters tended to adopt an agentic self-narrative, seeking meaning in their criminal pasts and trying to derive wisdom from their negative experiences, were forward thinking and centered on conventional adult pursuits that they felt confident of achieving and were committed to desistance. Offenders on the other hand, tended to develop passive self-narratives, feel shame, remorse and regret over past activities, aspired to conventional identities, but were less confident of achieving them. Although motivation to change was high, they expressed ambivalent attitudes towards desistance and expected to face significant barriers to change. They were less willing to use external supports to assist them in their change effort. This chapter presents an excellent discussion of the process of how offenders go about creating a new self-identity and overcoming barriers and learning to cope and use social supports in their reintegrative tasks.

Since these offenders were under probation supervision, it seems important to understand what role probation officers have or might have in supporting an offender's pathway to change and to stop committing crime. In chapter seven, Healy gives us a glimpse of the impact of probation through the eyes of the probationers. The author sketches a brief history of the Irish Probation Service and recent developments in supervision strategies by providing us with a concise overview of the functions, aims and

ethics of the service. Unlike other probation services who are focused on offending related factors, the Irish Probation Service strives to build the offender's social and human capital. This broader approach enables them to assist offenders in their efforts to cease committing crime. In chapter eight, the author extends the analysis to see whether the same factors predict long-term desistance. She discusses the long-term perspective of desistance, the nature and extent of reoffending and an examination of who desists. This is a good chapter for the practitioner to read and focus their work on imparting flexible cognitive, social and employment skills than can be transferred to new roles when needed.

The final chapter, titled "Betwixt and Between" provides a synthesis and interpretation of the study's findings and assesses them in the context of existing research and theory on desistance. Healy ends by asking whether desistance in practice will lead to a new agenda in working with offenders. She has provided a very good start to the development of a new agenda for practitioners, providing community supervision and provoking thoughtful consideration of ways to reduce reoffending. There is no need to rush to judgement or immediately abandon current evidence-based practices, but it would do our practice well to seriously consider this growing body of evidence on how offenders quit crime and add the insights it gives to our practice regimes. I recommend this book as a great starting point to understanding more about how offenders become desisters. >>>

DONALD G. EVANS is a Senior Fellow at the Canadian Training Institute in Toronto, Canada and Past President of the American Probation and Parole Association.



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FIELD SEARCH SOFTWARE UPGRADE: FS-WIN 4.0

In 2006, the National Law Enforcement and Corrections Technology Center (NLECTC), a program of the National Institute of Justice (NIJ), released the first version of the Field Search software. Field Search, (later known as FS-Win because it worked only in Windows® environments), was initially developed with funding through NIJ to fill a specific void. At that time there was no software product available which was designed for use in the field by non-technical probation and parole officers. Field Search was created to provide officers with a free

tool which would allow them to quickly and efficiently search a target computer and create a detailed report of findings. Field Search is a fast, powerful, yet easy method of examining and monitoring computer use. Typically launched via USB drive, Field Search works live on the offender's computer and quickly finds evidence such as Internet histories, images, multimedia files and results from text searches. Officers can then decide which evidence is of greatest value and can easily populate a report to be used in court proceedings.

There are two individuals primarily responsible for the success of the Field Search project: Dr. Jim Tanner of KBSolutions and Jim Persinger of PM Investigations. Dr. Tanner, a nationally recognized expert in a number of areas including computer forensic investigations and sex offender management, served as project coordinator and software designer. Mr. Persinger, a Certified Forensic Examiner, commercial software developer and private investigator, developed Field Search.

Based on the success of FS-Win, NLECTC sought and received funding from NIJ for the development of FS-Mac in 2008. This version provided agencies with a tool to scan



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Article Submission Guidelines:

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

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

Winter 2013 Issue: August 23, 2012
Spring 2013 Issue: November 12, 2012
Summer 2013 Issue: February 16, 2013
Fall 2013 Issue: May 21, 2013

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



MacIntosh® computers in the field. While the flow of federal dollars provided seed money for the development of both FSWin and FSMac, no funds were available for needed upgrades to the software along the way. Dr. Tanner and Mr. Persinger understood the uncertainty of federal funding but were fully invested in the project and were keenly aware that officers in the field had come to rely on Field Search. Dr. Tanner and Mr. Persinger worked tirelessly, on a voluntary basis, to produce five separate upgrades to Field Search including the vastly improved current version (FSWin 4.0) as well as the supporting documentation. In addition, Dr. Tanner continues to serve as the volunteer “help desk” and assists with technical inquiries as needed and based on availability. All told, Dr. Tanner and Mr. Persinger have dedicated literally thousands of unpaid hours over the years to the Field Search project; a great testament to their commitment to protecting our nation’s most precious and vulnerable asset: our children.

Since the initial release, Field Search has been embraced by probation and parole agencies but they are not the only consumers of this tool. Law enforcement, institutional corrections, border security and military agencies, among others, are also using Field Search both in the U.S. and abroad. To date Field Search has been downloaded close to 10,000 times. With software sharing that inevitably occurs it is estimated that the actual number of copies in the field is 2-3 times that number. Users consistently report that Field Search is a valuable, user friendly computer screening tool that is supported by their agencies and the judiciary. In addition, evidence gathered by Field Search is routinely used to support violations and frequently provides the evidentiary basis to pursue new criminal charges.

FS WIN 4.0

As discussed, Field Search has been updated 5 times, making it more powerful in each successive version. FS Win 4.0 was released in April 2012. In addition to



AN EXAMPLE OF A RECENT CASE THAT CONCLUDED IN A CONVICTION FOLLOWS:

In July, 2009, during a search of a convicted sex offender’s residence, a Santa Cruz (CA) Probation Officer confiscated the offender’s laptop computer. The officer used Field Search to scan the computer and found evidence of what appeared to be child pornography. Local law enforcement was called in and the offender was arrested and charged with possession of child pornography and methamphetamine. The offender had previous convictions for kidnapping and molestation of two children in separate incidents. In December 2011, the offender was convicted and sentenced to 50 years to life incarceration under California’s three strikes law.

improved overall speed of the tool and report functionality, features of note include:

REG EDITOR TOOL

FS Win 4.0 adds two important tools for the more advanced user. A registry viewer and reporter is now included as well as the RegEditor tool which helps users define registry keys to examine in Field Search. The Windows registry is an excellent source for potential evidential data. The registry is a structured database which stores configuration information about the system. It guides and directs much of the user's experience with Windows but does so transparently. Many users know that there is something called a registry but have no idea where it is or what it does. Forensically, the registry is a gold mine of information. Windows stores a great deal of information about user behavior in the registry. Properly extracted, this information can often make or break a case.

MEDIA FILE SUPPORT

As with previous versions of Field Search, FS Win 4.0 offers users the ability to find, play and capture screens from video files on a target computer. FS Win 4.0 greatly expands the number of different file types that can be recognized. Over twenty different video formats can now be recognized and viewed provided that the required codec is available on the target computer. This means that more inappropriate/illegal video files will be detected.

INTERNET HISTORY

Previously FS-Win was able to seek out and return all browser history information in logical caches and history files for the following browsers: Internet Explorer,

Netscape, Firefox and Opera. In recent years Google Chrome has emerged as a popular browser with some estimates indicating a market share of just over 20 percent in the United States. Based on this shift, FS Win 4.0 now has the capability to return browser history information for Google Chrome as well as the previously mentioned browsers.

GUI (GRAPHICAL USER INTERFACE)

FS Win 4.0 brings major changes in the GUI interface. The interface has been reorganized to be more intuitive and visually separates basic functions from more advanced features. The most significant change is that FS Win 4.0 can now be configured by the user to display in any language. This was important to users from Canadian agencies who preferred that the software have the capability to display in French as well as English (Canada's two official languages).

Thanks to the efforts of Jim Tanner and Jim Persinger, Field Search remains a relevant and valuable resource for community corrections.

Field Search is available free of charge to active, government employees. For more information on Field Search, including how to download your copy, please visit https://www.justnet.org/fieldsearch/fs_main.html.

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

JOE RUSSO is Director of the NLECTC - Corrections Technology Center of Excellence and is chair of the APPA Technology Committee.



American Probation and Parole Association

RESEARCH COMMITTEE

After a brief hiatus, the Research Committee of the American Probation and Parole Association is back to work for the membership to provide a translation of the research into user-friendly and user-applicable language. Our main function is to keep you informed about promising evidence-based and best practices to improve the important work you all do in keeping our communities safe.

MISSION

The APPA Research Committee serves as a resource to inform community corrections and juvenile justice practitioners, stakeholders and partners about promising evidence-based and best practices to improve program operations, policy development, programming and outcomes. The Committee will achieve this through consultation, webinars and dissemination of current data-driven research practices shown to be effective in ensuring public safety.

The Committee has met twice since Barbara Broderick, past APPA President, selected Charlene Rhyne to serve as Committee Chair. The first meeting was held in July 2011 during the Annual Institute. A rousing discussion ensued regarding our role, purpose and activities. Three themes emerged as the focus for next year's activities:

- Connect adult and juvenile practitioners with community corrections research,
- Collaborate with other corrections activities such as Perspectives, Community Corrections Research and Training Work Group, and other APPA Committees, and
- Provide training for the membership and our stakeholders.

The Committee Membership worked throughout the six months between APPA Institutes to develop the following five major functions that were adopted at our February 2012 meeting and will encompass the work we do in the following months.

LIAISON TO PERSPECTIVES, THE JOURNAL OF APPA

Chair: Debra Kafami

- Graduate students at George Mason University will provide a research update to be included in *Perspectives*.
- Identify articles that would be suitable for inclusion in *Perspectives*.

LIAISON TO THE RESEARCH TRACK CHAIRS FOR THE ANNUAL AND WINTER TRAINING INSTITUTES

Chair: Charlene Rhyne

- Identify subjects and presenters for workshops and assist with screening, review and selection of proposals.

ADDRESS QUESTIONS ON RESEARCH FROM APPA MEMBERSHIP

Chair: Jennifer Ferguson

- Generate a regular tip sheet that will be produced in conjunction with NIC called Getting Smart About.....! This sheet will distill research for a non-research audience.

WEBINARS

Chair: Faye Taxman

- Annual webinar on a research topic of interest to the field.

LIAISON TO OTHER APPA COMMITTEES

Chair: Deena Corso

Link to other APPA Committees to encourage requests for research information, suggestions for workshops, submission of topics for webinars and the like.

The Committee meets in person twice a year at the Annual and Winter Training Institutes of APPA. The Research Committee is open to any members in good standing of APPA. Interested members should contact the Committee Chair, Charlene Rhyne (charlene.e.rhyne@multco.us).

We currently have two projects poised to launch – a webinar on the teen-age brain and what it means for correctional practice and an opportunity to challenge your wits to a game of Correctional Jeopardy developed by our own Dana Wilkes. Stay tuned!

Looking forward to hearing from you to ensure that we are meeting the research needs of our membership. Do not hesitate to contact me by phone 503.988.4126 or at the above email with your comments, concerns and/or suggestions.>>>

CHARLENE RHYNE, Ph.D. is the manager of Quality Systems and Evaluation Services with Multnomah County Community Justice in Portland, Oregon.

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A HISTORICAL, INTERNATIONAL & CONTEMPORARY LOOK AT COMMUNITY SUPERVISION WITH A SPOTLIGHT ON "STICS"

The American Probation and Parole Association designated July 15 to 21, 2012 as Community Supervision Week with a focus on yesterday, today and tomorrow. The theme for the week – "link the history of probation and parole to today's emerging practices". From "yesterday" as highlighted below, in 1942 supervision was described as "perfunctory reporting without a definite goal". From "today" an emerging practice that is supportive of shifting from a contemporary case manager role for community supervision to a "change agent" role is receiving international attention. The spotlight is on the Strategic Training Initiative in Community Supervision (STICS) model developed in Canada.

Public Safety Canada highlights that community supervision is the most prevalent form of correctional control. In Canada in 2009, there were approximately 95,000 offenders under probation or parole supervision. In the United States in 2010 the Bureau of Justice Statistics indicates their number to be just under five million (4,887,900). Data¹ obtained from The European Organization for Probation (CEP) indicates a supervised population in Denmark of 9,200 and Germany of 150,000. These are significant numbers and with these numbers come significant responsibility and major challenges.

Routinely the literature emphasizes the "what works model" or "evidenced based

practice" or the relatively new kid on the block — "what matters"² — when it comes to the universal challenge of ensuring that a sound offender supervision model is part of everyday practice for probation and parole agencies. It is accepted that treatment effectiveness is significantly enhanced when there is close adherence to the principles of risk, need and responsivity (RNR) (Andrews, et al. 1990). It is significant to highlight from the outset that although there will be frequent references to the RNR model this document will not go into any depth as to the specifics of the model. There are a number of key reports that fully address RNR and the evolution of the STICS approach (Bonta, J., et al. 2008, and Bonta, J., et al. 2010b).

It is readily known that the RNR principles have been applied in the development of group-based intervention programs but they have not been systematically used in the one on one supervision of offenders. In the STICS study, the key RNR principles were incorporated into community supervision. It is the medium and high risk offenders who are best served by the initiative, where probation officers are taught cognitive-behavioral skills to address the pro-criminal and dysfunctional attitudes that underlie other criminogenic needs (Bonta, 2010, Bourgon, et al. 2011).

In an evaluation of the Proactive Community Supervision (PCS) initiative implemented in Maryland, George Mason University Criminology Professor Faye




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Taxman concluded³ that offenders involved in the initiative were less likely to receive technical violations and to be rearrested. At the core, the PCS model is based on a RNR approach to treatment. Highlights of the PCS model include four major components:

- Use of valid assessment tools to identify criminogenic risks and needs;
- Development of case plans that are responsive to the criminogenic needs of high and moderate risk offenders;
- Provide appropriate services and controls, and ensure that the programs and services use social learning or cognitive-behavioral interventions; and,
- Provide an environment where the offender can learn pro-social behaviors and successfully complete supervision (Karp and Rouders, 2009).

Service delivery adherence to the RNR principles as seen through the eyes of several Canadian researchers has been threatened by a variety of design, implementation and evaluation issues found in the real world of community supervision. STICS was designed as a service delivery model and implementation training package that translated these principles into a “sound offender supervision model”. Firmly rooted in RNR principles, the STICS supervision model emphasizes officers’ interventions that facilitate pro-social attitudinal/cognitive change in moderate to high risk offenders. In order to maintain service integrity and officers’ skill maintenance, STICS provided probation officers with initial three-day training in the model and basic cognitive-behavioral interventions and also provided

ongoing clinical supervision. Random assignment and direct observation of probation officer behavior during interactions with their clients were key components of the evaluation of this initiative. Preliminary results suggested that STICS had a significant impact in improving probation officers’ use of effective core correctional practices (Bourgon, et al. 2009).

The threat highlighted above is based partially on the conclusion that little is known about the effectiveness of community supervision in the real world (Bonta, et al. 2010b). Possibly a more forgiving conclusion comes from Australia. The “down under” perspective suggests that some approaches to supervision work better than others. Supervision which focuses on role clarification, pro-social modeling and collaborative problem solving have shown to be the most effective in reducing re-offending (Trotter, 2011).⁴ Role clarification in the STICS model will be addressed further below.

Role clarification is a reoccurring issue. Giardini (1959) pointed out that the essence of parole supervision lies in the relationship between the parole officer and the parolee. The success of supervision depends on the nature and development of this relationship. Giardini suggests that it is through this relationship that the policies, regulations, and authority of the parole agency on the one hand, and the needs, desires and aspirations of the parolee on the other hand, must be funneled, not in a mechanical manner, but interpreted and refined in the light of the experience and sympathy of the parole officer. This view from the late 1950s

THE KLOCKARS' OFFICER TYPOLOGIES

(Klockars, 1976)

THE LAW ENFORCERS

Officers stress the legal authority and enforcement aspects of their role. Of prime importance would be:

- The court order - the only job is to help the offender comply with the order of the court;
- authority - "I will fully execute that authority but only that authority delegated to me by the court";
- decision making power - "once I have made a decision, I will steadfastly resist all client efforts to alter my decision by threats, tantrums, illness, etc.";
- officer responsibility for public safety - safety for society determines for the parole officer whether the level of adjustment achieved is acceptable or whether the offender is so dangerous to society that a return to prison is required; and often,
- police work - in essence it is police work - "we're the policeman back of the agencies".

It is highlighted that the officer's daily routine and working philosophy is characterized as "unshakably law and rule enforcing".

THE THERAPEUTIC AGENT

At the other end of the "officer role conception" are the officers who consider themselves as therapeutic agents. Here, the officer's role is emphasized in the administration of a form of treatment artfully introducing the probationer to a better way of life by:

- motivating constructive patterns of behavior;
- giving support and guidance to those who are unable to solve their problems by themselves; and,
- providing an opportunity for the offender to work through their ambivalent feelings.

Key to this typology would be knowledge of the offender's history analyzed in terms of psychological, physiological, and social factors; day by day analysis of recorded interviews; and, the loan of the officer's "own ego to the clients in the perception and appraisal of reality".

Officers of the therapeutic agent type are likely to belong to professional associations, actively campaign for recognition of the professional status of probation officers, display various diplomas and certificates testifying to their skills, and speak in the "argot" of social casework wherever possible.

THE SYNTHETIC OFFICER

This officer is distinguished by their recognition of both the treatment and law enforcement components of the probation officer's role. Their supervision reflects a desire to satisfy the arguments of both the therapeutic and law enforcing agents. Thus, they set for themselves the active task of combining the paternal, authoritarian and judgmental with the therapeutic. In so doing, they may unknowingly solve what is alleged to be the classical dilemma of community supervision. For therapeutic purposes, the probation officer requires the probationer to "tell all" but must also recognize that revelations of wrong doing may result in revocation.

THE TIME SERVERS

Time serving officers are nearly the functional equivalent of the "law enforcers". They comprise that category of probation officers who find no law enforcing or casework vocation in probation. Instead, they see their jobs as having certain requirements to be fulfilled until retirement. They have little aspiration to improve their skills; they are not likely to attend seminars or training institutes, nor do they belong to professional associations. Their conduct on the job is rule abiding and their job responsibilities are met minimally but methodically. Rules and regulations are upheld but unexamined. They don't make the rules; they just work there.

can also be seen in the officer typologies developed in the mid 1970s found below. Giardini's term "mechanical" is interesting. The benefit of the doubt will be given suggesting that its undesirability refers more to a perfunctory reporting process which will be referenced further below as opposed to the contemporary and supported structured approach to one on one interaction.

Several researchers from the University of Oxford recently reflected back to the 1980s when cognitive behavioral group work programs became the focal point of practice and conventional one to one counseling as an intervention in its own right became increasingly marginalized in England and Wales. A number of factors were identified that helped to explain why relationship based one to one practice became discredited on a policy level.⁵ In particular, counseling and one to one work had been identified as ineffective in most (not all) meta-analytical reviews of "what works". It was associated with unstructured and non-directive approaches that provided insufficient structure and purpose, and with autonomous and idiosyncratic practice that failed to address offending behavior.

Our Oxford colleagues highlighted that a growing body of research found, however, that it was the relational element in supervision and offender management that practitioners frequently "flagged up" as the indispensable foundation of effective practice with offenders. Some of the skills involved became redefined as specific approaches, such as motivational interviewing, mentoring, relapse prevention and pro-social modeling (Burnett, et al. 2007).

Currently the Effective Practices for Community Supervision (EPICS) training creates structure and an action plan that addresses the criminal thought behaviors of higher-risk offenders. Under EPICS, probation officers are trained to work four key components into their meetings with offenders: check-in; review; intervention; and, homework and rehearsal. "This program is unique in that it changes the way we typically supervise offenders," says Edward Latessa, Head of University of Cincinnati's School of Criminal Justice.

One more look in the rear view mirror, this time from the early 1940s. Pigeon (1942) observed that too often correctional field case work was not productive in the positive sense. It was negative, an enforcement of rules and perfunctory reporting without a definite goal and without noticeable movement. Although occasionally Pigeon felt that "slight contacts" of this type would have been helpful to an individual; however, as a rule the complex social problems involved demanded a more positive, intensive form of attack.

It is significant to highlight that the historical retrospective has been completed with the intent of providing constructive comment and should in no way be interpreted as a criticism of the dedicated community supervision personnel that have worked on behalf of their respective communities over the years.

Let us now fast forward from 1942 to 2011 and reflect upon not only a significant shift in the officer's role from the above but also a shift from the contemporary role

SUMMARY OF THE “HISTORICAL LOOK”

SUPERVISION ERA	OBSERVATIONS & DESCRIPTORS RE: SUPERVISION
1942 Pigeons	<ul style="list-style-type: none"> • Not positive – negative • Enforcement of rules • Perfunctory reporting without a definite goal
1959 Giardini	<ul style="list-style-type: none"> • Intention not to be mechanical • Count on experience and sympathy of the officer • No specific mention of training
1976 Klockars	<ul style="list-style-type: none"> • Law Enforcers • Therapeutic Agents • Synthetic Officers • Time Servers
80's Retrospective Burnett	<ul style="list-style-type: none"> • Relational element criticized <ul style="list-style-type: none"> • Unstructured • Non directive • Autonomous & idiosyncratic

of case manager to change agent. The content for the following chart has been taken from an article that appeared in the Irish Probation Journal in the fall of 2011. The shift possibly responds to Pigeon’s demand above for a more positive, intensive form of “attack” to address complex social problems. It would also appear that the shift would be more consistent with the therapeutic agent typology from the 1970s referenced above.

STICS continues to receive international attention. Under the heading of “Out for Good: An Innovative Canadian Project in Community Supervision”, an overview of the STICS approach was presented at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice held in Salvador, Brazil, in April 2010. As part of the supporting rationale for the attention to this issue the presenters focused on two universal correctional concerns, cost and prison overcrowding. They indicated that first, we must get smarter about directing our scarce and expensive resources to where they are needed most, and second, even if we have the best practices in the world at getting people out of custody the money and effort is wasted if we cannot keep them out. Recidivism rates range from bad to worse, and too many of our prisons hold too many people with good potential but who have not succeeded on the street. Instead

CASE MANAGER TO
CHANGE AGENT (BOURGON, ET AL 2011)
FROM THE STICS MODEL

TRADITIONAL CASE MANAGER	CHANGE AGENT
<ul style="list-style-type: none">• Officer expected to ‘manage’ their clients and the services they receive• Ensures that the client is complying with the sentence handed down by the court• Conducts risk/needs assessments• Shares information with partners• “Change work” is not done by the officer but is the domain of the professionals who actually provide the rehabilitation, treatment and/or social services.	<ul style="list-style-type: none">• Traditional case management work is viewed as supplementary• Work with clients in a therapeutic manner• Employ the skills and techniques that are firmly rooted in RNR principles including responsivity• Directly facilitate personal, attitudinal, behavioural change• Have an operational understanding of cognitive-behaviourism and the practical implications of this model• Shift from the traditional risk/need assessment and case plan to a strategic therapeutic intervention plan.

they are people caught in the proverbial revolving door on a windy day and who keep on winding up back in custody where they started (Bonta, et al. 2010a).

In Singapore on September 9, 2011, as part of the Care Networks’ Learning Journey II which focused on the RNR model, I provided an overview of the STICS approach. The Community Action for the Rehabilitation of Ex-offenders (CARE) Network brings together the major community and government organizations responsible for the rehabilitation of ex-offenders in Singapore. On October 17, 2011, a delegation led by the Director of Singapore Prison Service (SPS) Soh Wai Wah met with senior personnel of the Correctional Service of Canada in Ottawa and following that were provided an overview of STICS, the research and various techniques by Senior personnel of Public Safety Canada’s Corrections & Criminal Justice Directorate. During the week of March 5, 2012, Singapore Prison Service joined delegates in Ottawa from Sweden, Scotland, Australia and Canadian provinces Ontario and Alberta for a further STICS training orientation session provided by the Corrections Directorate. Following the return of the delegation to Singapore, although not in attendance, Timothy Leo, Senior Assistant Director & Senior Principal Psychologist, SPS reported that the participants were very impressed by the work done by Public Safety Canada and were appreciative of the rich sharing of experiences and challenges.

Closer to home, here on the west coast of Canada in December 2011, the Auditor General of British Columbia (BC) released his audit which examined the Effectiveness of BC Community Corrections and more specifically the Community Corrections and Corporate Programs (CCCP) division's success in reducing rates of re-offending among those under its supervision. In 2010/2011, close to 24,000 adult offenders or 90 percent of BC's correctional provincial population were supervised in the community.

Recommendation four of the Auditor General's Report recommended that the Community Corrections and Corporate Programs division: confirms the courses required to supervise each case type and then update its policies to ensure probation officers complete the appropriate training before supervising offenders (Doyle, 2011).

The response to the above from the Ministry of Public Safety and Solicitor General as highlighted in the report is referenced below.

The division has undertaken an internal review of the training for probation officers in BC. The Auditor General's recommendations for a clear articulation of the link between required training and the assignment of case management responsibilities will assist the division to complete this review.

The division is implementing the Strategic Training Initiative in Community Supervision (STICS), a gold standard evidence based recidivism reduction program. STICS ensures that the risk needs responsivity model of offender assessment and management is applied in the context of one-on-one supervision.

STICS IN BRITISH COLUMBIA A LOOK BACK⁶

In 2007, 55 probation officers in British Columbia participated in a national STICS pilot project headed by Dr. James Bonta of Public Safety Canada. Fifteen probation officers from Saskatchewan and 10 from Prince Edward Island also participated in the 18-month pilot program.

- In this new approach, probation officers are more attentive to the offender's risk and needs (i.e., antisocial personality, antisocial peers, substance abuse and pro-criminal attitudes).
- The emphasis with STICS is on the application of various one on one techniques, such as rapport building, collaborative goal setting and modeling the link between thought and behavior with the offender.
- Research results confirmed that offenders, whose probation officers effectively used these structured interview techniques focusing on collaborative goal setting and pro-social thinking, saw a dramatic decrease in recidivism compared to those whose probation officers relied on more traditional interview techniques.
- When the research concluded, Bonta's team found a 38 percent reduction in recidivism for offenders supervised by STICS trained probation officers.

36 additional probation officers will be hired incrementally in BC over the next four years and will take over caseload responsibilities of existing officers so they are able to coach and mentor their colleagues in the STICS technique and ongoing skill development.

- The initial training of the first 72 probation officers was completed in March 2012. Training for the next 54 officers will commence in April.
- The initial training is four days augmented by probation officer attendance at clinical support meetings, provision of ongoing feedback from audio recorded sessions with clients, and participation in refresher training sessions over a 12 month period.

"The addition of probation officers to build on the success of the STICS pilot project is an important development for public safety in B.C. The resources added over the next four years will help to move a proven approach into effective, everyday practice. In turn, the training will make probation officers more effective in their work, building both capacity and public safety going forward." Dr. Jim Bonta, Director, Corrections Research, Corrections & Criminal Justice Directorate, Public Safety Canada.

This report unfortunately has only been able to scratch the surface of the overall STICS action plan. I strongly encourage practitioners who are supportive of a structured, common sense “what works” approach to community supervision to investigate this approach further.

As pointed out by the Canadian Research Team, STICS attempts to provide a comprehensive and holistic view of the client, encourages adherence to RNR principles, and should be able to accommodate a variety of policies and practices that are inherent in community supervision work. They believe it can assist the community supervision officer's evolution from a case manager to a ‘change agent’ by guiding the understanding, planning, and implementation of direct one to one cognitive-behavioral interventions that can facilitate reductions in criminal behavior (Bourgon, G., et al. 2012). The results to date have been promising and await further replication (Bonta, 2010).

In an interview in early April 2012 with Mary Campbell, Director General, Corrections & Criminal Justice Directorate, Public Safety Canada, I was advised that “preparatory work for STICS training is underway with parole officers for women offenders under Correctional Service of Canada supervision. A plan for the full roll-out of STICS in Canada has been prepared through 2020.” Collectively we should keep the spotlight on the Strategic Training Initiative in Community Supervision through 2020. ▶▶

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current contributor to the Perspectives International Update. A simple question that I am confident will receive more attention from community corrections internationally.

³ Further supported by Taxman, F., (2008) 'No Illusions: Offender and Organizational Change in Maryland's Proactive Community Supervision Efforts'. *Criminology & Public Policy* 7, pp. 275 - 302.

⁴ The primary source of support for this perspective as highlighted in the paper was taken from Trotter, C., (2006) *Working with Involuntary Clients*. Sydney: Allen and Unwin (also available in Japanese translation, Tokyo: Akashi Shoten) and Trotter, C., (2009) *Involuntary Clients in Corrections. Strategies for Work with Involuntary Clients*. New York: Columbia University Press.

⁵ These statements are supported by Burnett, R., and (2004) .One-to-one ways of promoting desistance: in search of an evidence base. *What Works in Probation and Youth Justice: Developing Evidenced Practice*. Cullompton: Willan and Burnett, R., and McNeill, F. (2005). 'The place of the officer-offender relationship in assisting offenders to desist from crime'. *Probation Journal*, 52 (3), pp. 221-242.

⁶ Retrieved on 2012 04 01 from <http://www.news.gov.bc.ca/Default.aspx>

R.E. "BOB" BROWN is an independent criminal justice consultant based in Victoria, British Columbia and working internationally in Africa and China. He is the former Director of the Corrections Programme at the International Centre for Criminal Law Reform and Criminal Justice Policy and a former District Director of the Vancouver Island Parole District.

ENDNOTES

¹ Retrieved on 2012 03 30 from <http://www.cepprobation.org/page/58/knowledgebase>. The data was taken from *Probation in Europe* (2008) by Anton van Kalmthout and Ioan Durnescu.

² "What matters?" in the context of this submission is attributed to Donald Evans, Past APPA President and



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THE USE OF ALCOHOL MONITORING DEVICES FOR ALCOHOL IMPAIRED DRIVERS - FEBRUARY 26, 2012

WHEREAS, Driving While Impaired (DWI)¹ offenders comprise a significant portion of the criminal justice population. About 1.5 million arrests occur for impaired driving each year.²

WHEREAS, approximately one-third of all drivers arrested for DWI are repeat offenders and about half of drinking drivers involved in fatal crashes have a BAC of over .15 at the time of their arrest.³

WHEREAS, nearly 11,000 people die each year in crashes that involve an impaired driver. This represents 32 percent of all traffic fatalities.⁴

WHEREAS, approximately 5.1 million adults were under community supervision at year end 2008. Public order offenders including those supervised for a DWI or other traffic offense, represented 17% of this population.⁵

WHEREAS, chemical dependency assessments can effectively identify those DWI offenders who are alcohol-dependent and in need of treatment.

WHEREAS, the chemical dependency assessment should be required and completed during the plea agreement/pre-sentence when possible or, at least, post sentencing. The assessment should be used to decide whether a treatment program should be part of the terms and conditions of the sentence imposed and what type of treatment would be most appropriate.

WHEREAS, a risk and needs assessment instrument utilized for the alcohol-dependent offender should assess criminogenic variables that identify those factors predictive of driving under the influence (DUI)/driving while intoxicated (DWI) recidivism.

WHEREAS, to achieve long term risk reduction, treatment is an essential component in changing behavior of alcohol-dependent drivers.

WHEREAS, ongoing alcohol monitoring has proven effective for the process of recovery for alcohol- dependent drivers.

WHEREAS, the National Association of Drug Court Professionals (NADCP) recognizes the importance of using proven and effective technological tools available to assist Drug Courts and DWI/DUI Courts in supervising alcohol-dependent offenders in conjunction with treatment.

WHEREAS, ensuring an alcohol- dependent offender's compliance with abstinence is imperative

for public safety and enables treatment efforts. The use of monitoring technologies such as, but not limited to continuous transdermal alcohol monitoring devices, ignition interlock devices, and voice recognition monitors are valid and reliable ways to detect alcohol consumption with frequent testing.

WHEREAS, research demonstrates that ignition interlock devices are an effective tool in preventing an alcohol-dependent offender from drinking and driving while the device is installed. The device prevents a vehicle from starting if an offender's blood alcohol level exceeds a pre-set limit.

WHEREAS, research, has demonstrated that without treatment, once an alcohol monitoring device is removed, recidivism rates eventually return to pre-installation levels.⁶

WHEREAS, resources are limited, therefore, proven technological monitoring devices should only be utilized with the impaired driver who is assessed to be at risk for a subsequent impaired driving offense. The emphasis is on the need to screen, assess, treat and monitor the impaired driver.

NOW THEREFORE BE IT RESOLVED: The American Probation and Parole Association supports the use of proven technological monitoring devices with impaired drivers when the offender has undergone an alcohol assessment, has been assessed as alcohol-dependent, is involved in a comprehensive alcohol treatment program and has been determined to be high risk for continued impaired driving.

ENDNOTES

¹ For the purposes of this report the abbreviation "DWI" will be interchangeable with the terms "DWI", "DWAI," and "OWI".

² Federal Bureau of Investigation: Uniform Crime Reports (2009). Table 29. Retrieved from http://www2.fbi.gov/ucr/cius2009/data/table_29.html.

³ Hedlund, J., & McCartt, A. (2002). Drunk driving: A roadmap for progress. Trumbull, CT: Preusser Research Group, Inc. Retrieved from [http://www.saaq.gouv.qc.ca/t2002/actes/pdf/\(23a.\).pdf](http://www.saaq.gouv.qc.ca/t2002/actes/pdf/(23a.).pdf)

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TRIBAL CRIMINAL JUSTICE ACCESS TO FEDERAL AND STATE CRIMINAL DATA BASES

APRIL 1, 2012

WHEREAS, there are 565 federally recognized tribes in the United States of America that are comprised of more than 2,786,652 enrolled members;

WHEREAS, Native Americans represent only .8% of the total United States population, yet are the third largest owners/managers of land in the United States with 55.7 million acres of which some lands border Mexico or Canada;

WHEREAS, tribes are recognized by the United States Government as sovereign nations;

WHEREAS, enrolled tribal members have dual citizenship, that of an enrolled member of their own tribe and that of the United States;

WHEREAS, tribes maintain criminal justice systems comprised of police, courts, probation and other legal services for their citizens;

WHEREAS, tribal efforts have often been hampered and hindered by federal Indian policy and Supreme Court decisions including the Major Crimes Act, the Dawes Act, Termination Policies, the Oliphant Decision and Public Law 280 which create myriad complex jurisdictional issues, gaps in justice services and tribal citizen protection;

WHEREAS, these Indian Policies and Supreme Court decisions have prevented tribal criminal justice agencies from operating in a full and complete manner by limiting them with a lack of authority over felony offenses committed on tribal lands and a lack of authority over non-Indian people living on or visiting tribal lands as well as restricted access to federal National Crime Information Center (NCIC) or state criminal justice databases;

WHEREAS, access to criminal information is an essential function for tribal police and probation officers to be able to assess the level of threat posed by individuals on supervision and the lack of access to criminal history information creates unsafe conditions for tribal police and probation officers;

WHEREAS, tribal courts and probation services must attempt to make critical decisions relating to sentencing, treatment, punishment, incarceration, and re-entry without access to vital criminal history information entered into non-tribal databases causing situations that are not only dangerous to the community but also inhibits the probation officer's ability to create individualized supervision plans based upon accurate and complete information;

WHEREAS, tribal courts, police departments and probation departments are increasing in numbers annually yet often lack the support of or cooperation from neighboring non-tribal agencies in information sharing;

WHEREAS, Section 233 of the Tribal Law and Order Act of 2010 (Public Law 111-211) requires the Department of Justice to allow tribal law enforcement agencies to enter and access information into federal criminal information databases.

WHEREAS, state law enforcement agencies control access to NCIC and other criminal information databases for entities within their state borders;

NOW THEREFORE BE IT RESOLVED, that the American Probation and Parole Association recognizes and supports the need to allow tribal criminal justice agencies regular and open access to both federal NCIC and state criminal databases for the purpose of operating in the same safe and informed manner as any other justice agency in the United States, thus enhancing the safety of tribal communities as well as the safety of tribal police and probation officers. Further, access to criminal databases will enhance tribal probation officers' abilities to develop comprehensive supervision plans based on complete and accurate information in order to improve supervision outcomes for probationers in Indian Country.

NEWS FROM FEBRUARY 26, 2012 APPA BOARD OF DIRECTORS

There was a constitutional change related to the Region 16 make-up. Region 16 had previously consisted of California, Hawaii, Guam, American Samoa, the Northern Mariana Islands, the Philippines and the Caroline Islands. The Constitution was changed to reduce Region 16 to California and Hawaii. A new Region 18 was created to include Guam, Commonwealth of the Northern Mariana Islands, the Philippines, the Caroline Islands, Federated States of Micronesia, Republic of Palau, Republic of the Marshall Islands and American Samoa. Each of these regions will have two representatives on the Board of Directors.

THERE WAS A CHANGE MADE TO AGENCY MEMBERSHIPS EFFECTIVE JULY 1, 2012.

Level I agencies were split into two new categories. Level I agencies will now consist of agencies with 800 plus staff. A new Level II agency membership will represent agencies with 500-799 staff (current Level I agencies are for 500 plus staff). Level III (current Level II) will be for agencies of 101-499 staff. Level IV (current Level III) will consist of 100 or fewer staff. The cost of a one year agency membership for each new level as of July 1, 2012 will be:

- Level I - \$1,000
- Level II - \$750
- Level III - \$550
- Level IV - \$300

AMERICAN PROBATION AND PAROLE ASSOCIATION CRIME VICTIM ISSUES POSITION STATEMENT

INTRODUCTION

The American Probation and Parole Association (APPA) recognizes that crime victims and survivors are detrimentally affected by crime- physically, emotionally, financially, spiritually and socially- and that crime causes harm to the neighborhoods, homes and communities in which it occurs. APPA strongly advocates for services and programs that identify and meet the needs and interests of crime victims and survivors, and for the criminal and juvenile systems to implement policies, procedures, and practices that assure certain fundamental rights owed to crime victims are upheld.

Probation and parole agencies are in a unique position to make key contributions that identify and address victims' needs and interests. Community sanctions and supervision should hold those that have committed crimes accountable for the harm inflicted on crime victims and offer every available opportunity to provide reparation to their victims and communities. Victims themselves deserve support, programs and service from both probation and parole agencies. Crime victims and survivors have a significant stake in all aspects of sentencing and adjudication: therefore probation and parole agencies should strive to ensure that crime victims understand how supervision works, and have an important role in contributing to effective probationer and parolee management, victim safety and satisfaction, and community safety.

APPA realizes not all victims' needs and interests can be addressed solely by probation and parole professionals. When those needs are identified as wholly or in part outside the mandate of community corrections, agency staff should address crime victims' constitutional and statutory rights, needs and concerns by coordinating services with appropriate community and system-based victim assistance programs, government, or allied criminal and juvenile justice agencies. APPA commits its energies and resources to being an integral stakeholder on a multidisciplinary approach to providing comprehensive services that help heal the wounds of crime and assist crime victims in restoring their lives to the degree possible, in the aftermath of crime.

RECOMMENDED STRATEGIES

The American Probation and Parole Association advocates the following principles and strategies for assisting victims of crime whose offenders are being supervised by community corrections officers:

- Probation, parole and other community based professionals should be knowledgeable about crime victims' rights across the criminal, juvenile, tribal and Federal justice systems, the respective roles of allied justice professionals in implementing victims' rights, and how those roles relate to the community. Victim awareness and victim sensitivity must be reflected in each agency's mission and/or vision statement.

DECEMBER 2011

Probation and parole agencies should provide pre-service training regarding crime victims' rights, issues, needs, programs and services to all new employees, followed by regularly revised in-service training that conforms to changes in victims' rights laws and policies. This training should be provided as a component of on-going professional development programs for all existing staff including support/clerical staff. Of particular importance is the need

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for mandatory training for probation and parole staff about the dynamics of cases involving violence against women, to further the understanding of the importance of ongoing communication with the victims to identify their safety concerns, the power and control issues involved in these crimes, and to recognize and avoid supervisee manipulation of supervision staff.

Probation and parole agencies should develop and maintain collaborative relationships with crime victim assistance and allied justice professionals that support cross training and ensure the promotion of improved services for victims of crime.

The establishment of a Victim Services Unit or designation of a "Victim Liaison" officer or staff person can enhance the scope and ability of victim services in community corrections. Trained staff in these roles can ensure information and assistance are provided to victims, and crime victim referrals are provided to other agencies when warranted.

Pre-sentence investigative (PSI) for adult or pre-dispositional reports (PDR) for juvenile offenders should include the Victim Impact Statement (VIS), both when the victim chooses not to speak in court and /or in addition to his/her court appearance. PSI/PDR records should contain information regarding the physical, financial, psychological, social and spiritual losses suffered by the victim. With the victim's consent, after discussion of confidentiality issues, the VIS should be forwarded to institutional correctional authorities to help them make appropriate

classification, programming and release decisions (particularly those regarding restitution and "no contact" orders).

Victims have a statutory right to financial restitution and compensation. Therefore, except for court ordered child support, the payment of restitution should always be the first priority among fees, fines and other financial obligations required of convicted/ adjudicated individuals. Victim restitution should be portrayed as a key tenant of probationer and parolee accountability, in addition to its important role in compensating victims for their financial losses. A viable restitution payment plan, which can be effectively monitored and enforced, should be agreed upon with the probationer or parolee. Failure to pay restitution should be regarded as a violation of conditions and be met with timely and significant sanctions.

Community service is an excellent probationer and parolee accountability model that can benefit individual victims and the community at large. Without violating victim confidentiality and safety, restorative programs should be encouraged to provide victims with the opportunity to make appropriate recommendations regarding community service placements; and/or to request appropriate personal service from their offender. Community corrections agencies should partner with victim assistance organizations to identify community service projects that directly benefit crime victims and survivors, and those who serve them.

DECEMBER 2011

Crime victims have the right to notification, and are entitled to be present at sentencing proceedings. They should be notified at the time of their offender's placement in community supervision and prior to probation/parole hearings concerning pardon, release, early termination and revocation decisions. They should have the option to submit a written statement to probation/parole authorities prior to those post-sentence considerations and have the right to be present as an observer and to provide testimony. If present at the hearing and in consideration of the victims' safety concerns, victims and their families should be seated in a space separate from their

offender and his/her family. Policies and procedures should be implemented that entitle victims to receive, upon request, information concerning their offender's institutional release plans or status in the community, including their offender's conditions of supervision. Victims should be notified when their offender absconds from supervision.

Victims have a legitimate right to information and need to know how the criminal, juvenile, tribal and Federal justice systems work. Public information packages that explain the policies and procedures of probation/parole agencies should be made

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available to victims and should identify any services that are available to assist them. These information packages should also include a definition of the terminology used in criminal, juvenile, tribal and Federal Justice and corrections systems.

Domestic violence victims, sexual assault victims, children, elders and individuals with disabilities who are victims of crime require special considerations due to serious safety, trauma and vulnerability factors. The safety of domestic violence victims should be a priority of domestic violence offender supervision. If the probationer or parolee has been court mandated to “no contact” with the crime victim, it is critical that probation/parole officers ensure strict adherence to the enforcement of the supervision conditions. As a result of the severe and long term trauma experienced by sexual assault victims, APPA advocates for the victim’s right to make an informed request for any relevant testing of their offender for HIV or other blood transmitted diseases and that the request be honored, and the result made available to the victim.

APPA recommends the implementation of victim awareness programming as a measure to help probationers and parolees understand the impact of their criminal or delinquent behavior on their victims, their own families, their community, and themselves. These include victim impact panels and victim awareness classes. Victim/offender dialogue or mediation, when appropriate and carefully implemented under the guidance of mediators specifically trained in the skill, can help probationers or parolees and victims explore the issues

of accountability and arrive at mutually acceptable settlements. The request for dialogue should be victim initiated and the offender must voluntarily agree to participate in the process. Mediation/reconciliation approaches should never be used in cases involving victims of domestic violence.

DECEMBER 2011

CONCLUSION

Probation, parole and juvenile justice services are in a unique position to facilitate the reparation of harm that crime has engendered on a very fundamental level. If the field of community corrections is to truly enhance the notion of “community justice and safety for all”, crime victims must be viewed as primary constituents. From that perspective, agencies should develop and implement programs and partnerships that consistently seek to identify and address the needs of crime victims in their respective neighborhoods and communities, while holding probationers and parolees accountable for their crimes. Services to probationers, parolees and crime victims should never be viewed as mutually exclusive, given community correction’s mission of protecting people in their communities and providing rehabilitative opportunities to probationers and parolees. APPA strives to help repair the harmful and lasting effects of crime that directly and detrimentally affect individual victims and survivors, and also leave scars on family members, friends, the entire community and the nation as a whole.

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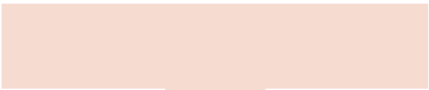


THE GREAT

PUN TISH MENT

EXPERIMENT¹

by Todd R. Clear, Ph.D. and William D. Burrell



The year 2011 will be remembered as a momentous one in the history of American corrections. It was the first year in four decades that all components of adult corrections (prisons, jails, probation and parole) in the US saw their populations decline (Glaze, 2011). Prison and jail populations declined for the second year, decreasing by two percent. The most recent report on jails showed a decline of 1.8 percent, making it the third year of decreases in jail populations (Minton, 2012). The decline for probation and parole was more modest at one percent. It is important to note as well that the declines were in the nationwide totals, within those totals there is an incredible mix of declines and increases among the states.

Some may challenge the significance of these small declines in population. When one examines the population trends from 1972 to 2011, the growth in all forms of corrections has been long-term, consistent and significant. The slowing of growth and the first actual decrease, however small, is indeed a momentous occasion. It may signal that a generation-long social experiment in penology is coming to an end.

SOCIAL POLICIES AND SOCIAL EXPERIMENTS

The United States has seen its share of social experiments, although the policies that drove the change were probably not conceived of as experiments when they were developed and implemented. But the adoption of these policies set up natural experiments, if only before and after comparisons (pre and post tests). These policies/social experiments included:

- *Compulsory education.* In the 1850s, the Commonwealth of Massachusetts became the first state to make education compulsory for children. By 1918, every state had passed some form of law requiring compulsory education. Compulsory education is widely seen as an extremely successful social reform, having served as a mechanism for integration a nation of immigrants and setting the stage for vast economic growth and productivity.
- *Prohibition.* With passage of the Eighteenth Amendment in 1920, the manufacture and sale of intoxicating liquors became illegal throughout the nation. History has shown this social experiment to be an enormous failure, creating illegal markets for alcohol and undermining respect for law. The amendment was repealed in 1933 (Okrent, 2010).
- *Medicare/Medicaid.* The Social Security Act of 1965, passed as part of Lyndon Johnson's Great Society, created Medicare and Medicaid as two social insurance programs designed for the elderly and for poor families,

respectively. While there is today an active debate about the size and costs of these programs, there is a general belief that they are important parts of the social safety net.

These are three illustrations of the way big social movements can happen in the US. It is useful to see the last 40 years of correctional policy as a great social experiment in controlling crime. There was remarkable stability in both prison populations and incarceration rates in the US until the 1970s. At that point, sentencing and correctional policies started to change, deliberately and consistently across all 50 states and the federal government, and these changes took place over a 25 year period, roughly speaking. More people were incarcerated for longer periods of time. At the same time, more people were placed on probation as the reach of the criminal justice system expanded. This period of time comprised what we might think of today as "a great punishment experiment."

Like all great social experiments, the *great punishment experiment* was a complicated combination of ideas and strategies. But like the other grand social experiments that have come before it, there were at least these parts: a thesis for the experiment, a mechanism for making it happen, implementation of the experiment and results. Here is a description:

THESIS

People choose to commit crimes through rational choices. They follow incentives –

the benefits of crime outweigh the costs, so there is an incentive to commit the crime. Under this logic, in order to reduce crime, the incentives that lead offenders to choose criminal behavior need to change. A *Sub-thesis* was: those who are unable or unwilling to make the proper choice must be incapacitated.

MECHANISM

Changing the incentives was achieved in the punishment experiment by making corrections tougher. With incarceration, the changes were drastic. Between 1972 and 2010 the percentage of adults receiving a sentence of incarceration tripled, from 25 percent to 75 percent. The average length of stay for all crimes doubled, from 15 months to 30 months (Clear, 2007). These two factors, percent incarcerated and length of stay, form the *iron law of prison population* (Clear & Austin, 2009). If these two factors increase, prison population must increase. If prison populations are to decline, one or both must be reduced.

Implementation

The implementation of the sentencing and correctional policies took effect in the middle to late 1970s. By then, crime rates had been climbing and correctional populations were already growing. By the 1980s, the punitive policies were fully in place and the growth was largely driven by increased percentages of offenders being incarcerated. This trend was accelerated by the war on drugs, which vastly expanded the reach of the criminal justice system, and as a result, the size of correctional populations. In the 1990s, policies such as “truth in

sentencing” (requiring that inmates serve 85 percent of their sentence), “3 strikes laws” (life sentences for commission of a third felony) and a variety of other sentencing “enhancements” lengthened the sentences of those incarcerated (see Blumstein and Beck, 1999).

THE RESULTS

The impact of these changes (higher percentage incarcerated, longer lengths of stay) on top of already rising crime rates resulted in a literal explosion of correctional populations. In 1972, the incarceration rate in the US was 90 inmates per 100,000 population. In 2008, the rate was over 500 per 100,000. The 1972 prison population was under 300,000 and the 2010 prison population was 1.5 million, a five-fold increase (Bureau of Justice Statistics).

It is important to note that while prison populations grew, so did probation. Probation and parole are responsible for approximately 70 percent of the adults under correctional supervision, a rate that has remained stable since 1980 (Bureau of Justice Statistics). Some 4.8 million adults are on probation or parole. The total impact of the expansion of corrections was portrayed vividly in the title of the Pew Center on the States publication “One in 31” referring to the fact that one of every 31 adults in the US is under correctional supervision (Pew Center on the States, 2009).

THE COLLATERAL CONSEQUENCES

The great punishment experiment has also produced information about the collateral and unintended consequences

of mass incarceration. The impact of an incarceration sentence extends beyond the actual time in custody for the offenders, and for their children, their families and for their communities. These negative consequences are pervasive and persistent, and handicap the offenders, their children, their families and their communities for many years to come.

It would be one thing if the great punishment experiment was successful in reducing crime and restoring offenders to full and productive citizenship in the community. The reality is that incapacitation is just a holding action, separating offenders from the community for a period of time, during which little has been done to address the drivers of crime or social needs. The offender returns to society no better prepared and often less ready, to assume a role as a productive member of the community.

IS THE GREAT PUNISHMENT EXPERIMENT OVER?

Examining the correctional population trends over the past decade or so reveals a slowing on annual growth, with actual declines in 2009 for prisons and jails, and probation and parole. Does this decline signal the end of the great punishment experiment? It is too soon to declare definitively that the experiment is over, but there is a good confluence of evidence to suggest that it is.

Crime rates in the US have been dropping, over an extended period (since 1991) and by significant amounts. The overall violent crime rate per 100,000 population

has dropped from 758.2 in 1991 to 403.6 in 2010. Declines were recorded across all categories of crimes (FBI, 2012).

The credibility of rehabilitation has been restored by the "what works" research and by the success of drug courts. It is now acceptable to talk about treatment and programs as effective responses to criminal behavior.

Reentry as a philosophy has captured the imagination of key policy-makers and practitioners. The concepts of using time in custody to prepare inmates for release, assisting in the transition to life in the community and connecting with community organizations to help reintegrate offenders has gained political acceptability.

Public opinion has been shown to be very pragmatic and not uniformly punitive on questions of crime and punishment. Citizens across the political spectrum are concerned about public safety and they support community supervision and treatment for drug and non-violent offenders (PEW Center on the States, 2012, 2010, Cullen, et al. 2000).

The fiscal crisis has focused the attention of elected officials and policy makers on finding less expensive, more effective means to sanction law breakers. Some of the most punitive states in the nation (Texas, for example) have led the way reduced reliance on incarceration (<http://www.justicereinvestment.org/states/texas>).

IMPLICATIONS FOR PROBATION AND PAROLE

The great punishment experiment has had a significant impact on probation and parole, affecting aspects from philosophy and mission to funding and staffing.

Philosophy – In the 1960s and early 1970s, the focus was on rehabilitation, treatment and programs for offenders to help them change their behavior. The probation and parole officers (PPOs) were seen as change agents. With the emergence of mass incarceration in the 1980s and 1990s, probation and parole retooled to focus on control and surveillance of offenders and enforcement of conditions of probation or parole. PPOs became public safety agents and tried to prove that supervision could be as “tough as prison”.

Funding – Mass incarceration starved probation and parole of needed resources. Corrections funding was directed at building and operating prisons and jails. Despite the fact that probation and parole are responsible for 70 percent of the adults under correctional supervision (a figure that has remained stable since 1980), they receive only 12 percent of the correctional funding (Pew Center on the States, 2009).

Increased Workload – Mass incarceration didn’t relieve workload pressures, as one might expect from the substantial increases in prison populations. Probation and parole caseloads grew by 264 percent from 1980 to 2010, from 1,340,123 adults under supervision to 4,887,900 (BJS).

Workforce – The great punishment experiment all but eliminated any attempt at rehabilitation. Robert Martinson’s infamous “nothing works” declaration (Martinson, 1974) contributed to the transformation of the probation and parole workforce from one steeped in the concept of behavior change to one concerned primarily with “trail ‘em, nail ‘em and jail ‘em”. This post-Martinson generation has grown up professionally in a workplace that has been all but devoid of any significant efforts to help offenders change.

Public opinion has been shown to be very pragmatic and not uniformly punitive on questions of crime and punishment.

The impact of the great punishment experiment has not been all negative. It has provided an opportunity for probation and parole to transform the correctional landscape. There is no question that mass incarceration is bankrupting the states and that effective alternatives are desperately needed. The emergence over the past decade of evidence-based practices has provided a tool kit with which to build more effective community supervision models.

Evidence-based practices and strategies have created a new vision of the PPO as “skilled professionals with specialized knowledge that contributes to a safer and stronger community.”

WHERE ARE WE HEADED?

It is natural in an article like this to summarize the developments to date and make predictions about what might happen next. This is particularly likely as the field of probation and parole is doing so much projecting about future offender behavior with risk assessments. However, attempting to predict the future is a trap that we would like to avoid. One of us attempted to predict the future of community corrections in an article published in 1994 (Clear, 1994). Only some of what was predicted came true.

Instead of trying to predict the future, we would like to suggest that we try to *create* a new future. This future is based on a vision that will take probation and parole in a new direction, creating a new and arguably better future.

This vision starts with community justice. Probation and parole become more effectively linked to communities where crime and justice problems are concentrated. Central to the work of probation and parole

are *partnering* with community agencies, neighborhoods and citizens, *investing* in the human, social and financial capital of the communities and *developing* the potential and capacity of communities to be self-sufficient and able to address community problems.

We see a number of forces that are influencing the future and which will help to reshape the environment in which probation and parole work. These include:

- Re-emergence of the private sector as a force in the corrections business.
- The need for jobs and development in crime-prone communities.
- The need to control correctional costs.
- The iron law of prison populations.

A NEW IDEA: JUSTICE REINVESTMENT

Making this new community justice vision a reality requires that several tough hurdles be overcome. Much of what is needed to clear these hurdles will require financial resources, which are in short supply everywhere. For an answer to this challenge, we suggest turning back the pages of recent history to the original conception of “justice reinvestment” (Tucker and Cadota, 2003). Instead of the well-known model where prison savings are reallocated to community corrections agencies to strengthen supervision and expand treatment services, the dollars saved by reducing incarceration would follow people from prison back to the community. People in the community would use the money to create jobs and build the community’s capacity for self-governance and sustainability.

Any program of this type would of course have to address the traditional justice concerns of providing for public safety and

victim restitution and restoration. Some portion of the funding that flows to the community would be targeted to these points. This is an obvious point for the nexus between the community and probation and parole.

It is important to stress that we support the concept of justice reinvestment as it is currently practiced under the auspices of the Council of State Governments, the Bureau of Justice Assistance and the Pew Center on the States (www.justicereinvestment.org). Probation and parole agencies are for the most part under-funded, overloaded and struggling to deliver quality services. Any investment of additional resources, such as from reduced prison costs, is certainly welcome and can be put to good use. But more needs to be done. We cannot expect probation and parole, no matter how well resourced, to be able to solve all of the problems of our crime-riddled communities.

What does seem to us to have potential is a partnership between probation and parole, the business community, non-profit organizations, local government and the community itself. »▲

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ENDNOTES

¹ This article is based on Dr. Clear's keynote address to the APPA Annual Training Institute, Chicago, IL, July 24, 2011.

TODD R. CLEAR, Ph.D. is the Dean of the Center of Law and Justice at Rutgers University in Newark, NJ.

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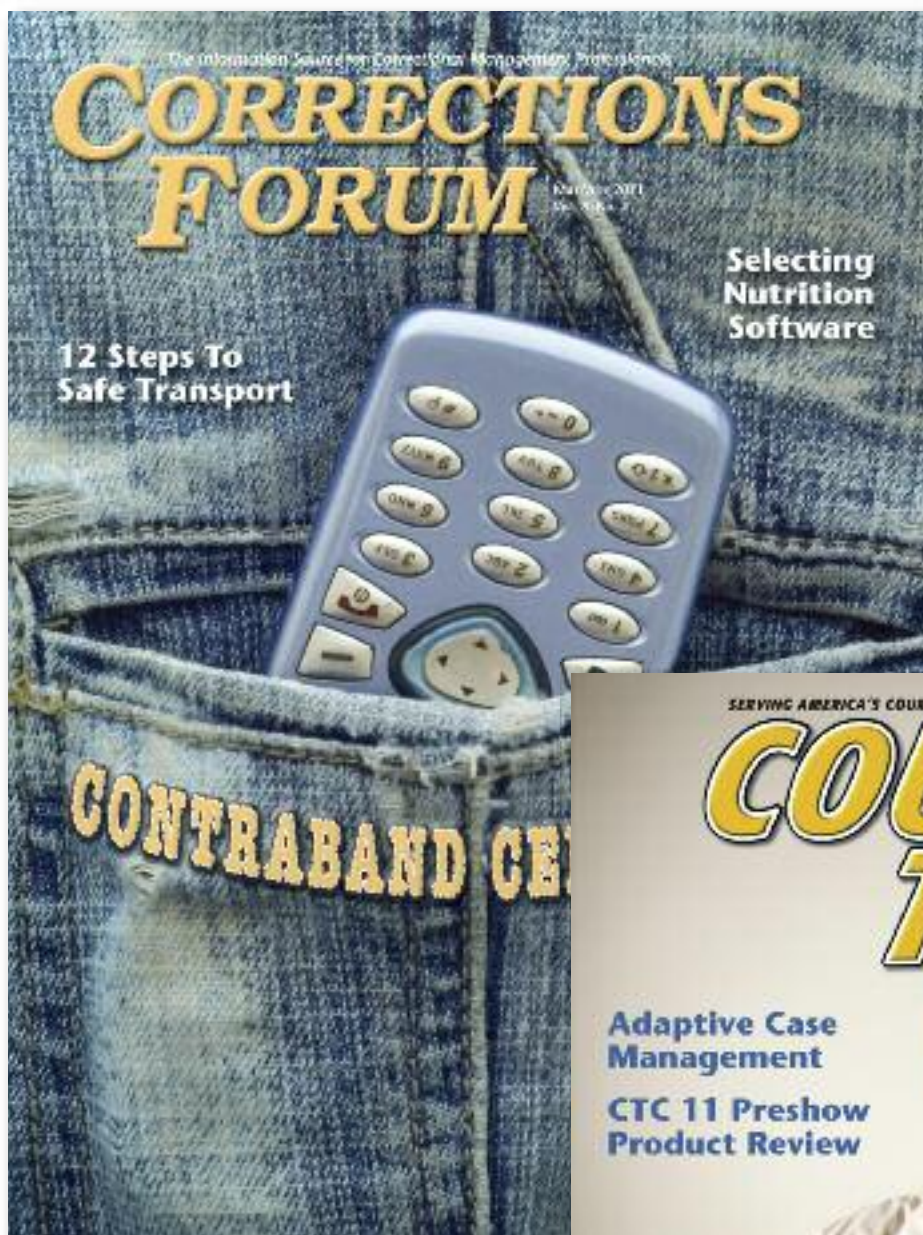
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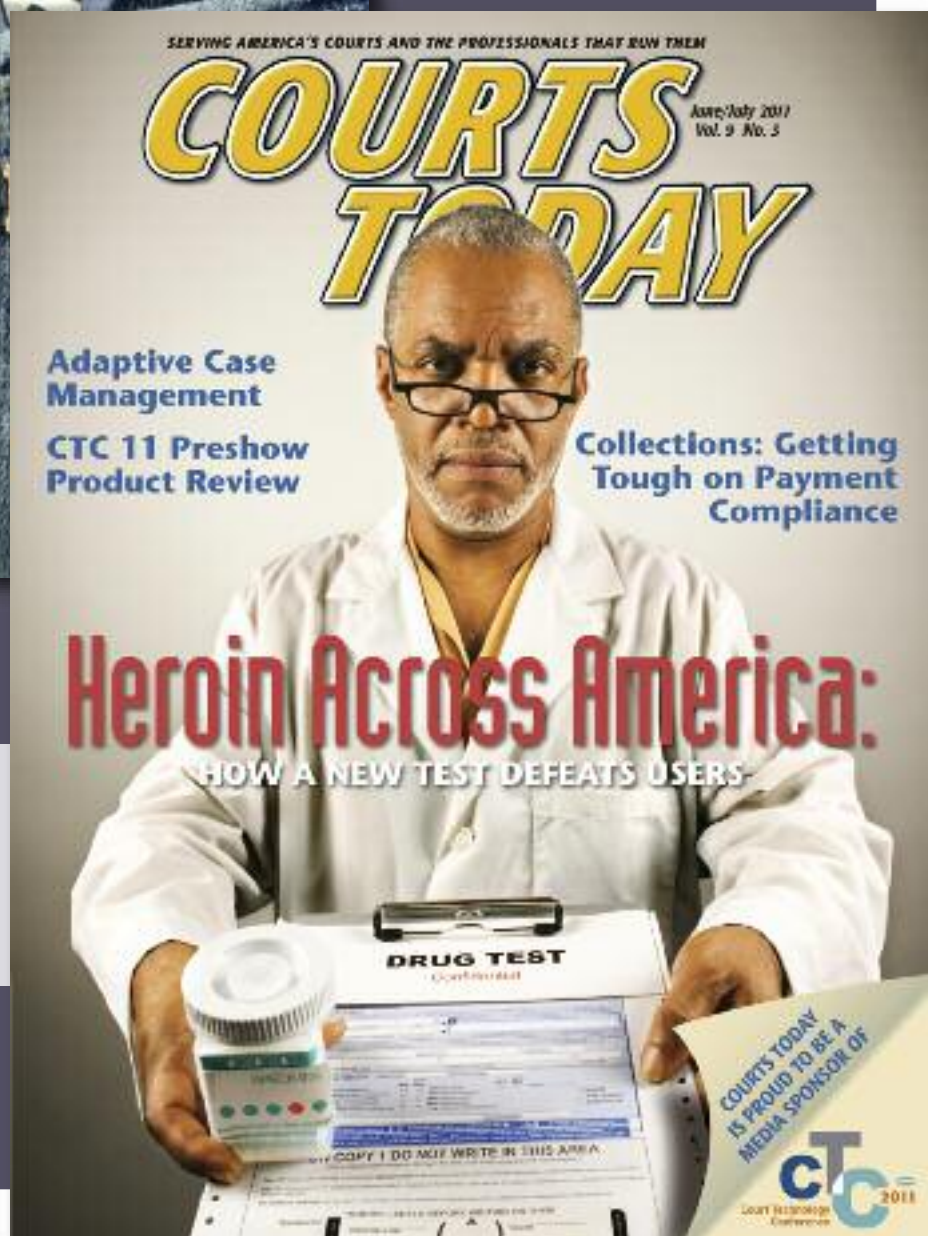




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THE MARK OF A CRIMINAL RECORD

by Beth Skinner, Ph.D.

At the end of 2008, more than 7.3 million individuals in the United States were under some type of correctional supervision (e.g., probation, jail, parole, prison) (Pew Center on the States, 2009). Upon release, many of these individuals began searching for employment not only to support themselves and their families, but also to facilitate reintegration back into their communities. Employment remains one of the most potent factors for reducing an ex-offender's involvement in crime (Petersilia, 2003). There is strong evidence that an individual's criminal behavior is responsive to changes in employment status; one example is that unemployment is associated with higher crime commission rates and rates of arrest (Bushway & Reuter, 2002).

Name:

Officer Name:

1. Thumb

7. Index

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D.O.B.

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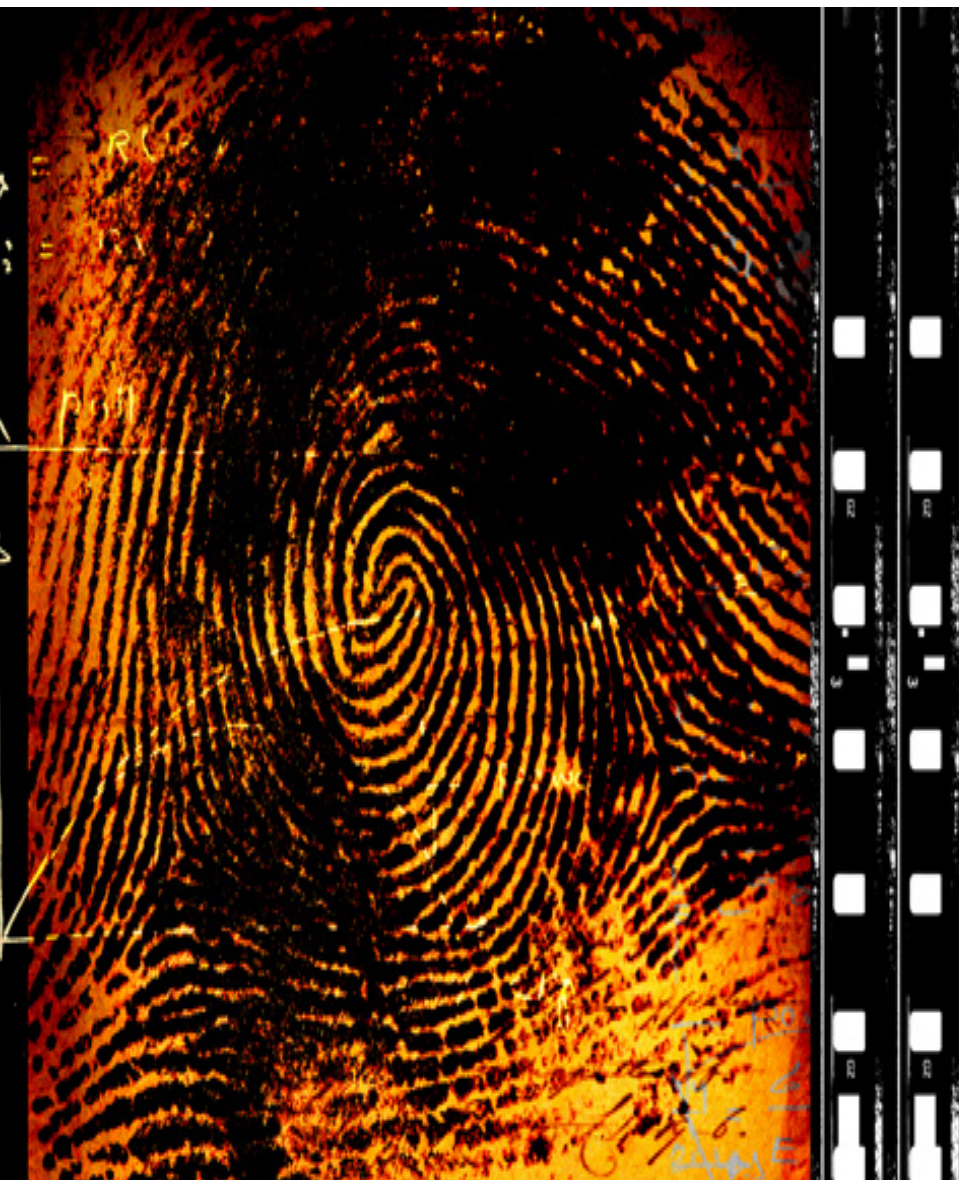
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10. Little Finger

According to national experts, unemployment among individuals with a criminal record is estimated to range from 40 percent to 60 percent (Tahmincioglu, 2010). Ex-offenders pursuing employment can face numerous barriers, one of which is the use of criminal background checks by potential employers. Criminal background checks have become one of the main tools of employers to screen potential applicants during the hiring process. According to a survey conducted by Dartmouth Psychiatric Research Center (2010), 73 percent of employers reported using some type of background check to screen applicants. Employers are increasingly turning to criminal background databases to identify ex-offenders among job applicants.

Criminal background checks are a growing commercial enterprise because employers are finding them to be fast and inexpensive. Despite these benefits to employers, use of commercial background checks can be detrimental to job applicants with a criminal record.



EDITOR'S NOTE

As this issue was being compiled, the Equal Employment Opportunity Commission (EEOC) issued an extensive guidance document that addresses in detail how information from criminal records can and cannot be used by employers in hiring decisions.

The 52 page guidance document set provides that if a job applicant has a criminal record, they cannot be automatically excluded from consideration for the position. The employer must look at the seriousness of the offense, the length of time that has passed since the offenses and the nature of the offense in relationship to the position being filled.

The full guidance document is available at: http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

It is recommended reading for probation and parole staff, especially those involved with workforce development or other employment programs.

Many criminal background reports contain inaccurate information and are often misread by human resource personnel, with negative consequences.

The law, at least on paper, protects those with a criminal record from most employment discrimination. In reality, it is very difficult to prove in a court of law that an employer is in violation of the 1964 Civil Rights Act for discrimination based on an applicant's criminal record. In most cases, employers can justify not hiring an individual with a criminal background because of the relationship of the crime to the job duties (e.g., an individual is not hired at a coin laundromat because of a previous burglary charge). The Legal Action Center (Samuel and Mukamal, 2004) identified the additional legal barriers to employment: Most states allow employers to deny jobs based on arrest rather than conviction, most states allow employers to deny jobs to anyone with a criminal record no matter how long ago the offense occurred and most states make criminal history available via the internet which makes it easy for employers to discriminate against individuals based on old or minor convictions.

A criminal record can be as permanent as a social security number, leaving a criminal record "brand" an individual. Employers now can select from numerous commercial criminal databases to conduct checks on prospective employees and can price shop for the cheapest criminal record checks. They run the risk of receiving poor quality information but also may have difficulty interpreting the reports. Some of these criminal databases operate from one location and may be unable to aggregate or interpret data from other states because each state has different

reporting standards and definitions of level of offenses, statutes and codes. As a result, most employers have difficulty interpreting background reports that come from different jurisdictions and states. Although most of these databases claim to be "national," they do not include federal convictions. For example, the report of an individual convicted of internet child pornography filed in federal court is stored in a separate database (Sullivan, 2005). In addition, the information provided by these commercial criminal databases may not be updated regularly and may be missing crucial disposition information that is relevant to the conviction's history (U.S. Department of Justice, 2006). Moreover, most criminal records are kept at some 3,100 county courthouses dispersed across the country, and some counties share their data with state law enforcement or private firms (Sullivan, 2005). As a result, the information employers receive from such a report is much broader, with additional risks of inaccuracies and misinterpretation, than if they were to secure the information at the jurisdiction where the applicant resided (U.S. Department of Justice, 2006).

What is most concerning about the inaccuracy of criminal background checks is the incompleteness of the available records. The Federal Bureau of Investigation maintains a repository of criminal histories known as the Interstate Identification Index system that incorporates records from all states and territories. While the agency is known for its accurate records and for being a reliable source for criminal information, the FBI's database is missing final disposition information for 50 percent of their fingerprint records. Experts have reported that many criminal background reports contain less than 70 percent of felony

conviction records. Rhonda Taylor, CEO of Intellisense Corporation, stated, "We've done tests, and the national databases have a 41 percent error rate" (Sullivan, 2005: 2-3). Today, no single source exists that provides complete and up-to-date information on an individual's criminal history (U.S. Department of Justice, 2006: 3-4).

Criminal databases are marketed to employers by promising accurate, fast and comprehensive information. This type of marketing is problematic on several levels. First, commercial criminal databases are promising a service that is not comprehensive; it is often fragmented and inaccurate which can provide a false sense of security to employers. When they conduct a criminal background check, many employers may feel secure and assume they are protected against financial loss, liability and public scrutiny. Second, even if the information on the criminal report is accurate, the employer may still run the risk of misinterpreting the results. Employers do not receive training on how to read and interpret a criminal background report. Employers can conduct other background checks on applicants such as credit reports, rental history, payment of child support, driver's history, social security claims, civil and federal court claims and worker's compensation claims, all at an additional cost. Many employers do not conduct these types of background checks because of limited resources or funding to obtain multiple background reports. As a result, they often choose the criminal background check because they are led to believe that past criminal behavior is indicative of potential risk in the work place.

PROTECTIONS FOR THE APPLICANT

Many individuals with a criminal record are at a great disadvantage not only because of the numerous criminal history databases available, but also because of the misinterpretation of records and their lack of knowledge about their rights and protections regarding such reporting. According to the *Attorney General's Report on Criminal History Background Checks*, commercial criminal background checks that provide this information for screening services are regulated under the Fair Credit Reporting Act (FCRA), state consumer reporting laws and other state and federal laws (U.S. Department of Justice, 2006). The privacy protections provided by these regulatory bodies are intended to provide fair information practice that reports public information, such as criminal records (U.S. Department of Justice, 2006). Employers conducting any type of consumer checks (e.g., credit reports, driving records, child support obligations) including criminal background checks have to follow FCRA guidelines. Use of medical information and reports is prohibited by the FCRA. According to the FCRA, before an employer can conduct a background check, the employer must provide the applicant with a clear written disclosure in a separate document before the report is procured and the applicant must authorize the report in writing (Federal Trade Commission, 2004). In the privacy protections, the applicant has the right to obtain a copy of the report and a description in writing of the rights of the applicant under this title as prescribed by the Federal Trade Commission under section 609 (c) (3). Moreover, the employer must provide the name, address and phone number of the agency that provided the information. The applicant has the right to dispute incomplete

or inaccurate information and request a free file disclosure if adverse actions have been taken based on the report (Federal Trade Commission, 2004).

A ROLE FOR CORRECTIONAL AGENCIES

Although these protections and regulations may appear to be sufficient as safeguards, they do not provide the protection needed by individuals with a criminal record. There are several activities and strategies correctional staff and criminal justice advocates can pursue to decrease the negative impact of criminal background reports. These include educating employers and ex-offenders on criminal background reports and advocating for regulations and policy changes at both state and federal levels. Correction agencies should work with employers to educate them on the issues associated with relying on criminal records in their hiring decisions. These issues include (a) the type of crime in relation to the type of work (e.g., conviction for robbery and application for a banking job), (b) the length of time since conviction, (c) different types of certificates an ex-offender can possess (e.g., National Career Readiness Certificate, Certificates of Employability, Employment Readiness), (d) the benefits of the ex-offender being under the supervision of a probation or parole officer, (e) the financial benefits available if they hire an ex-offender (Work Opportunity Tax Credit, Fidelity Bonding against financial loss), and (f) evaluation of the individual's sincerity and remorse for past criminal engagement. A survey conducted of employers regarding their hiring practices with ex-offenders found that employers in several circumstances reported that they would hire an individual with a

criminal background if they had assurance against financial loss and legal liability, if the ex-offender had a case manager to avert problems through proactive interventions, if they could utilize tax credits, and if the applicant had a certificate of rehabilitation (Ex-Offender Reentry Council, 2010).

In addition to educating employers to look beyond a criminal record, correctional staff should educate ex-offenders on several strategies to improve the chances of being hired. First, the individual can practice good interviewing skills (appropriate dress, the importance of eye contact, enthusiasm and follow-up after the interview). They can prepare a clear and concise resume that provides an overview of past employment history and skills. They should be prepared to present written references from previous employers or someone who can vouch for the character and commitment to change. Lastly, correctional staff should coach ex-offenders on how to talk honestly about their criminal background and how their behavior has changed since conviction.

IMPLICATIONS FOR POLICYMAKERS

There are several policy implications regarding criminal background reports. First, policymakers and elected officials need to be educated on how criminal background reports lack accurate and incomplete information. Second, policymakers should develop standard regulations and uniform reporting for criminal databases. While the FCRA regulates the disclosure process for criminal background reports, they do not provide uniform guidelines on types of crimes reported, dispositions and length of time a criminal record exists. Credit reporting guidelines and regulations may be a good

model for developing a more structured and disciplined reporting process for criminal background reports.

THE NEED FOR PUBLIC EDUCATION

Approximately one in every 31 adults in the United State is receiving some type of correctional supervision (Pew Center on the States, 2009). However, the public in general and employers in specific, have little accurate information on the risks and benefits associated with hiring someone with a criminal record. Many employers regard a criminal background as a general indicator of "untrustworthiness." A 1996 study found that 65 percent of all employers in the five largest U.S. cities would not knowingly hire an individual with a criminal record (Albright & Denq, 1996). Employers fear that if they hire an offender, they may assume substantial liability and/or risk. Some of employers' biggest concerns are offenders' propensity for violence. However, research on workplace violence indicates that workers face higher risks of assault from strangers, clients, intimate partners, and family members than from coworkers (Harris & Keller, 2005). Currently, there is no research suggesting that an organization, coworker or customer is more likely to be victimized by an employee with a criminal record than to one without such a record. According to Schumacker, Anderson, and Anderson (1990), the main reasons why offenders are terminated from their employment are for absenteeism and for alcohol and drug use. The authors showed that ex-offenders are not being terminated because they victimized someone while they were working or stole money or property from their employers. The public and employers need more education on the complexity of criminal background reports and the risks and benefits associated

with hiring ex-offenders. The advantages to society reach far beyond paychecks and tax credits by increasing public safety when ex-offenders are gainfully employed. The challenge lies in striking a balance between public safety and fairness. Fairness in the context of giving individuals with criminal backgrounds an opportunity to rehabilitate and reintegrate back into their communities, and balancing public safety in the context of drawing parallels between the type of crime committed by applicant and its relationship to the type of business. As more commercial criminal record databases continue to emerge and states fail to create legislation to protect individuals with criminal backgrounds, corrections staff will need to continue to advocate for ex-offenders to employers and educate ex-offenders on how to best prepare for job interviews and to talk about their criminal history with employers. Research has supported the relationship between employment and lower recidivism rates, the improvement in self-esteem and financial stability and the increase in positive social contacts for ex-offenders (Petersilia, 2003). Employment is an opportunity for ex-offenders to create bonds with conventional society as well as with pro-social individuals and to begin the process of reintegration into the community. >>>▲

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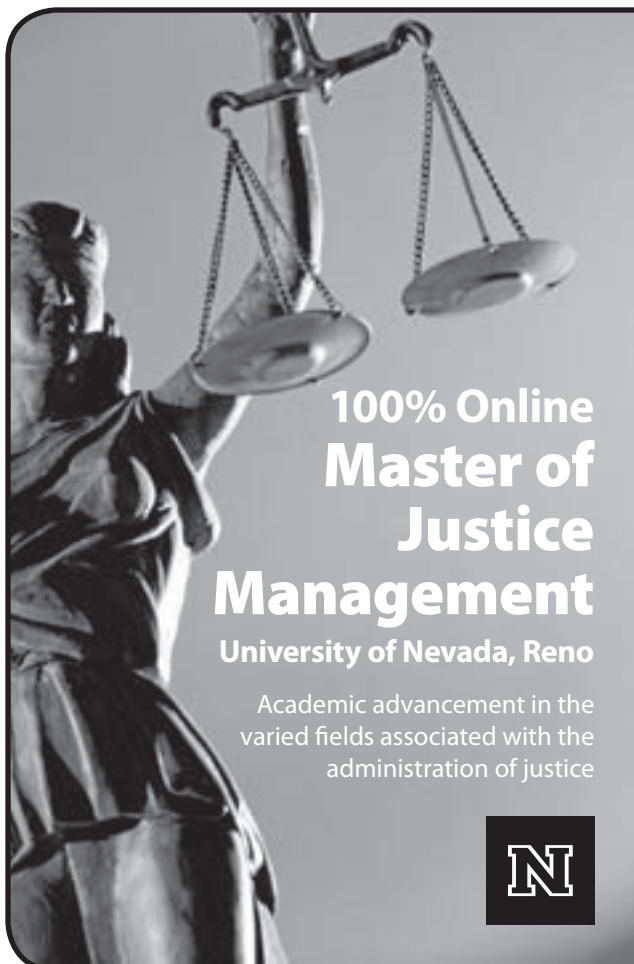
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BETH SKINNER, Ph.D. is a supervisor in the special services
division, Sixth Judicial District Department of Correctional Services,
Iowa.



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APPA Technology Committee Presents

A Look Back:

Ophelia Twenty Years Later

by Mark Hendershot

The goal of the American Probation & Parole Association (APPA) Technology Committee is to explore emerging technologies in use by departments and agencies and to share those experiences with fellow practitioners others looking for better ways to do business. Corrections departments are unique in focus, scope and missions determined by agency philosophies, evolving legislation and leadership. What works well for one department may not work in an adjoining county. The committee doesn't recommend any product or service, but rather seeks the experiences of the practitioners and encourages discussions to explore the pros and cons of products. Joe Russo has chaired this committee since 2001. He and his teams do a great job of building a comprehensive bank of practitioners and product reviews to help departments find technologies suitable for their jurisdictions.

Committee review of technologies bring discussions of optimistic product claims, legislation enacted with good intent but too little research, results of practitioner field testing, weighing the benefits against costs in shrinking budgets and a litany on the shortcomings of technology.

Sustainable technologies are elusive. Today's technology quickly becomes a cliché. It's easy for modern day officers to scoff at the tools of the trade. Anyone with 10 or 20 years in this business remember when the tools of the trade were pencils, three ring binders, desk phones, typewriters and the family car. Manual typewriters were the norm and electric typewriters were a luxury. One deputy chief still displays a vintage librarian's oak card file in his office. Its tiny drawers hold 3 X 5 hand-written index cards, one card per probationer. Smudged and dog-eared, packed with tiny notes (some barely legible) edited with cross-outs and erasures. That was the state of technology when he began in the 1970s. It's difficult to see the future of technology and easy to lose perspective on the gains that have been made.

The committee decided to look retrospectively to examine the progress in community corrections business practices and techniques. As we pondered a method to measure progress, we decided to use a 1990 paper by Dr. Todd R. Clear of Rutgers University as the base line. As a leading American expert in community corrections and penology, Professor Clear's work is widely known through his research, articles and speaking engagements. Dr. Clear's paper spoke of a vision for probation and parole 20 years into the future, a day-in-the-life of Ophelia Edison, a county probation officer. 'Ophelia' was part fun, part Orwellian prediction that was thought provoking and challenged the traditional views, the roles and responsibilities of the field officer. Dr. Clear's vision was later published as "Ophelia the CCW: May 11, 2010."¹

Given Dr. Clear's contributions to the profession we thought it would revealing to look at his predictions to see how far corrections has come, how far we have to go, and if there have been any innovations that weren't predictable.

Ophelia provided a mixture of political vision, speculation on technologies of human convenience and correctional tooling but more telling spoke of the business practices that may prevail following public policy see-sawing in the 1960s, 1970s and 1980s. Initially during this period, penal institutions were found to be ineffective and gave way through prison reform in favor of community based supervision. Later in this same period America's prison populations quadrupled and the rate of imprisoned populations per capita tripled from 97 of every 100,000 citizens in

1967 to 293 of every 100,000 citizens in 1990.² Ophelia was Dr. Clear's best guess for the future.

Structurally, Dr. Clear predicted that government run community corrections would be replaced by privatized, for-profit industry that was balanced by trade union representation. The government had failed to demonstrate its ability to balance convicted populations in the community and prisons and it was turned over to the private sector. The business model and basis for officer performance reviews was meeting the goal of successfully maintaining probationers in the community crime free. Dr. Clear also predicted that prison overcrowding would become such a problem that probationers would no longer be incarcerated for rule (technical) violations of probation. Prison incarceration would only result following a new conviction.

Most applicable to today's field of community corrections were Dr. Clear's discussions of the business processes that would prevail in 2010. He spoke of technology as the tool that would provide the Correctional Case Worker. The engine behind the predictive models was an offender profile which directed the CCW where to go, who to see, the collaterals most relevant to interview, prescribed drug testing regimens and produced real-time Electronic Monitoring reports. The software even directed Ophelia when to conduct case staffing to maximize supervision effectiveness.

The automated system divided workloads based on the offender's risk to reoffend and determined contact standards and methodologies for supervising. Ophelia

chose to work with a population considered to be high risk. Her onboard computer provided her with minute by minute updates to identify the highest of the high risk cases to focus her attention. Ophelia dreaded the thought of supervising a large banked caseload of 300 lower risk offenders, chained to a cubical conducting 'videophoning' and 'compuwork', focusing mostly on monitoring fines and the performance of community service hours.

Performance evaluation was also computer driven. Adherence to standards was documented in the computer, tracked and accountability was swift and certain. Work that was deemed more dangerous received better pay rewards. Superior performance resulted in financial rewards. The computer kept Ophelia's nose to the grindstone, but also provided her with freedom from the office by managing her workload and keeping her focused in the community. It budgeted her time to allow her both surveillance work and to co facilitate group therapy sessions with her probationers. And at the end of the day, the computer used her fingerprint to sign her off and run a diagnostic to evaluate her for stress and drug use. It was predicted that Ophelia was dependent if not occasionally annoyed by the software, but nonetheless grateful for an automated system that ensured she stayed within policy better than she as she 'could not make hide nor hair' of the policies.

Ophelia was also aided by devices of human convenience such as automated bed alarms, voice activated showers and doors that would inform the time and weather conditions. Automobiles were self-driving, contained GPS devices and were mostly imports.

So how did Dr. Clear do in his attempt to see into the future world of Community Corrections? Mostly hits, some misses.

TEN THINGS THAT WILL HAPPEN

- Specialized non-traditional supervision services will predominate
- Intermediate sanctions trend will continue through to 2010
- Traditional probation and parole will handle a decreasing share of population
- Private sector will grow and become powerful factor
- Probation office will lose a \$5 million lawsuit
- Accountability-oriented systems will dominate new technologies
- Line worker discretion will diminish
- Treatment will make a comeback (especially with partnership of department and provider)
- IT will overwhelm traditional practices
- Labor and management relations will become increasingly kakapoopoo

THE HITS

Technology has greatly improved the work of officers in many jurisdictions. Most departments have some variation of case management software and can generate reports of multiple layers to drive business improvement. But even model jurisdictions can struggle with seemingly simple needs. Coordinating live data between agencies remains elusive. Ophelia knew the minute an arrest was effected on one of her probationers. When can a community corrections officer expect to receive a text message when one of their charges is arrested or booked into, or released from jail?

Profiles / Actuarial Tables v. Assessments & Risk Scores.³ Third and fourth generation criminogenic assessment tools are used throughout most of North America to assess needs and provide the basis for constructing effective case plans to reduce dynamic risk factors.⁴ Dr. Clear saw the future of Risk Assessments⁵, even if he was not optimistic that this could be achieved in twenty years. The field of community corrections is immersed in criminogenic assessment and the essential use of dynamic need and protective factors in case planning.

Dr. Clear describes Ophelia as a highly skilled case worker who is adept in the competencies of soft skills working one-on-one with offenders and trained as a co-facilitator of group therapy. She is keen to find what motivates the probationer to succeed and trained to notate behaviors through passive observance and persuasion.⁶

Dr. Clear predicted that 20 percent of an agencies budget would be spent fighting and paying civil law suits and that a probation office will lose a five million dollar law suit.⁷ Sadly this prediction of large settlements continues as departments and employees struggle to keep policies covered.

Probation and Parole departments are increasing trends toward pay for performance, pay differentials and results driven management⁸: Examples include Maricopa County, Arizona *Managing for Results* and Hennepin County MN *Balanced Scorecard*.

Drug testing has evolved to include many less onerous techniques to include that described by Dr. Clear as well as saliva, nail, hair, sweat patch,

FIVE THINGS THAT MAY HAPPEN

- Move away from traditional caseloads
- Technical violations for only specialized cases
- Completely privatized corrections system tried somewhere
- Fines/CWS replace supervision for low-risk/serious offenders
- Integration of law enforcement and social work roles for officers

etc. Missed was compulsory collection of DNA samples for those convicted and/or arrested.

THE MISSES

At the top of the list was Dr. Clear's prediction that risk prediction will not become more accurate. Through the evolution of criminogenic risk instrumentation, offender risk assessments have become the foundation of supervision and the basis from which case plans are developed.

Court and Government community corrections have not gone the way of privatization due to a failure to produce results and manage costs. About ten states allow privatized community supervision, mostly on a small scale.⁹ It is difficult to tell if this will be an emerging trend but as economic downturns occur privatization becomes a likely discussion point.

Technical violations resulting in prison incarceration continues to fill prisons. Fifty to sixty percent of prisoners admitted to prison each year are men and women who have failed to comply with the terms of probation or parole.¹⁰ Incarceration rates continue to rise largely due to sentencing policy and not increased crime rates. Reducing the incarcerations based on technical violations has become a focus, and a trend is emerging to eliminate rules violations as a basis for revoking probation/parole. This is more likely a result of budget shortfalls rather than recognition that technical rule violations are not proven to be an indicator that the offender has become a higher risk to the community. Dr. Clear suggested that technical violations could be considered only for specialized cases.

FIVE THINGS THAT WILL NOT HAPPEN

- Risk prediction will not become more accurate
- PO task uncertainty will not diminish
- EM will top out
- Some of Todd's predictions won't happen
- ?

WHAT HAS BEEN OVERLOOKED?

Most of Dr. Clear's visions can be validated from current business practices. Here are a few points from Dr. Clear's work that may be worthy of additional research:

- Prescribed drug testing regimens; Do officers know how to use drug testing effectively? Is drug testing evidence-based. Can drug testing be based on criminogenic need and risk level? Are we drug testing to encourage sobriety or is used as a punitive sanction?
- Automated queues to prompt case staffing; Is it possible through case documentation and automated statistics to prompt action on a case before it reaches the point of filing for revocation? Peer review and

supervisor review has traditionally been seen as a good process to encourage alternatives when officers reach a tipping point on troubled cases.

- Performance based pay. Are the officers and supervisors who exceed standards and surpass evidence-based outcomes truly compensated at a higher rate than those who just meet or fall short of expectations? Can we achieve Evidence Based Pay?
- The imposition of fines only for low risk offenders. Do all low risk offenders need traditional guidance from probation officers? Does the evidence suggest that supervision on low risk may increase risk?

SOME THINGS IN THE BUSINESS STAY THE SAME

Ophelia remains true to the profession. She loves to work the street and eschews the thought of sitting at a desk managing paper rather than working in the community. Ophelia has a client-centered approach which considers the probationer and those around him as part of the rehabilitative process. She particularly enjoys being part of the group therapy process and when one of her probationers is pulled from the community she learns to live with failure.

How do Dr. Clear's predictions from 1990 apply in your jurisdictions? ➤➤

ENDNOTES

¹ Crime and Justice in the year 2010 edited by John Klofas and Stan Stojkovic Publisher: Belmont, Calif.: Wadsworth, c1995.

² Todd Clear; Ophelia the CCS: May 11, 2010; 1990; Explanation p21.

³ Bogue, B et al 2004; Implementing Effective Correctional Management of Offenders in the Community, Outcome and Process Measures) (Taylor, David, Corrections Today, December 2008).

⁴ Andrews and Bonta; The principals of effective intervention, Washington, DC: National Institute of Corrections.

⁵ RNR (D.A. Andrews and Craig Dowden, 2007, The Risk Need Responsivity Model of Assessment and Human Service in Prevention and Corrections: Crime Prevention Jurisprudence, Department of Psychology, Carleton University).

⁶ Core Competencies (Craig Dowden, D.A. Andrews, 2004, The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-Analytic Review of Core Correctional Practice).

⁷ Acevedo v. Pima County Adult Probation Department. The jury award \$5 million in compensatory and \$10 million in punitive damages.

⁸ Schloss, Christine S., Criminal Justice Review, Vol 32, No. 3, 233-245, 2007.

⁹ Burrell, W.D. 2005 Trends in probation and parole in the states K. S. Chi (Ed.) The Book of the States, Vol. 37 (pp. 595 – 600). Lexington, KY: Council of State Governments).

¹⁰ Owen, Barbara, Professor, Department of Criminology, California State University-Fresno New national Reptot on Sentencing Reform Should Be Applied to California Prisons; California Progress Report December 3, 2007.

NOTE:

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A 5F? < 9B89FG<CH is a Division Director of the Maricopa County Adult Probation, Office of Policy, Planning and Alalysis.



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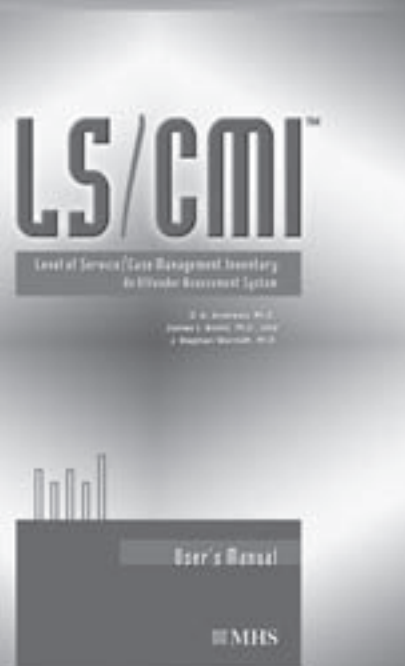
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in memoriam



JEFFERY MCCOY
1979-2012

PROBATION AND PAROLE OFFICER JEFFERY MCCOY KILLED IN THE LINE OF DUTY

It is with great sadness that we report that Jeffery McCoy, an Oklahoma Department of Corrections Central District Probation and Parole Officer III was killed in the line of duty in Midwest City (OK) on the morning of May 18, 2012 while conducting a field visit. The assailant was not under department supervision.

Jeffery Matthew McCoy was 32 years old. Jeff was married and the father of two children ages seven years and four years. Jeff's mother, Genese, is also employed with the Oklahoma Department of Corrections and his father, Pat, is retired from the department. Jeff began his career as a probation and parole officer in 2005. He previously served in the U.S. Navy from 1998-2002. He graduated from the University of Central Oklahoma with Bachelor of Science degree in Criminal Justice.

A fund to assist the family and support the future of Jeff's seven-year-old son and four-year-old daughter has been established. All donations should be sent to:

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