

PERSPECTIVES

the journal of the American Probation and Parole Association

Volume 38

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Spring 2014



OFFICER-OFFENDER RELATIONSHIP QUALITY



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president's message

A Word From *Carmen*



CARMEN RODRIGUEZ

President

American Probation and Parole Association

**Opportunity does not knock;
it presents itself when you
beat down the door.**

-Kyle Chandler

Without question, the Affordable Care Act (ACA) is the result of at least a few "beaten down doors." It is now here knocking on ours to offer an unprecedented opportunity to break the vicious cycle of crime and re-incarceration by making it possible for justice-involved individuals to obtain community-based health and mental health services that improve outcomes and reduce recidivism.

By removing the financial barriers that often prevent community corrections populations from accessing medical and substance abuse and mental health services, the ACA will make it realistic for more individuals to fulfill court or releasing authority imposed supervision conditions. In addition, it may even make mandated treatment continuation possible for the first time in many of our communities.

As we all know, the clinical challenges faced by the majority of the adult correctional populations are staggering. It has been estimated that: 53 percent of prison inmates,

68 percent of jail detainees and 35-40 percent of probationers meet diagnostic criteria for drug and/or alcohol use disorders; 16 percent (prisons), 17 percent (jails) and 79 percent (probationers) have serious mental disorders such as schizophrenia and bipolar disorder; and 59 percent (prisons), 72 percent (jails) and 49 percent (probationers) have both (i.e., co-occurring) substance use and mental health disorders . And, most of them who are in prisons and jails are being released to our communities – under our supervision—without ongoing services to address these issues. The numbers in the juvenile justice system are just as alarming.

By providing much-needed access to community-based clinical services, the ACA is beyond exciting for APPA members who are constantly in search of more tools to effectively manage their caseloads on the frontlines. Consider: When was the last time you reviewed individual case/supervision plans and were actually optimistic that those you supervise could not only access, but achieve their required treatment goals?

The ACA presents a clear opportunity for us to work together to advance our field while dramatically improving the lives of those we supervise and enhancing public safety in our communities. However, answering the “knock” at the door is only the first step.... It is clear that we cannot effectively enroll the pretrial/probation/parole population in the appropriate treatment programs unless we develop a stronger understanding of the ACA’s provisions and develop practical systems for implementation at the local level. I strongly encourage each of you to become informed about the ACA, and to build the necessary collaborations in each of your communities to help realize its fullest potential.

By removing the financial barriers that often prevent community corrections populations from accessing medical and substance abuse and mental health services, the ACA will make it realistic for more individuals to fulfill court or releasing authority imposed supervision conditions.

president's message

The APPA 39th Annual Training Institute in New Orleans is right around the corner! I encourage all of you to register as soon as possible. The program is completed, and based on the workshops selected, I am confident this is an institute you will not want to miss. In addition to the workshop on ACA implementation, we will be placing a "Spotlight on Trauma" throughout the entire conference, and have invited experts from all over the country to share their expertise, skills, and knowledge to better prepare us to address exposure to trauma when dealing with juveniles, victims, females, males and staff. As mentioned in previous President's Messages, this is an issue that is

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personal to me. I believe that the APPA can help lead the nation on building awareness of the impact of trauma on the criminal and juvenile justice systems – and more importantly, on how to effectively address it. There is also going to be an art exhibit at the Institute featuring art work by local victims of crime. Art work will include at least two sections "Broken Plates" and "Walk in My Shoes."

Thank you to the New Orleans Program chairs Michael Cimino, Deputy Chief at Maricopa County Adult Probation and Aaron O'Connell, Digital Learning and Development Manager at National Curriculum & Training Institute for their dedication in carefully reviewing all submitted proposals. Being a program chair is not an easy task, and these two gentlemen spent hours coordinating the outstanding program. Join us in New Orleans.

Moving forward, I am also pleased to share that the ever-growing Community Corrections Collaborative Network continues to become increasingly successful in its efforts to serve our members by addressing emerging issues, activities, and goals of the community corrections field. The network has grown to represent

60,000 members from various associations. We are collaborating to establish priority research areas emerging from international and national operational experiences that promote evidence-based practices. At our April 2014 meeting, we were able to make our unified voice stronger by creating new partnerships with the National Association of Drug Court Professionals, Treatment Alternatives for Safe Communities, and Justice for Vets.

There have been some pretty incredible developments that were helped made possible by the strength and leadership of the APPA and its membership over the past several months. I remain incredibly proud to serve you. I look forward to beating down more doors with all of you, advancing our field and improving the lives and public safety among the communities we serve!

I leave you with another quote: "A man sooner or later discovers that he is the master-gardener of his soul, the director of his life." ~ James Allen >>▲

Carmen Rodriguez

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editor's notes

Welcome to the Spring 2014 issue of *Perspectives*. After what seemed to be an endless and very harsh winter here on the east coast, Spring has arrived and not a moment too soon! We could all use some rejuvenation!

Our cover article by Manchak, Kennealy and Skeem addresses one of the key elements in the transformation of supervision by evidence-based practices. Increasingly, we are seeing from both research and practice that effective supervision is based on a sound interpersonal relationship between the probation/parole officer (PPO) and the offender. Manchak and her colleagues review the background of this concept, summarize related research and discuss a method for assessing relationship quality. This review of the "how to supervise" method translates the responsivity principle into practical, actionable steps for PPOs.



WILLIAM D. BURRELL

Editorial Chair for *Perspectives*
American Probation and Parole Association

In their article about the Census of Adult Probation Supervising Agencies (CAPSA), Glaze and Smith describe an exciting project to document for the first time in more than two decades the amorphous field that is adult probation in the US. Other than caseload counts, we know precious little about the details of how adult probation is organized and how it operates. This is an enormous effort that will document, analyze and describe adult probation agencies. It will require your help in completing the survey when it is fielded this summer. Watch for it and also expect to see the results presented in future issues of *Perspectives*.

Probation is not only being examined by the CAPSA survey, efforts to assist probation agencies in increasing their effectiveness are underway across the country. Oneyama and Zeliger describe two such projects of the Council of State Governments Justice Center. The first is the publication of the Ten-Step

Guide to Transforming Probation Departments to Reduce Recidivism. The Guide is based on work done in the Travis County (TX) adult probation department, led at the time by Perspectives Editorial Committee member Geraldine Nagy. Travis County engaged in a multi-year transformational effort that implemented evidence-based practices. The Guide provides extensive practical and field-tested guidance and advice to help executives and managers as they face the challenges of implementing evidence-based practices. The article also describes the Justice Center's work with the Bureau of Justice Assistance (BJA) funded Smart Probation program. This initiative provides technical assistance on implementation which complements the Ten-Step Guide and provides additional implementation support for probation departments seeking to improve their effectiveness. *I want to note proudly that APPA is a partner in both the CAPSA and Smart Probation initiatives!*

It is not just in adult probation where things are happening. The field of juvenile justice is evolving rapidly and the states are leading the way. Daugherty describes some of the advances and innovations occurring in juvenile justice. It appears that we are finally turning the corner on the "get tough" policies by revising statutes to reflect a more balanced, research-informed approach that restores the principles and promise of the original juvenile court movement of the early 20th century.

We continue to see developments outside of our field that will help us meet our mission. In her President's Message, Carmen Rodriguez writes about the implementation of the Affordable Care Act (aka Obamacare) which is providing insurance coverage for the first time to many of those under our supervision. This will greatly expand their access to basic healthcare, as well as to behavioral health and substance abuse services that are so desperately needed. The upcoming Annual Institute in New Orleans will feature a session on the ACA that you won't want to miss.

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editor's notes

Our regular Updates again provide a wide range of interesting and useful information. In the Technology Update, Russo describes a very practical resource for dealing with evidence produced by offender tracking systems. Far too often, we adopt technological tools or have them thrust on us without having a full understanding of the implications of their use. Tracking technologies often result in court proceedings and it is critical that our agencies and staff understand the rules and requirements related to recording, storing and producing evidence from tracking systems.

In the Research Update, Taxman, Caudy and Ainsworth shed valuable light on substance abuse as a criminogenic need. Staff often challenge the ranking of substance abuse as eighth of eight on Andrews and Bonta's list of criminogenic need areas. That runs counter to their experience and much of the research data that shows a high correlation between substance abuse and crime, undermining the credibility of the construct. This update helps to explain the apparent contradiction by digging deeper into the research.

This issue's Safety Update is the second part of an examination of the challenges of safely and effectively confronting an offender. Armed officers must be guided by law and agency policy, buttressed by training in making that split second decision as to whether and when to draw their weapon.

In many of our urban areas, gangs continue to be a source of violence. Cities are always looking at new tools to help in reducing violence and controlling those who engage in it. In the PSN Update, Matz explores the research on one tool, civil gang injunctions. As with so many innovations, the experience is mixed, but there are indications that these injunctions can be a useful tool in an arsenal of strategies.

In concluding, we come back again to the importance of relationships, this time for our staff and ourselves. In his review of *Am I that Man? How Heroes, Role Models and Mentors Can Shape Your Life*, Don Evans explores the power of relationships in shaping our own development. He talks about how early in his career as a PO, he was introduced to the concept of the skilled helper, where the relationship with the client is critical. This echoes the findings of Manchak, et al. in our lead article and reinforces the importance of understanding that how we provide supervision is as important as what we do.

We hope you enjoy this issue and find useful and timely information and guidance. As always we welcome your feedback on this issue of *Perspectives*, your professional journal. ►►▲



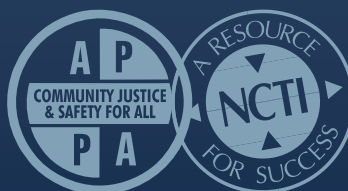
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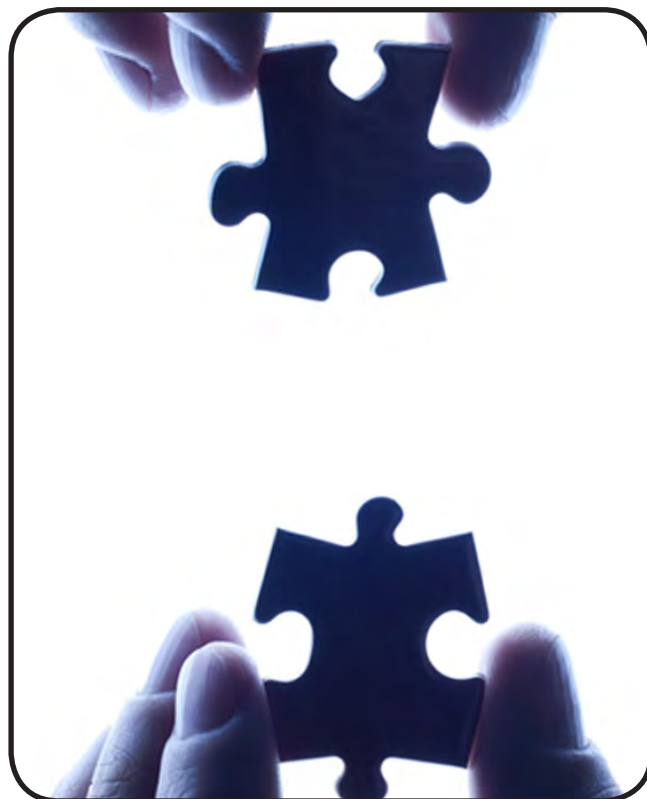
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INSTRUCTIONS TO AUTHORS

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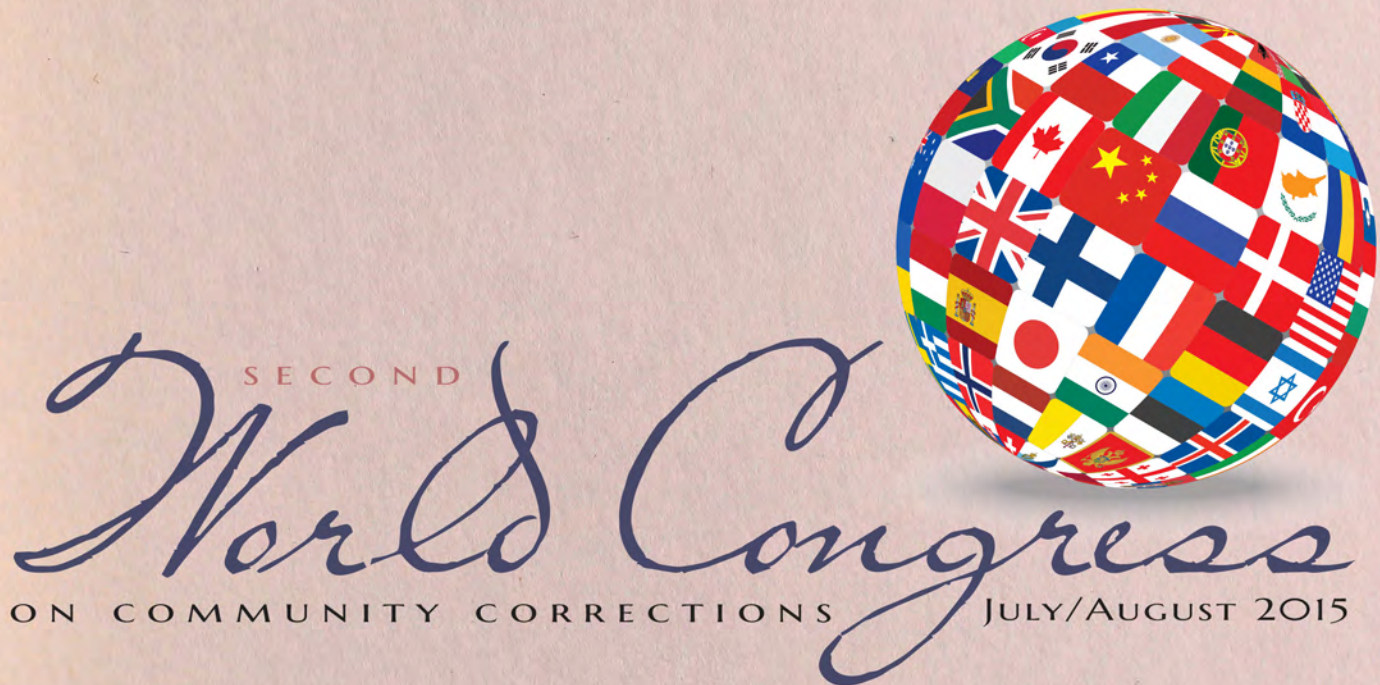
Staff are empowered and supported in an environment of honesty, inclusion and respect for differences; and

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A PRACTICAL GUIDE TO OFFENDER TRACKING EVIDENCE PROTOCOLS

If your agency is using offender tracking technology as a supervision tool it is only a matter of time before the equipment and/or the data generated will be introduced as evidence in a court proceeding. Whether the evidence will ultimately be used in a new criminal case or a violation hearing, it is imperative that community corrections agencies carefully consider the various aspects of an offender tracking program that could be scrutinized in court and plan accordingly. Offender tracking evidence can be extremely valuable in helping to establish innocence or guilt; however, there has been very little guidance given to criminal justice stakeholders regarding this important issue.

With this in mind the National Law Enforcement and Corrections Technology Center has developed a new resource: *A Practical Guide to Offender Tracking Evidence Protocols*. In preparing this guide, the primary authors (David Scheppegegrell and George Drake) consulted with several corrections and law enforcement agencies as well as a number of seasoned prosecutors. These efforts resulted in this compilation of best practices and helpful advice from criminal justice professionals experienced with offender tracking evidence and protocols. This guide seeks to promote more effective practices related to offender tracking evidence collection, preservation and presentation.

As noted in the guide, agencies in each jurisdiction (corrections, courts and law enforcement) need to work together to develop strong policies that address how evidence should be handled before a case gets to court. As these stakeholders collaborate they should develop specific protocols that define the types of evidence that should be collected and retained, for which types of cases and for how long. A number of factors may be considered including relevant state and federal laws, case law and department regulations. Stakeholders may also consider other factors such as whether the case alleges a violation of supervision or a new crime, the severity of the alleged crime, the profile of the case and the importance of the offender tracking evidence relative to the overall case.

This guide identifies a number of specific areas that should be addressed. For example, jurisdictions should determine how physical evidence such as the tracking device, straps and attaching components should be collected and retained. They should consider how electronic evidence, such as offender tracking points, will be preserved and who should testify in court as the records custodian. Jurisdictions should examine the various pieces of documentary evidence they collect, such as photographs and written material, in terms of their potential value should it subsequently be needed in a court proceeding. Finally, jurisdictions should prepare all potential witnesses so they may confidently provide oral testimony in court.

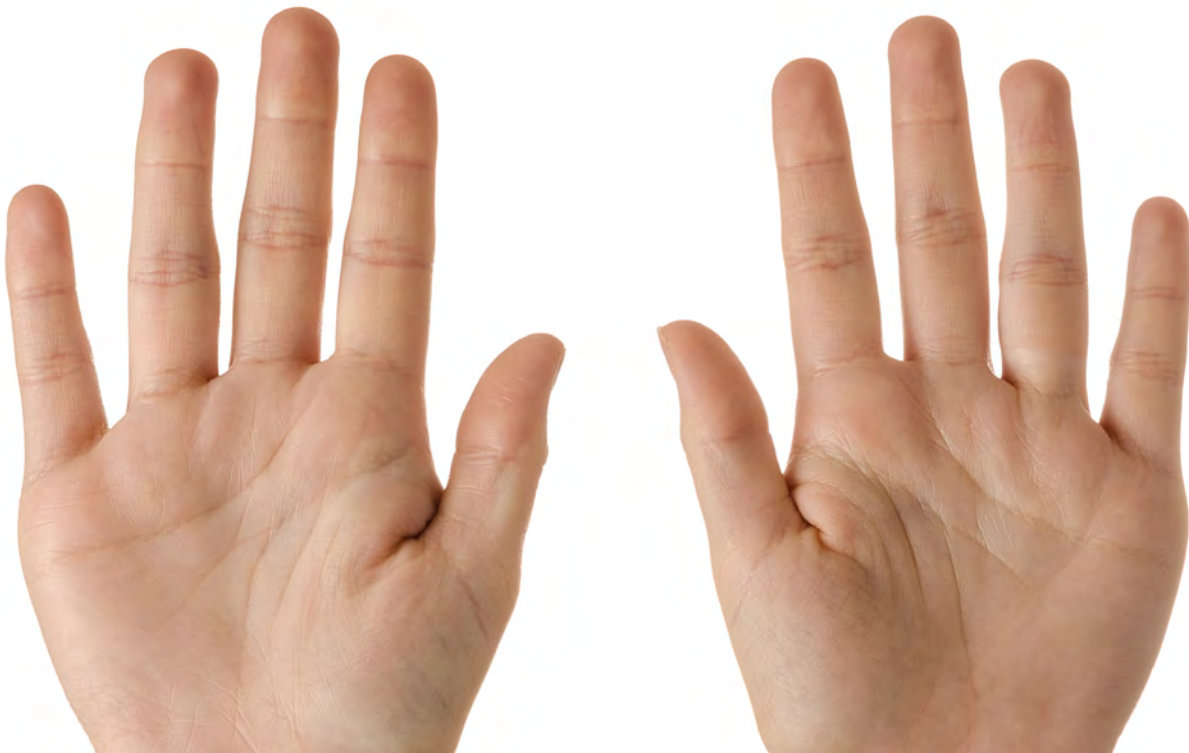
The guide offers several suggestions for consideration, but each jurisdiction will need to develop its own strategy based on values, objectives and resources. Pre-established policies and procedures will enable agencies to maximize the value of offender tracking evidence and will ultimately support the administration of justice.

The guide also provides a number of helpful documents as appendices which include a sample electronic monitoring evidence checklist, a sample agreement between the prosecutor's office and the defense regarding access and availability of equipment for review and a suggested protocol for testing the accuracy of a tracking device.

This publication has been deemed "Law Enforcement Sensitive". Criminal justice personnel may request a copy by going online: <https://www.justnet.org/app/asknlectc/> or by email: asknlectc@justnet.org.

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 in Denver, Colorado and is chair of the APPA Technology Committee.



LET ME SEE YOUR HANDS! NOW WHAT? (PART 2)

In part one of this article (*Perspectives*, Vol. 38, No.1 Winter 2014) we discussed tactical issues concerning the act of asking a subject to take their hands out of their pockets and the preemptive display of a firearm, if carried. We also discussed the inability of most officers to “out draw” a subject who already has his/her hand on a concealed weapon.

In part two we will address the legal aspects of drawing and possibly pointing a weapon at a subject. Remember, just because a weapon is drawn in preparation for response to a possible threat, it does not mean that the weapon necessarily needs to be pointed at the subject. It can be held by the officer’s side or at the “low-ready” and elevated or lowered based upon the perceived threat.

In a display of weapons, officers must consider their agency use of force policies and the laws governing use of force. *Graham v. Connor*, 490 U.S. 386, 396 (1989) is a landmark case that defines how force by an officer is to be used. It states that force issues shall be analyzed under the Fourth Amendment and its “reasonableness” standard, rather than under a “substantive due process” approach as other courts had

ruled. The standard set forth by the Supreme Court states that an officer must act in an “objectively reasonable” manner in light of the facts and circumstances confronting them, without regard to the officer’s motives or intent. Also, the “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, not from the perspective of a lay person.

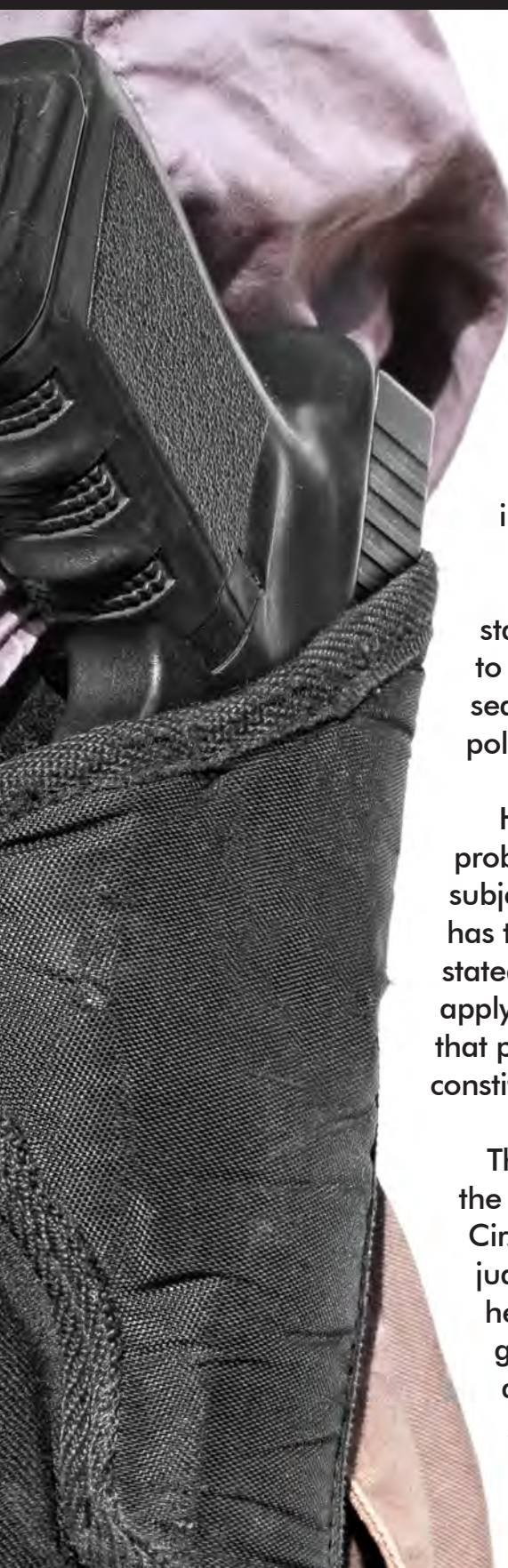
In court cases such as *Terry v. Ohio*, 392 U.S. 1, 21(1968), *United States v. Taylor*, 162 F.3d 12, 21 (1st Cir. 1998), and *United States v. Jones*, 700 F.3d 615(2012), the courts have ruled that officer safety is paramount and officers should take appropriate precautions to maintain a safe environment. The Supreme Court has acknowledged that there is a need for flexibility to make split-second decisions.

Probation and parole officers are often in a unique position to have more knowledge of a subject’s past behavior than a law enforcement officer contacting the person for the first time. The probation/parole officer may have knowledge that includes the offender’s past criminal history or association with violent gangs and/or a reputation for being armed and dangerous, which lends to the reasonableness of increased caution. Additional knowledge or observation of an offender/subject’s actions may include:

1. A bulge in a subject’s clothing indicating the possible presence of a weapon;
2. A furtive or other suspicious movement by the subject indicating he/she is checking or adjusting a hidden weapon or ensuring that it remains concealed;
3. A tip from a reliable source that the offender or a subject that is with the offender is armed and dangerous or you have reasonable suspicion that the offender has committed a crime, such as armed robbery, burglary or drug trafficking, that by its very nature indicates the likelihood that he or she is armed and dangerous.

**Remember,
just because a
weapon is drawn
in preparation
for response to a
possible threat,
it does not mean
that the weapon
necessarily needs
to be pointed at the
subject.**

spotlight on safety



All of this information can aid in the establishment of the reasonableness of heightened caution when confronting the offender/subject during contact in any location.

United States v. Walker, 924 F.2d 1, 4 (1st Cir. 1991), states that an officer's "concern for his own safety is of paramount importance in assessing the appropriateness of the action taken." Furthermore, the court will look at the totality of the circumstances and assess "the reasonableness of the detaining officer or officers' actions in response to developing conditions."

In *Plakas v. Drinski*, 19 F.3d 1143 (7th Cir. 1994), the Court stated, "The Fourth Amendment does not require officers to use the least intrusive or even less intrusive alternative in search and seizure cases. The only test is whether what the police officers actually did was reasonable...."

However, the above case law does not empower the armed probation/parole officer to automatically point a weapon at a subject just because a search is being conducted or a person has their hands in their pockets. In keeping with *Graham*, it was stated in *Robinson v. Solano County*, 278 F.3d 1007 (9th Cir. 2002) applying the *Graham v. Connor* factors, "Some courts have ruled that pointing a gun at a person can, in particular circumstances, constitute excessive force."

That court also stated, "We agree with the observations of the Third Circuit in *Baker v. Monroe Township*, 50 F.3d 1186 (3d Cir. 1995), in reversing the district court's grant of summary judgment in favor of the defendant officers." The Third Circuit held that, "Officers who, in the course of a drug raid, pointed guns at people not under suspicion, handcuffed them and detained them for 25 minutes could be liable for a Fourth Amendment violation. There is no per se rule that pointing guns at people, or handcuffing them, constitutes an arrest...But use of guns and handcuffs must be justified by the circumstances...Moreover, we must look at the

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intrusiveness of all aspects of the incident in the aggregate. In this case, adding up the use of guns and handcuffs and, indeed, the length of the detention, shows a very substantial invasion of the Bakers' personal security."

In the *Robinson* case the 9th Circuit went on to state, "The development of the law with respect to arrests and detentions now allows us to recognize as a general principle that pointing a gun to the head of an apparently unarmed suspect during an investigation can be a violation of the Fourth Amendment, especially where the individual poses no particular danger."

Agencies and officers must be aware and trained in the dynamics of confrontations, the facts regarding an officer's ability to observe and react to a threat and the reasonableness of tactics chosen. A firearm is merely a safety tool. In and of itself, it does not grant special powers. Failing to use the tool appropriately can result in injury or death to the officer. Inappropriate use of the tool, whether fired or not, can result in liability for the officer and the agency.

Remember, training, especially in the use of a firearm, must be recent, relevant and realistic. Does your training meet those standards?

Information contained in this article should not be considered as legal advice.

Opinions on legal issues differ within jurisdictions. Officers should always contact their legal counsel for issues concerning interpretation of case law. >>>▲

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



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This project was supported by Grant Nos. 2009-D2-BX-K004 and 2010-DJ-BX-K054 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

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

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*NOTE: No more than three (3) tables and/or graphs per submitted article.

FOR MORE INFORMATION, CLICK HERE TO GO TO PAGE 13 OF THIS PUBLICATION FOR SUBMISSION DETAILS AND GUIDELINES.





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THE LATEST ON CIVIL GANG INJUNCTIONS: A REVIEW OF HENNIGAN & SLOANE'S RESEARCH.

ARTICLE REVIEW

Hennigan, K. M., & Sloane, D. (2013). Improving civil gang injunctions: How implementation can affect gang dynamics, crime, and violence. *Criminology & Public Policy*, 12(1), 5-41. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/capp.2013.12.issue-1/issuetoc>

In the past two decades there has been a considerable push by the U.S. Department of Justice (DOJ) to encourage justice agencies to collaborate to address a persistent gang problem across the country and especially prominent in large cities such as Los Angeles, Chicago and Boston. Predicated on the perceived successes of Ceasefire (a.k.a., Cure Violence), Exile and Compstat (Braga, Piehl, & Hureau, 2009; Rosenfeld, Fornango, & Baumer, 2005), DOJ has been funding the anti-gun and anti-gang Project Safe Neighborhoods (PSN) initiatives since 2001 (DeMichele & Matz, 2012; Papachristos, Meares, & Fagan, 2007). The program is rooted heavily in the collaboration of multiple agencies in addressing urban street gang problems. Civil gang injunctions (CGI) represent one popular option for jurisdictions and have been born largely from increased partnership between law enforcement and prosecutors in targeting street gangs (Shiner, 2009), similar to the reasons police have partnered with probation/parole officers in enhanced supervision programs (Matz & Kim, 2013). Hennigan & Sloane's (2013) research concerning CGIs is timely and informative as the federal government continues to fund PSN and related programs (i.e., Ceasefire/Cure Violence) aimed at suppressing street gang violence through interagency partnerships. The article's findings present convincing evidence that sweeping injunctions have little, if any, long-term impact on gang violence; yet focused injunctions

combined with comprehensive services aimed at improving the individual gang members' situation show much greater promise. This paper briefly summarizes the background, methods, results and implications of Hennigan & Sloane's study. It incorporates sentiments from the editorial introduction from Esbensen (2013) and the policy essays from Melde (2013) and Papachristos (2013).

As Hennigan & Sloane (2013) explain, street gangs continue to persist, numbering roughly 774,000 gang members and 27,900 gangs across the U.S. Los Angeles is reportedly home to 1,300 gangs and 95,000 gang members with 44 CGIs in effect involving 72 specific gangs. Though the authors fail to mention it, research in Boston and Lowell has demonstrated that in many urban jurisdictions, a large proportion of all violent crime is perpetuated by a small number of persistent gang members, often in excess of 50 percent of all homicides (Braga, 2008; Braga, McDevitt, & Pierce, 2006). CGIs have grown in popularity as a means of placing greater control on gang behaviors within a defined geographic area. Further, their constitutionality was upheld by the California Supreme Court in 1997 fueling their continued use, although the American Civil Liberties Union (ACLU) has been actively engaging in litigation against their use.

CGIs target territorial street gangs specifically (not *hate* or other ideologically-

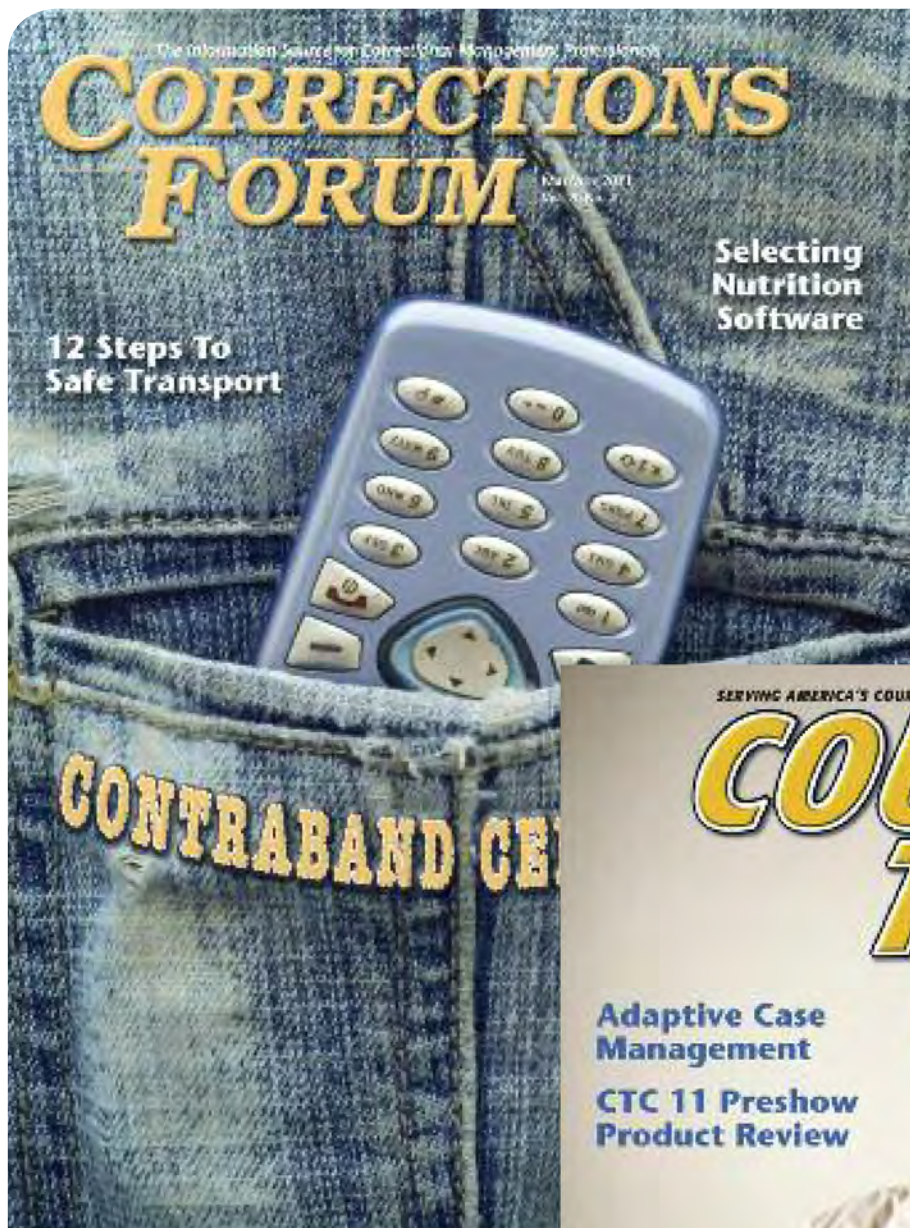
based groups). County and city prosecutors develop CGIs in partnership with law enforcement. To successfully issue a CGI, sufficient evidence must be established that "...members of a street gang present a public nuisance" (Hennigan & Sloane, 2013, p. 8). Specifically, these gangs/gang members are sued in civil court as though they were an "entity" like any other

organization. If successful, court orders can then be placed on a geographic area (a.k.a., safety zone) which prohibit gang members from associating in public, trespassing on private property and marking territory with graffiti.

The authors argue that CGIs have a distinct possibility of backfiring. Specifically, they may foster greater gang cohesion by creating an us vs. them mentality and by formally recognizing the existence of the gang.

Prior literature, as reported by Hennigan & Sloane (2013), has demonstrated CGIs are not uniformly administered. The size of safety zones can vary dramatically and may or may not be used in conjunction with other community services for gang-affiliated youth/young adults. Research results have been mixed with some finding an actual increase in violent crime after the first year of implementation and others showing a slight decrease. The authors argue that CGIs have a distinct possibility of backfiring. Specifically, they may foster greater gang cohesion by creating an *us vs. them* mentality and by formally recognizing the existence of the gang.

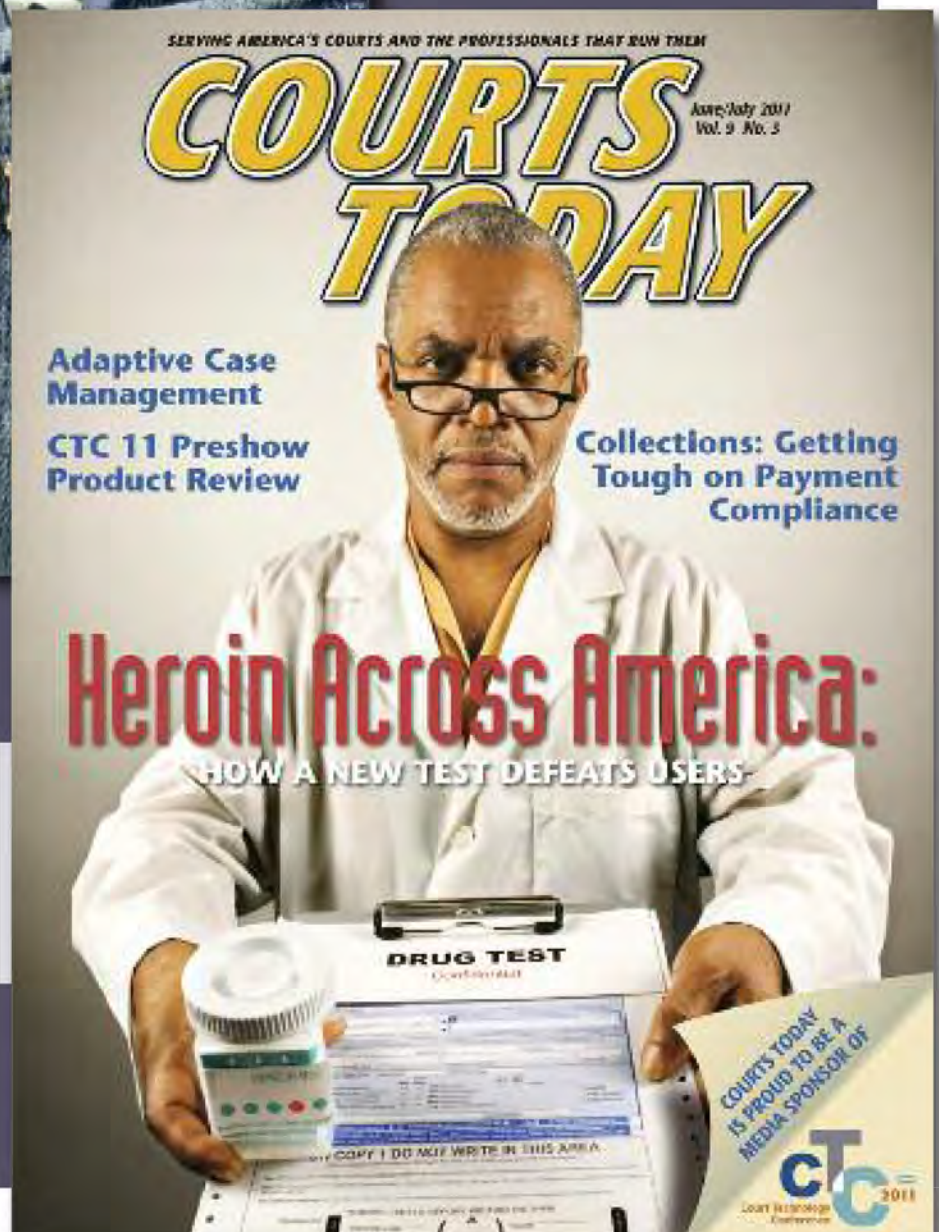
To examine the impact of CGI's in Los Angeles, Hennigan & Sloane (2013) examined four jurisdictions which they refer to as south one and two, north and control. The control has no CGIs in effect but mirrors the demographics of the other jurisdictions. The jurisdictions with CGIs were selected in consultation with police managers and gang experts and precisely because they shared similar demographics but possessed unique CGI implementation strategies. Specifically, the south implemented a comprehensive plan that included CGIs supplemented by connecting gang members to social service programs specific to their needs (the authors refer to this as *individuation* or *depersonalization*) whereas the north implemented CGIs as a sole suppression strategy. Researchers gathered



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data for the project by conducting a community-based sample of young males located in households and on the streets between the ages of 14-21. A total of 673 respondents were located and 130 later screened out as ineligible resulting in a final sample size of 416. Of the 416 structured interviews conducted, 112 (27 percent) were classified as gang-involved. The average age of all respondents was 17.3, 97 percent were Latino, and 87 percent were born in the U.S. Interview questions covered perceptions of deterrence, group cohesion, level of service use, strength of social identity and involvement in criminal/violent activity over the prior six months. In addition to the interviews, the authors also gathered violent crime data from law enforcement for the five year period surrounding the CGIs (i.e., two years before/after). For their analysis, they compared gang vs. non-gang members, gang members in north vs. south and reported crime vs. actual crime data and city-wide trends.

The authors used structural equation modeling (SEM) to examine predictors of criminality of gang vs. non-gang respondents. Interestingly, they found the mediating variables differed for gang vs. non-gang respondents. For gang members social identity was significantly associated with criminality (mediating the impact of cohesion), yet for non-gang members deterrence was significant along with cohesion (see Figure 1, p. 26 and Figure 2, p. 27). Further, results showed no evidence that the CGI gangs (north and south) met any less than gangs in

the control jurisdiction. In addition, gang members in general were less fearful of being caught by police than non-gang members. Interestingly, gang members in the southern jurisdictions identified possessing less cohesive gang identities than those in the north or the control. Finally reported violent crime rates were lower in the south than the north, and the control was higher than both, suggesting that CGIs worked better in the south than the north. When looking at longitudinal official crime data from law enforcement, the authors found the south continued to have decreased violent crime rates. By contrast the north started with a short-term decrease but then changed directions and began to increase dramatically. Finally, the citywide figures stayed relatively flat throughout the five-year period examined.

The results led the authors to conclude that purely suppression-based CGIs are not effective and that a comprehensive approach is needed that targets the gang members on an individual level. The findings suggest that CGIs can work when incorporated with *individuation* strategies that include appropriate social services for at-risk youth. Suppression-only tactics, it is argued, may fuel the cohesion of the gangs and result in increased violence. A related concern, the authors note, is there is currently no systematic way for individual gang members to be removed from the injunctions. This, they argue, fails to recognize those individuals who successfully denounce the gang.



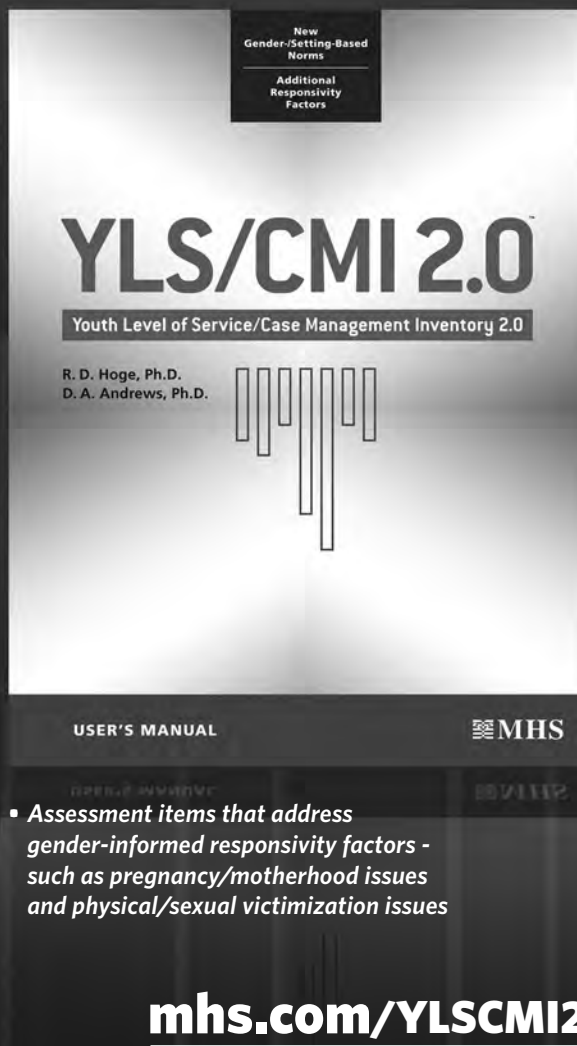
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While Hennigan & Sloane (2013) provide evidence that CGIs can work when combined with appropriate social services, their study is not without some limitations. As Papachristos (2013) reiterates and the authors concede, the majority of their data sources are based on a cross-sectional design. Cross-sectional data are unable to prove causation because temporal ordering cannot be tested, but rather must be assumed. While official crime data may prove insightful, it is very possible that those results could be directly impacted by outside forces (e.g., other intervention programs) (see Papachristos et al., 2007). Further, results may be more the product, as Papachristos (2013) argues, of heterogeneity between gangs than the differences in implementation (as argued by Hennigan & Sloane). Papachristos contends gangs have been conveniently lumped together for ease of study and communication, but in reality gangs can vary widely. As such, even if they share similar aggregate demographics (e.g., age, race, gender) that doesn't mean they share similar internal structures. Papachristos (2013) provides an overview of *social network analysis* as an interesting supplemental consideration that could help address this criticism (an example is shown in Figure 1, p. 54).

From a practical perspective, Melde (2013) argues comprehensive strategies, though often touted, are difficult to implement. First, they rely on identifying the right people and providing the

appropriate services long-term. This is a difficult endeavor. In addition, such initiatives must contend with buy-in from respective agencies with differing missions, reliance on often inconsistent funding and competition with daily operations for valuable organizational time. Further, the authors fail to parse out any differences between the CGIs and the use of social services in the south. It is implied the combination of the two is superior to solely the CGIs in the north. However, could it be that the difference in reported and actual crime is the product of available services and not the CGI at all? Finally, despite the mixed findings, the authors provide no systematic guidance on future research or how it should be conducted to provide a more consistent, cumulative, body of knowledge. As Esbensen (2013) poignantly stated in the editorial introduction "...although progress has been made, there is still much to be learned" (p. 1). ▸▸▲

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² 1000-1500 word submissions (otherwise follow Perspectives' submission guidelines) for consideration in the PSN Update are welcome and encouraged. To be considered papers must be relevant to community corrections (probation/parole) and concern interagency collaboration (e.g., police-probation/parole partnerships), Project Safe Neighborhoods (PSN), gangs, and/or gun violence. Please direct PSN Update manuscripts to amatz@csg.org.

³ Special thanks to Dr. Alida V. Merlo of Indiana University of Pennsylvania's Department of Criminology for comments and suggestions.

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ENDNOTES

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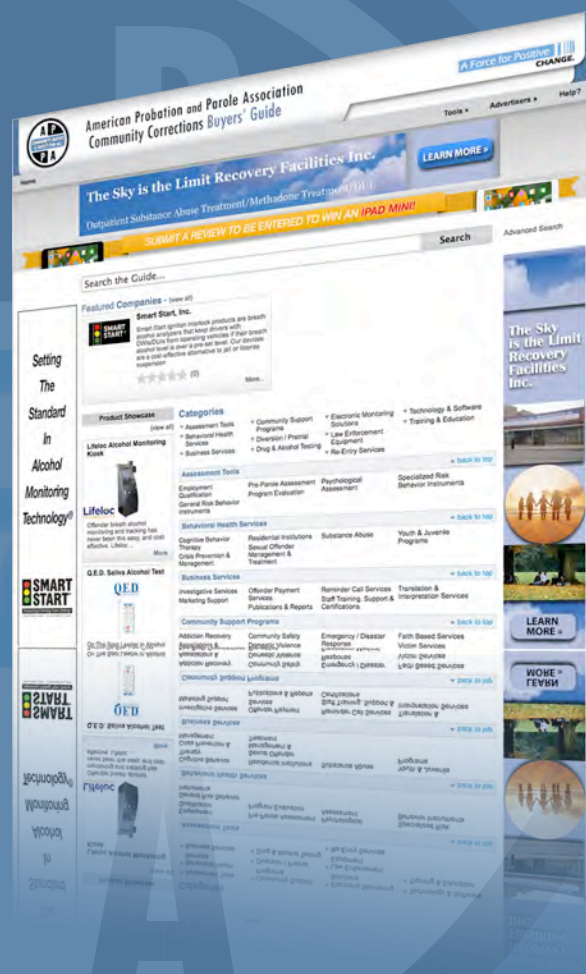


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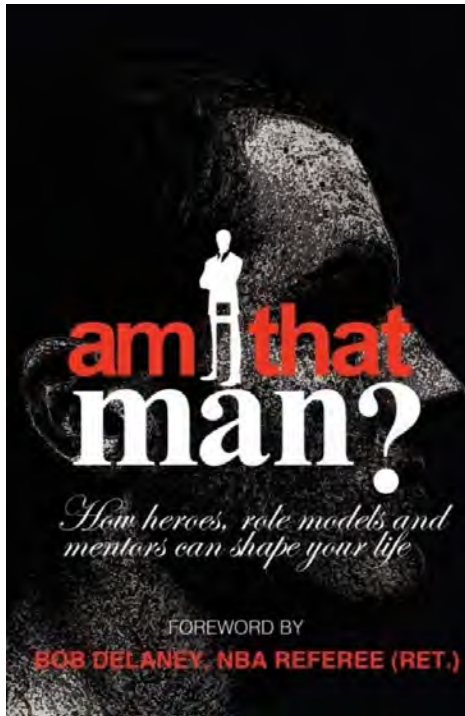
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AM I THAT MAN? HOW HEROES, ROLE MODELS, AND MENTORS CAN SHAPE YOUR LIFE.

Brian R. Willis (Ed)
Warrior Spirit Books,
Calgary, Alberta. 2013,
pk. Pp. 211.

For those who have watched the 2014 Winter Olympics the title of this book will resonate with the stories that are told about Olympic athletes. The importance of fathers and mothers, mentors and coaches and previous Olympians who inspired them were prominent in the athletes' stories of how they reached this pinnacle in their athletic careers. The common elements in their stories were having supportive relationships that assisted them in achieving their goals. The method was simple but not always readily available, namely having people in your environment whether family, friends or teachers of various kinds who were supportive and understanding and provided positive role models. Brian R. Willis, with the inspiration of Ron Scheidt whose previously published story "Am I that Man?" in Willis' *If I knew then 2: Warrior Reflections*, became the inspiration and title of this collection of stories about "how heroes, role models and mentors can shape your life".

The book contains 29 short stories of the various authors' life experiences with individuals who have helped shape their lives and the lessons they have learned from those experiences. Each story is followed by an opportunity to record your thoughts and reactions to the story by asking you to record: Ah-Hahs, Take Aways and an Action Item. Throughout the book there are a series of pages that ask reflective or contemplative questions such as: List two important role models in your life and describe their impact on your life. Another example near the end of the book asks: What changes have you made in your life as a result of reading this book and what additional

changes do you need to make? The stories are contributed by a variety of men from a number of different professions from police officers to professors and fathers to sons. The experiences they recount touch on a number of experiences that have contributed to the shaping of their lives or the lives of others.

In the foreword to the book, Bob Delaney, a retired New Jersey State Police and former NBA referee and now an NBA Cares Ambassador and consultant, describes a formula that explains the value of this book in developing leaders. The formula involves: Experiences + Intellectual Readiness + Reflection = Growth and Development. He notes that it is helpful to learn from the experiences of others; intellectual readiness is being able to understand what can be learned from both yours and others' experiences and reflection is the introspective process that allows us to develop and grow.

In the opening chapter, Ron Schedidt, a retired Senior United States Probation Officer and now a trainer with the Community Corrections Institute, briefly describes the impact his brother, a high school teacher and basketball coach had on his life. He encourages us to think about the people in our lives who have assisted us and, if we cannot, then to intentionally seek out such mentors and coaches. Also we should intentionally seek out opportunities to serve as mentors and role models to others. This activity, he

notes, should cause us to look outward and inward and never stop asking ourselves "am I that man".

Other stories that I found interesting and helpful were Brian Willis's "Your Life is Your Legacy" and his three pointed questions: What is important now, what is the legacy I am creating, and am I that...? In another story "Dare to be Great" Bill Mikaluk shares with us five stages of greatness: learn it, live it, love it, lead it and leave it! Tom McMahon reflects on success and notes that successful people develop the habit of doing things that those who fail don't like to do and suggests that we cultivate the habits: of overcoming the uncomfortable, of goal setting and achieving, of lifelong learning and personal growth and finally of sharing your knowledge, skills and victories.

In reading and reflecting on the stories told in this collection I was reminded of a book that had challenged me early in my career, written and published in 1977 by Robert K. Greenleaf, *Servant Leadership: A Journey into the Nature of Effective Power and Greatness* that developed "the concept of a servant-leader and dealt with the structure and mode of government that will favor optimal performance of our many institutions as servants of society". The emphasis in *Am I that Man* leads to the development of what Greenleaf might have meant by a servant-leader. A good musical introduction to *Am I that Man* could be Bob Dylan's song, "You've Gotta Serve Somebody"!

Another thought that occurred to me in reflecting on the content in this book was the importance of relationships in the development of us all. From recent research in the reduction of re-offending we are finding out the importance of the officer-offender relationship as a key factor in achieving positive outcomes. Just as it is important for offenders to find positive role models and benefit from positive peer relations so it is for all of us to have mentors and role models in our lives that help to shape our character. Early in my career as a probation officer I was introduced to the work of Gerard Egan. He is best known for his “skilled helper model” and my early probation training was based on his work and the work of Carkhuff and Strong. Carkhuff developed the concept of a high-functioning helper who used the following skills: empathy, respect, concreteness, congruence, self-disclosure, confrontation and immediacy. These are skills that the emphasis on mentors and role models in *Am I that Man* deem essential. Strongly looking at social influence and noting that others are influenced when they notice mentors or helpers as having particular attributes are collaborative and empowering notions. The authors have in this collection effectively demonstrated the basic tools of effective mentors and role models.

In his introductory chapter editor Brian Willis suggests how best to use this book. He counsels that this is not a book to be read in a sitting but rather one to be read

slowly and with reflection. In fact, reading with a pen in hand so that you can underline aspects that speak to you and respond to the work pages at the end of chapters would be a good way of getting the most out of this collection of stories on mentors, role models and heroes. He explains that this not a self-help book but a guidebook to be used in your quest to become that person who makes a difference.

This is a book that trainers, motivational speakers and coaches can use to illustrate the value of positive role models, heroes and mentors in the lives of others. Remember the next time you watch an athletic event and the winners are being interviewed and talk about those in their lives who have been helpful and made a contribution to their career and success. They are not just being humble, they are serious!

For those who want and desire to make a difference in their own lives, work and community, the stories in this collection provide inspiration, insight and information that will be a useful guide to achieving your goal. ▷▷▲

DONALD G. EVANS is a Past President of the American Probation and Parole Association and the International Community Corrections Association.



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INTERNATIONAL RELATIONS COMMITTEE UPDATE - RENEWED VISION AND NEXT STEPS BUILDING AN INTERNATIONAL WORLD OF OPPORTUNITY!

We'd like to take this opportunity to share an update on APPA's International Relations Committee (IRC). Recently, Association President, Carmen Rodriguez appointed Rosa Lara as Chair of this Committee. Don Evans, a past Association President, was active for many years as Chair and is now looking forward to a well-earned break – although he promises to stay involved as a team member! Our vision within the International Relations Committee is three-fold:

- Gather and report international community corrections information;
- Assist the Association in building mutually beneficial relationships with other nations and/or international associations; and,
- Support authors of global-interest topics

Wonderful community corrections work is being conducted all over the world and current reporting is important. In many cases, programs and services being operated are unique to their region and inspiring in their applications. Sharing information with APPA members helps us all stay open to considering options and learning new practices for working with clients. This team is working to support more sessions of international topics at future Institutes. We also hope to have a new category added to the APPA website Link Directory: International Criminal Justice.

Along with reporting, we are supporting the growth of international relationships through invitation to our Institutes and programs, as well as sharing resources through outreach to others. A colleague from the National Probation Agency in Georgia attended our most recent IRC meeting and connections were made that will hopefully continue long into the future. An upcoming opportunity will be when APPA co-sponsors along with the Confederation of European Probation the World Congress on Community Corrections in 2015 during which our colleagues from all over the world will come to the United States to share best practices. Stay tuned for more information on that exciting event!

Finally, from a variety of topics pertinent to the community corrections arena, we support authors interested in sharing their work through publication

in *Perspectives*. This team envisions brief community corrections "Updates" in each edition and, when appropriate, full articles. We anticipate they will enlighten, challenge and hopefully provoke further thought on international issues relevant to us all. Julie Truschel has agreed to chair the International Updates Sub-Committee. A key next step will be to define, in consultation with the *Perspectives'* Editorial Committee, the supportive role that can be played by this Sub-Committee. To that end, we'd like to invite prospective authors to contact us with ideas for future articles. Please write to julietruschel@comcast.net.

Thank you for continuing to support APPA as a whole and its individual committees' work. Anyone interested in joining us for IRC meetings are welcome; we meet the Saturday afternoon prior to the start of each APPA Training Institute. We look forward to further exploration of the community corrections world at the international level! ▷▷▲

ROSA LARA is a Community Corrections Advisor at the U.S. Department of State. **JULIE TRUSCHEL** is an EBP Consultant.



SUBSTANCE ABUSE IS SOMETIMES A PRIMARY CRIMINOGENIC NEED AND SOMETIMES A SECONDARY CRIMINOGENIC NEED

Is substance abuse a primary or secondary criminogenic need? This is a controversial question. On the one hand, many subscribers to the Risk-Need-Responsivity (RNR) framework contend substance abuse is not a primary driver of criminal behavior or that treatment for substance abuse is not a priority. On the other hand, scholars who have sought to better understand the complex issues surrounding substance abuse find that for some offenders—those who are dependent (addicted) and those who use certain drugs compulsively (i.e., opioid, cocaine, methamphetamines)—substance abuse is a primary criminogenic need. For others—those that use drugs as part of their lifestyle—it is not. Therefore, the answer to the primary versus secondary criminogenic need issue is that it depends upon the type of substance abuser. It follows then that under the RNR framework our correctional and treatment options should be different for dependent, chronic abusers as compared to those with a criminal lifestyle who abuse drugs. The difference between a severe abuser and a user is in how drug use influences criminal behavior.

The Debate About Substance Abuse as a Primary or Secondary Criminogenic Need

Andrews and Bonta (2010) in their seminal work, *The Psychology of Criminal Conduct*, provide the studies on which they relied upon to delineate the priority placed on each of the criminogenic needs they outline. The majority of studies rely upon one instrument—the Level of Service Inventory-Revised (LSI-R; Andrews & Bonta, 1995). These data were used to arrive at the conclusion that substance abuse is a secondary criminogenic need. Using this data, substance abuse has lower correlations and effect size impacts on recidivism than several of the other criminogenic needs captured on



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the LSI-R (e.g., criminal history, antisocial values/orientation, criminal peers/companions, criminal personality/emotional). The problem with relying primarily upon the LSI-R data (or other most third generation criminal justice risk and need assessment instruments) to assess the role of substance abuse in criminal behavior is that most risk and need assessment instruments are not diagnostic tools. The questions on the LSI-R tend to capture *lifetime substance use*; for example, has the person ever had an alcohol problem, ever had a drug problem, ever had law violations due to substance abuse, ever had marital/family problems due to substance abuse, ever had school or work problems due to substance abuse, or ever had medical problems due to substance abuse. The current use questions (within the last 12 months or 30 days) do not count as much in the assessment of substance abuse as a criminogenic need. Relying upon lifetime questions, therefore, means that many individuals are deemed as having a problem in this area, but does not mean it is necessarily a current problem. (From a statistical perspective when most people have a problem in one area the definition/construct may affect the ability to discriminate between those that recidivate or not.) The focus on lifetime use and problems captures a wide net and explains why nearly 70 to 80 percent of individuals involved in the justice system are reported to be substance abusers. If we look at the “ever used” category of the National Household Survey on Drug

Use and Health (NHSDUH, 2012), nearly 48 percent of U.S. residents who are 12 years and older report some type of illicit drug use (i.e., marijuana, opioid, cocaine, hallucinogens, inhalants) in their lifetimes. And 20 percent report non-medical use of pain relievers, tranquilizers, stimulants, methamphetamines and sedatives (see National Household Survey on Drug Use and Health, 2012, <http://www.samhsa.gov/data/NSDUH/2012SummNatFindDetTables/DetTabs/NSDUH-DetTabsSect1peTabs1to46-2012.htm#Tab1.1A>). This is compared to 16 percent of U.S. residents who are 12 years and older that report use in the last 12 months and 9 percent that report use in the last 30 days of illicit drugs. The answer regarding who is a drug user depends on how the question is asked. It should also be noted that questions about lifetime use are not diagnostic. Many of the criminal justice risk and need assessment tools do not rely on the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR; DSM-V, 2013; American Psychiatric Association, 2000, 2013), and therefore tell us little about whether a person meets diagnostic criteria for a substance abuse or dependence problem. Instead, the criminal justice risk and need assessment tools are generally used to screen for a potential problem area. If a problem is identified, the person should be referred for a clinical assessment. The substance use assessment should depend on clinical standards. The newest DSM-V (American

Psychiatric Association, 2013) defines substance use disorders on a continuum of mild to severe (with severe being akin to dependency or chronic use). The clinical decision is made for each drug and/or alcohol since it is recognized that individuals may be prone to favor one and therefore might have different clinical diagnoses depending on the drug/alcohol use patterns. The newest DSM-V removed “problems with law enforcement” as a diagnostic item and added drug cravings. Eleven items are relied upon to assess potential substance use disorders.

Beyond the DSM, there are validated substance use screening and assessment tools, such as the Addiction Severity Index, the TCU Drug Screen, among others, that help practitioners to better understand patterns of drug use and misuse and associated behaviors. As compared to screening instruments such as the LSI-R, these instruments include more detailed information about lifetime use of drugs, drug of choice, mode of delivery (e.g., smoking, injection), longest periods of abstinence and whether drug use affects employment or is related to psychosocial functioning.

As shown by the National Survey on Drug Use and Health (NSDUH, 2012), individuals who abuse and are dependent on drugs/alcohol are concentrated in the justice system. The 2012 NSDUH revealed that 37 percent of the probationer population has a substance abuse or dependence disorder, compared

to 8.2 percent of the general population (see <http://www.samhsa.gov/data/NSDUH/2012SummNatFindDetTables/NationalFindings/NSDUHresults2012.htm#ch7.1.7>). The concentration of individuals with substance use disorders in the criminal justice system means that any person screened as having a potential problem should undergo a clinical assessment to further determine: whether the person is an abuser or severely dependent; identify the drug of choice; and identify any other criminogenic needs. These assessment criteria are important because they determine whether substance abuse is a primary or secondary criminogenic need.

Substance Use Disorders as a Primary Criminogenic Need

Under what circumstances is substance abuse a primary criminogenic need? The concept of a primary need is that the dynamic risk factor (criminogenic need) drives or heavily influences the behaviors and attitudes of the individual. That is, the dynamic need influences the person’s actions and affects their decision-making regarding offending related behaviors. Substance use disorders are a primary criminogenic need when: the research and empirical evidence illustrates a direct linkage between drug use and crime; the research literature illustrates that drug use is part of a continuum of criminogenic needs but the type of drug use can be positively influenced by substance abuse treatment; and the clinical data reveal that the chronicity of the drug use affects

decision-making and behaviors, including that the person's cravings and compulsive behaviors are related to offending behaviors.

The most recent meta-analysis on drug use and crime illustrated differential outcomes based on different drugs of choice. Relying on over 30 primary studies on drugs and crime, Bennett and colleagues found that not only did drug users have a three to four times higher odds of offending than non-drug users, but that drug of choice mattered in terms of predicting recidivism. The odds of offending were about six times greater for crack users ($OR=6.09$) than non-crack users, about three times greater for heroin users ($OR=3.08$) than non-opioid users, about two and a half times greater for cocaine users ($OR=2.56$) than non-cocaine users and about one and a half times greater for marijuana users ($OR=1.46$) than non-marijuana users (Bennett, Holloway, & Farrington, 2008). Two major limitations of this study: it treated each drug separately, therefore it did not consider poly-drug users (an individual could be in several different drug categories); and, it did not include alcohol abuse. Nonetheless, it confirms the importance of assessing drug of choice.

The Bennett and colleagues (2008) meta-analysis is supported by several other studies that demonstrate the close connection between opiate and cocaine use and recidivism (Nurco, Shaffer, Ball, &

Kinlock, 1984; Taylor, et al., 2001). Thus far, the literature has not shown the same trend with marijuana use and its affect on behavior (White & Gorman, 2000), even though a number of offenders may use marijuana as part of their lifestyle (Taylor et al., 2001). In fact, some emerging literature is suggesting that marijuana users may be more part of a criminal lifestyle (that drives criminal behavior); therefore, for the marijuana drug users this may mean that interventions should focus on the criminal lifestyle to reduce offending behaviors rather than substance use. Overall, we are still understanding the drug-crime nexus and the drug-criminogenic need (dynamic risk factor) nexus (see Caudy, Durso, & Taxman, 2013). That is, a better appreciation of the order of impact on behavior—drugs or criminal lifestyle—is important to advance interventions that address substance use disorders and reduce recidivism. This is an area of ongoing research, including further refinements of the RNR framework for specifying differential treatment (Taxman, Perdoni, & Caudy, 2013; Taxman, Pattavina, & Caudy, 2014).

Responsivity and Substance Use Disorders

The RNR framework coupled with the drug-crime nexus theory suggests that involvement in criminal behavior will be disrupted by focusing primarily on substance abuse treatment for individuals with this primary need in the justice system (see Hubbard et al., 1988; Chandler, Fletcher, & Volkov,



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2009). Substance abuse treatment is invaluable for those that are substance use dependent and treatment can address recidivism. Studies typically find that for those with substance use disorders and those that abuse some of the “harder” illicit drugs like cocaine and opioids, following treatment the number of criminally active days declines significantly. This contributes to the notion that participation in drug treatment will reduce aggregate rates of criminal behavior (Simpson, et al., 1997; Nurco, 1984; Ball, 1981) when the person is placed in the appropriate treatment program (Taxman, Perdoni, & Caudy, 2013). The National Institute on Drug Abuse has issued a white paper on Principles of Drug Abuse Treatment for Criminal Justice Populations - A Research-Based Guide (<http://www.drugabuse.gov/publications/principles-drug-abuse-treatment-criminal-justice-populations/>). An important part of responsivity is linking the individual to the appropriate treatment. A better understanding of whether a substance abuse disorder (SUD) is a primary or secondary criminogenic need will also impact appropriate assignment to treatment. For those substance abusers with a primary SUD, treatment often requires pharmacology (e.g., methadone, naltrexone, buprenorphine, antabuse, or vitriol) and behavioral therapy (e.g., cognitive behavioral therapy, therapeutic community). When SUD is a secondary disorder (drug use is more part of a lifestyle but less a driver of criminal conduct), then emphasis should be placed

on programming that addresses criminal cognitions, antisocial values, antisocial peers and so forth. The challenge before us is to develop matching and program assignments that consider the dynamic risk factors of individuals and their stability factors (e.g., housing, food, employment security).

CONCLUSION

This essay illustrates the need to further explore substance use disorders (SUD) among justice-involved populations. The complexity of the issue has to do with the impact of SUD on criminal behavior. The simple notion that SUD is not a criminogenic need does not consider the voluminous (and still emerging) research on the relationship between drug use and offending. The standard techniques to measure SUD in most criminal justice risk and need assessment tools are inadequate because they do not differentiate between whether SUD is a primary or secondary criminogenic need. Justice organizations are encouraged to use appropriate SUD standardized tools to make this diagnosis and to develop better protocols to match offenders to programs, services and controls based on patterns of SUD and other criminogenic needs. Given the degree to which substance abusers are concentrated in the justice system, a second generation of the RNR framework is needed. In the second generation of RNR, the variety of criminogenic needs should drive the type of programming and services needed to

effectively reduce recidivism (see the RNR Simulation Tool developed under a grant from the Bureau of Justice Assistance at www.gmuace.org/tools for an example of the second generation of RNR). ▸▸▲

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Officer-Offender Relationship Quality Matters: Supervision Process as Evidence-Based Practice

by Sarah M. Manchak, Ph.D., Patrick J. Kennealy, Ph.D. and Jennifer L. Skeem Ph.D.



To improve public safety and offender outcomes, correctional practitioners must focus not only on *what* they do in supervision (or “technique”), but also on *how* they do it (or “process”). In this article, we (a) differentiate technique from process, (b) describe what high quality relationships are in community supervision and then (c) present evidence on the power of relationship quality to protect against recidivism. We conclude by offering concrete implications for practice.

DIFFERENTIATING TECHNIQUE FROM PROCESS

Technique and process can be differentiated in many types of professional relationships, from the therapist-client relationship in psychotherapy to the officer-offender relationship in community supervision. This distinction has been most intensively studied in the context of psychotherapy. In this section, we describe aspects of psychotherapy research that are relevant to the context of probation supervision in a variety of ways.

USING THE PSYCHOTHERAPY LITERATURE ON PRACTITIONER-CLIENT RELATIONSHIPS AS AN ANALOGY

In psychotherapy, clinicians employ a wide array of *techniques* drawn from underlying models or theories (e.g., cognitive-behavioral, psychodynamic). Most clinicians describe using an eclectic approach, drawing techniques from different theoretical models that seem particularly applicable to a given client (Norcross, Hedges, & Prochaska, 2002). Many endorse techniques that have been shown to be “empirically supported” (see American Psychological Association Division 12, 1993). For example, both interpersonal therapy and cognitive-behavioral therapy are evidence-based treatments for depression. One focuses on helping the client discover alternative approaches to manage interpersonal relationship challenges (Markowitz & Weissman, 2004); the other, on changing maladaptive thinking patterns (Meichenbaum, 2009).

In contrast, *process* most often refers to the nature, quality and content of the interactions between the client and the therapist (see Henry, Schacht, & Strupp, 1990; Kiesler, 1973). Those who study process emphasize different aspects of the client-therapist interaction (e.g., language that is used, tone of voice, content of the conversations; see Kiesler, 1973), but the therapeutic relationship is perhaps the most common way that process is understood and researched. This relationship has been conceptualized and studied in the psychotherapy literature as a “therapeutic alliance” or “working alliance” that emphasizes a patient-therapist bond, mutually-agreed upon treatment goals between the therapist and client and how the therapist and client work together to achieve these goals in therapy (see Bordin, 1979; Horvath & Greenberg, 1989).



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What have we learned about technique and process in psychotherapy? At the risk of oversimplification, there are three important “take home” messages. First, no validated technique or model is superior to another. Different therapeutic techniques often yield comparable outcomes. This finding is often referred to as the “Dodo Bird Verdict”—a reference to Alice in Wonderland, where the dodo pronounced after a race, “Everybody has won and all must have prizes!” (Carroll, 1865).


Second, the effects of psychotherapy appear to be driven less by specific techniques and more by “common factors” that are shared across a variety of interventions (see Castonguay & Beutler, 2006; Garfield, 1973; Rosenzweig, 1936). For example, clients’ expectation or motivation for change is likely to affect their progress in treatment, regardless of the particular type of treatment their therapist employs. Similarly, the influence of the role of the therapist as a helper in the client’s recovery is also shared across multiple techniques and therapeutic models. The strongest common factor, however, is the therapist-client working alliance. Two separate meta-analyses (a quantitative synthesis of effects across dozens of studies) have shown that the working alliance is the most potent controllable predictor of clients’ clinical outcomes (e.g., symptom and functioning

improvement; Horvath & Symonds; Martin, Garske, & Davis, 2000).

The third important conclusion derived from the psychotherapy literature is that technique and process may act synergistically (see Gelso & Hayes, 1998). The strength or quality of the therapeutic relationship is likely to affect how well the therapist delivers specific techniques, how well the client receives them and how the two work together throughout the course of treatment. A poor alliance—i.e., a weak bond, distrust, apathy or even hostility—does not provide an effective platform for behavior change. In contrast, a high quality alliance characterized by a strong bond, a sense of trust and therapists’ genuine interest and concern for the client is likely to engage the client and facilitate change. Indeed, process or the therapeutic relationship, may provide the leverage for techniques to be effective (see Orlinsky, Grave, & Parks, 1994).

DRAWING PARALLELS BETWEEN THERAPIST-CLIENT AND CRIMINAL JUSTICE PRACTITIONER-OFFENDER RELATIONSHIPS

There are several parallels between the context of psychotherapy and that of community supervision. First, like clinicians, probation and parole officers use specific techniques as they supervise offenders. These techniques may be



influenced by the officers' general theory of supervision. For example, officers who believe in the law enforcement model of supervision may rely heavily on the techniques of sanctioning than other officers. In contrast, officers who endorse a social casework model may rely on such techniques as problem solving (see Dowden & Andrews, 2004; Trotter, 1999).

Today, there is a growing awareness that officers should use techniques consistent with cognitive-behavioral and social learning theories, given the evidence that these techniques reduce recidivism (Andrews & Bonta, 2010; Dowden & Andrews, 1999; Lipsey, Landenberger, & Wilson, 2007). This is the general responsivity concept. Techniques like modeling and reinforcing prosocial behavior and teaching offenders to recognize linkages among thoughts and behaviors can help reach both public safety and offender rehabilitation goals.

The second parallel between the psychotherapy and community supervision context involves process. "Core Correctional Practices" (Andrews & Kiessling, 1980; Dowden & Andrews, 2004) reference the manner in which correctional practitioners deliver an intervention. Emphasis is placed on the effective use of (a) authority (i.e., using a firm-but-fair manner with offenders), (b) reinforcement and disapproval and (c)

social service brokerage. Perhaps most importantly (Dowden & Andrews, 2004), core correctional practices include high-quality officer-offender relationships.

Dowden and Andrews (2004) suggest that correctional practitioners need to establish strong relationships with offenders that are warm, flexible, empathic, open, reflect mutual liking and respect and employ "directive, solution-focused, structured, non-blaming or contingency-based communication" (p. 208). Remarkably similar to psychotherapy contexts, a meta-analysis of 273 effect sizes demonstrated that officer-offender relationships show a strong relationship to offenders' criminal outcomes (Dowden & Andrews, 2004). Once again, high quality relationships seem to protect against adverse outcomes.

Finally, as in psychotherapy, technique and process in correctional supervision do not occur in isolation from one another. The quality of the officer-offender relationships is likely to influence each and every interaction between the officer and the offender (Skeem, Encandela, & Eno Louden, 2003). For example, if an officer treats the offender in a distant, harsh and/or authoritarian manner, the techniques she uses are likely to be quite ineffective. In contrast, if the officer is fair and shows concern, supervision techniques are likely to have a greater impact. Thus,



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relationship quality and technique work hand-in-hand.

Although these parallels exist between the psychotherapy and community supervision literatures, there are some key ways by which these relationships differ from one another. In the next section, we offer a description of high quality community supervision relationships.

OFFICER-OFFENDER RELATIONSHIPS IN COMMUNITY SUPERVISION

What are the main elements of high quality officer-offender relationships in community supervision? Although these relationships parallel everyday relationships and the working alliance in some ways, they are also distinctive. In this section, we describe components of high quality community supervision relationships.


OFFICER-OFFENDER RELATIONSHIPS INCLUDE COMPONENTS OF EVERYDAY INTERPERSONAL RELATIONSHIPS

Officer-offender relationships are structured in the same basic way as other relationships. According to Interpersonal Theory, all human relationships (e.g., parent-child, teacher-student, spousal, friendships, co-workers) are defined by their relative emphasis on two primary

domains: control (i.e., degree to which control is exerted by one party and deferred to or rejected by another) and affiliation (i.e., degree of warmth vs. hostility; see Freedman, Leary, Ossorio, & Coffey, 1951; Gurtman, 1992; Keisler, 1983; Leary, 1957). Importantly, these two dimensions are viewed as orthogonal -- they can exist independent of one another. One domain (e.g., control) need not influence the other (e.g., affiliation). Control is not necessarily "bad" or hostile.

To illustrate, relationships can be more or less affiliative, ranging from quite hostile to warm and connected. Additionally, relationships reflect varying expressions of control. One specific model within this theoretical framework (the Interpersonal Circumplex Model; see Benjamin, 1996) suggests that one person in the relationship may take control or grant autonomy, whereas the other person may respond by submitting or asserting his/her independence. The two domains of control and affiliation act independently from one another, however. For instance, one could be in a "controlling" relationship that is hostile or affiliative (or neither).

Consider a typical parent-child relationship, where the parent sets and enforces the rules by which a child must abide. The parent monitors the child's behavior for compliance with



these rules and may punish the child for noncompliance. Despite this control, however, parents *can* still maintain a good relationship with their child. The authoritative parenting approach (Baumrind, 1967) is successful in doing so. In such a relationship, the parent exerts control in a manner that is consistent, predictable and fair. When also coupled with warmth and connectedness, control is thus expressed as nurturing and protecting. In contrast, control expressed in an authoritarian manner may come across as more attacking and blaming; thus the quality of the parent-child relationship may be adversely impacted. It is important to reiterate that the mere expression of “control”, however, does not necessarily have to influence parent-child affiliation at all; again, these dimensions are independent of one another. Such behaviors like setting rules and monitoring could be considered “neutral” expressions of control (see Benjamin, 1996).

The discussion about control in parent-child relationships is in many ways akin to officer-offender relationship. Officers theoretically set and enforce the rules, monitor for compliance and exact punishments for noncompliance. Offenders (ideally) exhibit submission (i.e., listen, adhere to rules, show deference), but may also withdraw and/or assert their autonomy. Both parent-child and officer-offender relationships, like any

other interpersonal relationship, can be characterized by varying degrees of control and affiliation. Perhaps more than most any other type of interpersonal relationship, however, the officer-offender relationship places great emphasis on the control dimension. Notably, this is quite different from traditional voluntary psychotherapeutic settings where therapist control is often contraindicated.

Can control and affiliation peacefully co-exists in officer-offender relationships, as Interpersonal Theory would suggest? Are these dimensions truly independent in such a context or does control come at some expense to affiliation in community supervision? To answer this question, we report the findings from a recent study on relationships between 125 offenders with mental illness and their mandated treatment providers—a relationship similar in many ways to mandated community supervision. Here, Manchak, Skeem, & Rook (2013) found that mandated treatment relationships were significantly higher in control than traditional (i.e., voluntary) practitioner-client relationships. Despite this, these relationships were also largely still affiliative. How might this be possible, and how can community officers achieve similar relationships with their supervisees?



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INTEGRATING PROCEDURAL JUSTICE INTO DUAL ROLE COMMUNITY SUPERVISION RELATIONSHIPS

The relationship that community supervision officers establish with their supervisees has been conceptualized as a “dual role relationship” (Trotter, 1999). That is, officers must establish a relationship with the offender that reflects the dual roles of their profession. Officers must first and foremost work to protect and promote public safety vis-à-vis their supervision and monitoring of offenders on their caseload. Officers must also fulfill a social casework role, as they are often required to not only help secure needed community resources for their supervisees but also to work with offenders one-on-one to change their behavior and improve their criminal and social outcomes. How officers navigate these dual roles—how they reconcile being both “counselor” and “cop” (Skeem, Eno Louden, Polaschek, and Camp, 2007; Trotter, 1999)—can impact the nature of the relationship that develops between officers and their supervisees (see Manchak et al., 2013; Ross, Polaschek, & Ward, 2008; Skeem & Manchak, 2008).

There is some evidence to suggest that when officers place substantially more emphasis on one of these roles at the expense of the other, outcomes are unfavorable. In one study, researchers

coded the supervision style of intensive parole supervision (ISP) parole officers and then examined the criminal outcomes of the 240 parolees on their caseloads. Parolees whose supervising officers used either a law enforcement model or a social casework model had worse outcomes than those whose officers employed a “balanced” approach to supervision that emphasized both components. Specifically, those parolees with a balanced officer had a 19 percent revocation rate, whereas those with a law enforcement or social casework officer had revocation rates of approximately 59 percent and 38 percent, respectively (Papozzi & Gendreau, 2005). Similar findings have also been noted in probation samples as well (see Klockars, 1972).

How do officers effectively balance both roles of social casework and law enforcer and thus develop high quality dual role relationships? How can an officer maintain their authority, exert control over offenders, help them and, perhaps most importantly, ensure that offenders will willingly cooperate with them? The key may be for officers to utilize and practice principles that are consistent with a construct called procedural justice (see Lind & Tyler, 1988; Tyler, 1989, 1994; Watson & Angell, 2007). Procedural justice is a term that is often used to describe



subjective perceptions of individuals who come in contact with the justice system. A fundamental premise of procedural justice is that people will react receptively to those in authority if they have a perception of fairness. Such receptivity, or “buy in” is clearly essential if one is to affect long-term change in offenders’ lives (Tyler, 2003).

This sense of fairness stems from how authority figures treat offenders. Specifically, authority figures must give offenders a voice. Offenders must know that they are entitled to express their views and that their opinion is valid and valued. Officers can do this by taking the time to have conversations with offenders, actively listen (e.g., make eye contact, show interest and concern, reflect and summarize the offender’s statements) and consider the offender’s viewpoint and situation when making decisions. They should have conversations *with* rather than talk *at* the offender. Officers should also include offenders in decision-making. Officers can solicit the offenders’ views and opinions and incorporate them (when feasible) into case management decisions. Finally, offenders need to feel that the process of control is fair. Punishment cannot and should not be meted out haphazardly or inconsistently. If an offender feels that the rules vague and/or are inconsistently applied across time and across other supervisees, their perceptions

of fairness will dwindle. Therefore, officers must clearly communicate the rules and the corresponding consequences that will follow for noncompliance and be consistent and timely when enforcing the rules.

In sum, officers can effectively blend their role as counselor and their role as cop by engaging in practices that are consistent with the principles of procedural justice. Giving offenders a voice, treating them with respect and interacting with them in a firm-but-fair authoritative (not authoritarian manner) is important to both roles. Additionally, such treatment can help offenders establish a sense of trust (Tyler, 2003) and lay the foundation for a relationship that has the potential to influence offenders’ psychosocial and criminal outcomes.

THE IMPORTANCE OF OFFICER-OFFENDER RELATIONSHIPS IN COMMUNITY SUPERVISION

What potential impact can officer-offender relationships have on offender outcomes? We know from the psychotherapy literature that therapist-client relationship quality predicts clinical outcomes (e.g., symptom and functioning improvement; Horvath & Symonds; Martin, Garske, & Davis, 2000). We also know that very broad, general and rough proxies of correctional practitioner-offender relationship quality (e.g., staff



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is warm, empathic, respectful and non-blaming; (Dowden & Andrews, 2004) are related to reductions in recidivism. To truly assess the importance of officer-offender relationship, however, it is necessary to use a validated measure of relationship quality in this context and then directly test whether scores on this measure predict offenders' outcomes. In this section, we describe one such measure and its development and validation. Then, we present the extant evidence suggesting that high quality dual role relationships are fundamental to offenders' success on community supervision.

DEVELOPMENT AND INITIAL VALIDATION OF THE DUAL-ROLE RELATIONSHIP INVENTORY-REVISED

For many years, officer-offender relationship quality has been touted as a "core correctional practice" (Dowden & Andrews, 2004), one that was "necessary but not sufficient" for offenders to meaningfully change (Spiegler & Guevremont, 2003). Until it was formally operationalized, however, researchers were unable to directly test just how important relationship quality actually is in community supervision.

The Dual Role Relationship Inventory-Revised (DRI-R; Skeem et al., 2007) is the only known existing validated measure that assesses relationship quality unique

to the context of community supervision. This measure was informed by both the literature and real-world correctional practitioners and the offenders they supervise. Specifically, Skeem and colleagues (2007) consulted the literature (reviewed here) and conducted focus groups (Skeem et al., 2003) with offenders on probation and (separately) their probation officers to identify the core components that comprise officer-offender relationship quality in this context. The results from the focus groups were remarkably in line with the literature.

To summarize, both the literature and "real world" practitioners and offenders on supervision recognize that relationship quality in the community supervision context is much more than relationship quality in a traditional "therapeutic context" (Bordin, 1979; Horvath & Greenberg, 1989). Thus, measures like the Working Alliance Inventory (Horvath & Greenberg, 1989) used in traditional voluntary psychotherapy contexts do not fully capture the true essence of relationship quality in mandated treatment or community supervision; they lack an incorporation of the care/control balance that officers must achieve to establish high quality relationships with their supervisees. As such, any measure of officer-offender relationship quality must (a) reflect the dual roles of officers (e.g., as agents of support/help and control),

(b) include items that assess domains of affiliation (e.g., trust, caring) and control that is expressed in a manner consistent with procedural justice principles (i.e., “firm-but-fair), and (c) ensures that officers do not use authoritarian practices. The DRI-R was developed to assess three primary domains:

- fairness and caring,
- trust,
- toughness (assesses authoritarian control and is reverse-coded)¹.

To validate this measure (e.g., formally test whether the internal

structure of the measure is consistent and stable as it relates to other variables in theoretically meaningful ways), the authors administered the measure to samples of specialty mental health probation officers and their supervisees with serious mental illness. This was an ideal context in which to study dual role relationship quality. In specialty mental health probation, not only are pressures and treatment mandates (i.e., types of control) “disproportionately applied” (Skeem et al., 2007, p. 398), but also officers typically perform many tasks that are generally reserved for case managers or treatment providers, sometimes even

TABLE 1
ITEM EXAMPLES FROM THE DRI-R (SKEEM ET AL., 2007), OFFENDER, OFFICER, AND OBSERVER REPORT

Reporter	DRI-R Scales		
	Caring-Fairness (20 items)	Trust (5 items)	Toughness (5 items)
Offender	X tries very hard to do the right thing by me.	I feel safe enough to be open and honest with my agent.	I feel that X is looking to punish me
Officer	I try very hard to do the right thing by X.	X seems to feel safe enough to be open and honest with me.	X seems worried that I am looking to punish him/her.
Observer	The PO tries very hard to do the right thing by the probationer.	The probationer feels safe enough to be open and honest with the PO.	The probationer feels that the PO is looking to punish him/her.



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functioning as part of a treatment team (see Skeem, Emke-Francis, & Eno Loudon, 2006). If there was any context in which officers truly embodied both dual roles of counselor and cop, this was it. In this study, higher scores on the DRI-R (which indicated better relationship quality) were associated with better in-session behavior (e.g., less resistance and more willingness to change), better supervision compliance (e.g., fewer “no shows” to supervision appointments), and fewer new offenses.

EFFECTS OF DUAL ROLE RELATIONSHIP QUALITY ON OFFENDERS’ OUTCOMES

Since its initial validation, two known, methodologically rigorous studies have since used the DRI-R to test the effects of officer-offender relationship quality on offenders’ criminal outcomes. Both suggest, quite convincingly, that good relationship quality truly is essential to offenders’ success on community supervision. In the first study, Skeem and colleagues compared 176 offenders with mental illness on traditional probation (i.e., probation as usual) to a statistically matched sample of 183 offenders with mental illness on specialty mental health supervision. At baseline, offenders rated their relationship quality with their supervising officer using the DRI-R. The researchers found that specialty officers and probationers had higher quality dual role relationships characterized by higher

scores on Fairness/Caring and Trust scales and lower scores on the Toughness scale (Manchak, Skeem, Kennealy, & Eno Loudon, 2014). More importantly, however, officer-probationer relationship quality affected offenders’ criminal outcomes across both sites. Specifically, higher-quality relationships—regardless of where probationers were supervised—predicted a decreased likelihood for arrest. Most notably, these relationships fully mediated the effectiveness of specialty supervision on offenders’ arrests. In other words, the broad effect of specialty vs. traditional supervision was no longer significant when the researchers tested for the effects of dual-role relationship quality (Skeem & Manchak, 2010).

In the second study, Kennealy and colleagues (2012) also tested the effects of dual-role relationship quality on offenders’ outcomes. Their study, however, contributed some important additional information. First, this study showed that the consistent findings observed among offenders with mental illness could also generalize to non-disordered offenders. Using a sample of 109 parolees *without* mental illness, Kennealy and colleagues (2012) found that DRI-R total scores and Caring-Fairness scale scores significantly predicted the number of days until an offender was arrested upon prison release. Specifically, for every one point



increase in DRI-R total scores (indicating better relationship quality), there was a 31 percent decrease in the likelihood of a new arrest. Second, this study also demonstrated that the importance of officer-offender relationship quality on offenders' outcomes is not impacted by an offenders' risk level or personality traits. The researchers tested the assumption that higher risk offenders or those with difficult interpersonal styles could impede the offender's ability to form high quality relationships with their supervisor and/or may mitigate the importance of that relationship on criminal behavior. Results were to the contrary; neither risk nor personality mattered. High quality dual role officer-offender relationships reduced criminal outcomes consistently across offenders who were low and high risk and offenders with and without difficult personality traits.

CONCLUSION

There is mounting evidence to suggest that high quality dual role relationships are essential to offenders' success on community supervision and they are important across offender types and community corrections contexts. As the body of literature continues to grow, we suspect this pattern of findings to hold across other criminal samples (e.g., youth) and other dual role correctional practitioner-offender relationships (e.g., correctional treatment providers,

mandated mental health and substance treatment providers). The studies reviewed here underscore that if officers are to meaningfully reduce recidivism among their supervisees, they must attend to not only what they say and do (i.e., technique), but also *how* they supervise offenders (i.e., process). Skills in these domains reciprocally influence one another and work in tandem to affect offenders' behavior. As such, when officers implement evidence-based techniques into routine supervision, improvements in officer-offender relationships are likely to follow.

Only recently has the research on technique (e.g., use of cognitive-behavioral strategies) begun to infiltrate routine correctional supervision, but less attention has been devoted to teaching officers how to develop high quality dual role relationships with their supervisees. Though several current correctional intervention programs (e.g., Effective Practices in Community Supervision, EPICS, Smith, Schweitzer, Labreque, & Latessa, 2012; Staff Training Aimed at Reducing Re-arrest, STARR, Robinson, VanBenschoten, Alexander, & Lowenkamp, 2011) emphasize the importance of high-quality relationships in correctional supervision, more attention could be given to *teaching* officers how to develop them. Part of this training should be didactic; officers should be explicitly



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informed about the elements (reviewed here) that comprise high quality dual role relationship quality. This training should also include hands-on practice, where officers are taught evidence-based strategies for establishing rapport and enhancing motivation (e.g., motivational interviewing; Miller & Rollnick, 2002) and can practice engaging with clients in a caring, trusting and firm-but-fair manner that emphasizes a commitment to offenders' perceptions of fairness (e.g., procedural justice). Training officers how to develop high quality dual role relationships not only equips them with an important supervision tool, but will enhance their ability to protect public safety and promote successful offender rehabilitation and reintegration. ►►▲

ENDNOTE

¹ Of note, there are three versions of this measure—an officer-rated, an offender-rated, and an observer-rated form, and example items from each can be seen in Table 1. To access the DRI-R and more information about it, visit <http://riskreduction.soceco.uci.edu/index.php/dual-role-relationship-inventory/>

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States Take Lead on Justice Reforms

New Opportunities for States to Improve Juvenile Justice

By Carmen E. Daugherty, J.D.

Since 2008, twenty-three states have enacted 40 pieces of legislation that echo what public polls, brain science and even the Supreme Court have recognized: kids are different. Youth who commit offenses have a better chance of rehabilitation and, in most cases, are better served in the juvenile justice system rather than the adult criminal justice system. Over the past several years, states have undertaken reforms to keep youth out of the adult criminal justice system and recognized the unique needs of youth in sentencing and probation requirements. In October 2013, the Campaign for Youth Justice released its latest report, *State Trends, Legislative Victories from 2011-2013: Removing Youth from the Adult Criminal Justice System*, highlighting this trend and the work accomplished by state agencies, families and policy makers to remove youth from the adult criminal justice system. Click here to access the report: www.campaignforyouthjustice.org/documents/ST2013.pdf.

We have witnessed a steady stream of research demonstrating that the practice of trying and sentencing children in adult court does not reduce crime; in fact, when this practice is not used discriminately it does just the opposite. Indeed, trying youth as adults who are not our most serious, violent and chronic offenders not only has a detrimental impact on the youth, but the practice also harms public safety. For example, the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention's (OJJDP) research shows that youth prosecuted in the adult system for crimes such as burglary and robbery are more likely to be rearrested and to reoffend than youth who commit similar crimes, but who are retained in the juvenile justice system. Research also demonstrates that laws making it easier to transfer youth to the adult criminal court system have little or no general deterrent effect, meaning they do not prevent youth from engaging in criminal behavior. The researchers concluded that, "To best achieve reductions in recidivism, the overall number of juveniles prosecuted as adults in the criminal justice system should be minimized."

The U.S. Attorney General's Task Force on Children Exposed to Violence made similar recommendations in its final report to the Attorney General last December stating, "We should stop treating juvenile offenders as if they were adults, prosecuting them in adult courts, incarcerating them as adults and sentencing them to harsh punishments that ignore their capacity to grow." You can find this report by clicking here: www.justice.gov/defendingchildhood/cev-rpt-full.pdf.

Building on this research and growing consensus, nearly two dozen states have enacted juvenile justice reforms to improve outcomes for youth and their families, to increase public safety and to reduce costs. *State Trends, Legislative Victories from 2011-2013: Removing Youth from the Adult Criminal Justice System* shows that over the past eight years, nearly two dozen states have enacted forty pieces of legislation to reduce the prosecution of youth in adult criminal courts and end the placement of youth in adult jails and prisons.

Changes are occurring in all regions of the country fronted by state and local officials of both major parties and supported by a bipartisan group of governors. Policy makers are leading the way and accepting the conclusions drawn from research and data—kids are different and are more likely to succeed if given a chance at rehabilitation rather than severe punishment. For example, states such as Illinois and Massachusetts approved legislation in their 2013 sessions to raise the age of juvenile court jurisdiction to age 18, thereby providing opportunities for more youth to access rehabilitative programs and services in the juvenile justice system rather than the adult criminal justice system. These efforts follow states such as Connecticut and Mississippi that revised their statutes in previous years.

Other states such as Nevada and Indiana enacted laws to remove youth from placement in adult jails and prisons in their 2013 sessions. Colorado, Ohio, Oregon and Texas approved legislation in previous sessions.

Lastly, states have moved away from automatic prosecution of youth in adult criminal court by providing judges more authority on whether children should be placed in the adult criminal justice system. Arizona, Colorado and Ohio recently approved new statutes in this area.

For the estimated 250,000 youth under the age of 18 being handled by the adult criminal justice system each year and nearly 100,000 youth cycled through adult jails and prisons, this news couldn't come at a better time. ▷▷▲

CARMEN E. DAUGHERTY, J.D., is the Policy Director for the Campaign for Youth Justice.



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F O U N D A T I O N

Promoting Safer Communities Through Smarter Probation

by Chigozie Onyema and Laura Zeliger



Probation departments across the country continue to have to do more with fewer resources than ever before. At the same time probation officials in many states are experiencing cuts to their budgets, the number of people under probation supervision is actually increasing. According to a recent study by The Pew Charitable Trusts, more than five million people are currently on probation or parole in the United States, representing an increase of 59 percent over the past 20 years.¹

Despite the increasing workload and diminished resources, the core mission of a probation department to reduce recidivism among probationers remains unchanged.² Probation departments are expected to improve the success rates of the increasing numbers of individuals they supervise and to reduce crime by preventing reoffending. Two tools were introduced in recent years that can help probation departments achieve these objectives—*The Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism*, which was prepared by the Council of State Governments Justice Center for the U.S. Department of Justice’s Bureau of Justice Assistance (BJA), Pew Center on the States Public Safety Performance Project, Texas Department of Criminal Justice-Community Justice Assistance Division, Travis County (TX) Community Supervision and Corrections Department; and the *Smart Probation* federal grant program, which is funded by BJA.

THE TEN-STEP GUIDE TO TRANSFORMING PROBATION DEPARTMENTS TO REDUCE RECIDIVISM

A growing body of research outlined in the Council of State Governments (CSG) Justice Center’s *The Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism* (the Guide) points to four core practices that are integral to probation departments’ success in achieving their goals. According to the Guide, probation departments should:

- Effectively assess probationers’ criminogenic risk and needs, as well as their strengths (also known as “protective factors”);
- Employ smart, tailored supervision strategies;
- Use incentives and graduated sanctions to respond promptly to probationers’ behaviors; and
- Implement performance-driven personnel management practices that promote and reward recidivism reduction.

The Guide offers an action plan that leads probation departments through the transformative process necessary to implement these four practices. The Guide also draws extensively on the experience of a multi-year effort in Travis County (Austin), Texas to develop and implement each of these practices. From 2005 to 2008, researchers from CSG Justice Center, led by Dr. Tony Fabelo, worked with leaders from the Travis County adult probation department, judges, prosecutors, members of the defense bar and county officials. Together, they designed the four practices and integrated them into the department's everyday processes. Since completing the redesign of its operations in 2008, the Travis County probation department has seen

felony probation revocations decline by 20 percent and the one-year re-arrest rate for probationers fall by 17 percent.³

"Probation leaders across the country share the conviction that probation administrators play a key role in community safety," said Geraldine Nagy, former Director of Travis County's adult probation department and one of the authors of the Guide. "In Travis County, we've made preventing crime and reducing reoffending the focus of our mission statement. People at all levels of our agency, along with judicial leaders, see recidivism reduction as our shared and top-most priority. This Guide captures the key lessons we learned in reforming our agency."

Overview of the Guide

Setting an Agenda for Change	Redesigning Departmental Policies and Practices	Implementing Procedures to Ensure Quality and Monitor Progress
Step 1: Engage and Inform Key Stakeholders	Step 4: Improve Probationer Screening and Assessment Processes	Step 8: Develop and Implement a Process- and Outcome-Accountability System
Step 2: Review and Evaluate Current Departmental Policies and Practices	Step 5: Align Supervision Plans with Screening and Assessment	Step 9: Retool the Personnel Evaluation System to Reinforce Agency-wide Recidivism-Reduction Efforts
Step 3: Analyze the Evaluation and Develop a Mechanism for Overseeing Change	Step 6: Redesign Incentive and Sanctioning Strategies	Step 10: Review Progress and Set Goals for Continuous Improvement
	Step 7: Develop Recidivism-Reduction Training	

SUMMARY OF THE TEN STEPS

The Guide provides an action plan for a probation (or parole) department to realize the objective of recidivism reduction that is presented in three phases: setting an agenda for change; redesigning the department's policies and practices; and implementing procedures to ensure quality and monitor progress. The individual ten steps do not have to be implemented sequentially, as several steps can occur concurrently. To help agencies assess their progress, a checklist of key activities is offered at the end of each step. The Guide also provides a resource section for each step that includes sample documents. Below are additional details on the ten steps as outlined in the three phases.

PHASE 1: SETTING AN AGENDA FOR CHANGE

Step 1: Engage and Inform Key Stakeholders

Probation officials should engage law enforcement officials, prosecutors, judges, pretrial service providers and other criminal justice professionals to build broad support that provides the foundation for improving the performance of the department.

Step 2: Review and Evaluate Current Departmental Policies and Practices

Key stakeholders should closely analyze their policies and procedures to gauge the degree to which they are adhering to the four core practices (assessing for criminogenic risk and need, basing supervision strategies on assessment results, implementing graduated sanctions and incentives and designing performance-driven personnel management).

Step 3: Analyze the Evaluation and Develop a Mechanism for Overseeing Change

Probation officials should prioritize the findings, determine which actions to take and put mechanisms in place to make sure those actions adhere to the findings.

PHASE 2: REDESIGNING DEPARTMENTAL POLICIES AND PRACTICES

Step 4: Improve Probationer Screening and Assessment Process

Probation departments should restructure and standardize screening and assessment procedures to help department personnel develop tailored supervision strategies and better understand the needs and characteristics of the people the agency serves.

Step 5: Align Supervision Plans with Screening and Assessment

The information gathered from the screening and assessment tool should be used to devise individualized supervision plans.

Step 6: Redesign Incentive and Sanctioning Strategies

Probation departments should design and implement a cohesive policy on incentives and sanctions that is both clear to all probation officers and is consistently backed by administrators and supported by the judiciary.

Step 7: Develop Recidivism-Reduction Training

To guide probationers to positive behavior change, probation staff should be trained on new strategies and priorities brought about by the department's reorientation toward recidivism reduction.

PHASE 3: IMPLEMENTING PROCEDURES TO ENSURE QUALITY AND MONITOR PROGRESS

Step 8: Develop and Implement a Process-and-Outcome-Accountability System

Probation officials should set up systems and procedures to measure the probation department's performance on an ongoing basis to ensure that it is successfully reaching the goals of agency transformation. Collect detailed information at the beginning of the redesign process to establish a baseline (see Step 2) and then collect additional data over the course of the agency's transformation to gauge progress.

Step 9: Retool the Personnel Evaluation System to Reinforce Agency-wide Recidivism-Reduction Efforts

Probation officers should be evaluated on activities that are critical to reducing recidivism, such as their ability to engage and motivate probationers to participate in their supervision plans and change their behaviors.

Step 10: Review Progress and Set Goals for Continuous Improvement

The transformation of an organization is an ongoing process. Probation departments should plan to evaluate progress at several intervals after the formal conclusion of the transformation effort.

The Guide thoroughly explains each of these ten steps and includes examples, practice tips and a series of checklists to assist practitioners. To access the Guide, visit: csgjusticecenter.org/corrections/publications/ten-step-guide-to-transforming-probation-departments-to-reduce-recidivism.

SMART PROBATION: REDUCING PRISON POPULATIONS, SAVING MONEY, AND CREATING SAFER COMMUNITIES

BJA provides federal funding for probation departments to pilot projects consistent with the Guide's practices. Federal grant funding became available in March 2012, when BJA announced the grant program, Smart Probation: Reducing Prison Populations, Saving Money and Creating Safer Communities (Smart Probation). This initiative provides competitive funding for communities committed to implementing evidence-based practices, testing innovative approaches to improve probationer outcomes and achieving better returns on community supervision investments. Smart Probation grant recipients are required to build an independent evaluation component into their project to measure its effectiveness.

BJA identified the following goals, objectives and deliverables for Smart Probation grantees⁴:

- Improve supervision strategies that will reduce recidivism and provide training, technical assistance and policy support;
- Promote and increase collaboration among agencies and professionals who work in probation, pretrial services, law enforcement and related community corrections fields;
- Develop and implement strategies for the identification, supervision and treatment of "high risk/needs" probationers that may serve as models for other agencies throughout the nation;
- Objectively assess and/or evaluate the impact of innovative and evidence-based treatment and management strategies; and
- Demonstrate the use and efficacy of evidence-based practices and principles to improve the delivery of probation supervision strategies and practices.

In 2012, BJA awarded nine Smart Probation grants totaling \$3,675,366 over a two-year project period (see map below of grant recipients).

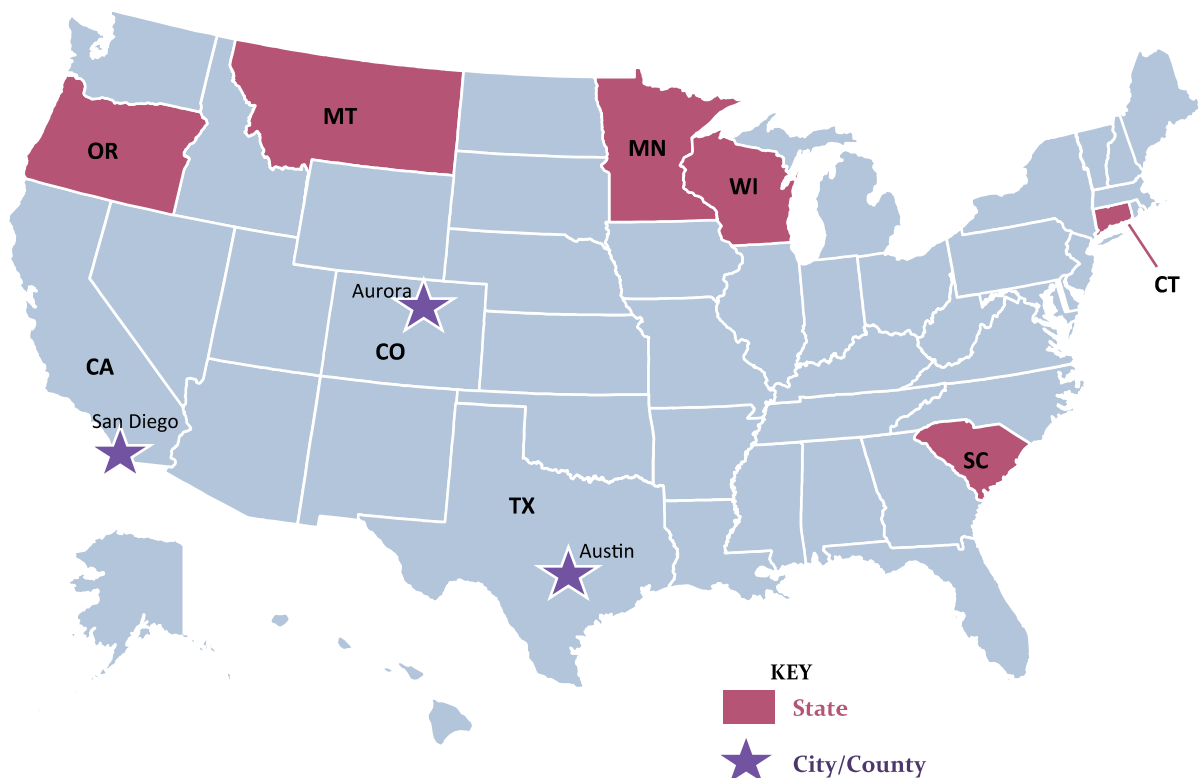
Each grant recipient proposed to design and implement projects that are consistent with the Guide's core practices. Common project components include: adoption of validated risk/needs assessment tools; smart, individualized, tailored supervision plans that target criminogenic risk; focus of higher-intensity services and resources on medium/high risk probationers; use of incentives and graduated sanctions that are swift and certain to respond to probationers' behaviors; and implementation of system

change practices that promote and reward recidivism reduction.

Across the United States, Smart Probation projects offer officers and staff training in evidence-based practices, including cognitive-behavioral interventions and risk assessment. In some jurisdictions, offense-specific court dockets have been created to serve particular probation populations, such as individuals charged with prostitution-related offenses or domestic violence-related offenses.

The National Reentry Resource Center (NRRC), along with the American Probation and Parole Association (APPA), provides training and technical assistance to each Smart Probation grant recipient. A project of the CSG Justice Center, the NRRC offers individualized and strategic guidance to recipients of Second Chance Act funding, including the Smart Probation grant recipients, in order to maximize their efforts to help individuals returning from incarceration to succeed in their communities and to reduce recidivism in their states.

Map of FY 2012 BJA Smart Probation Grant Sites



Council of State Governments Justice Center

1

Through training from NRRC and APPA, Smart Probation grantees benefit from the unique insight and connections to research from two leading organizations in the field. NRRC, APPA, and BJA, in turn, gain knowledge of developments in probation practices through their work with grantees. Currently, each Smart Probation grantee is in the implementation stage of the grant process. Rigorous evaluations of their work are expected in the coming years. To learn more about Smart Probation, visit www.bja.gov.

CONCLUSION

The transformation process in the *Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism* is designed to refocus the mission of a probation department away from strictly monitoring probationer compliance and toward reducing recidivism. Similarly, the Smart Probation grant program supports probation departments in implementing evidence-based practices that are proven to reduce recidivism. Together, they represent significant progress in the field and offer valuable support to probation departments that face the challenge of reducing recidivism despite limited resources. ►►▲

ENDNOTES

¹ Pew Center on the States, *Prison Count 2010: State Population Declines for the First Time in 38 Years* (Washington: The Pew Charitable Trusts, April 2010).

² Council of State Governments Justice Center, *Ten Step Guide to Transforming Probation Departments to Reduce Recidivism* (New York: Council of State Governments, June 2011), vii.

³ *Ten Step Guide*, x. The felony probation revocations since 2008 are compared with rates among similar probationers before the departmental overhaul.

⁴ U.S. Department of Justice, Bureau of Justice Assistance, *Smart Probation: Reducing Prison Populations, Saving Money, and Creating Safer Communities FY 2012 Competitive Grant Announcement* (Washington: U.S. Department of Justice, Bureau of Justice Assistance, 2012), available at <https://www.bja.gov/Funding/12SmartProbationSol.pdf>.

For more information on the National Reentry Resource Center, visit www.csgjusticecenter.org/nrrc. To contact the authors, email Chigozie Onyema at conyema@csg.org.

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2014 Census of Adult Probation Supervising Agencies

by Lauren Glaze and Tim Smith

INTRODUCTION

The Bureau of Justice Statistics (BJS), the statistical agency of the U.S. Department of Justice, is conducting the Census of Adult Probation Supervising Agencies (CAPSA), a special nationwide project that will describe the varying structures and nature of adult probation both across and within states. BJS is collaborating with Westat and the American Probation and Parole Association (APPA) to conduct the census. The data collection phase of the project—consisting of a national survey of public agencies that supervise adults on probation for a felony (or those that supervise felons and misdemeanants) and private companies that supervise adult probationers—will be conducted by Westat and APPA on behalf of BJS in the summer of 2014.

THE NEED

Current and comprehensive data on the organization and administration of adult probation supervision are not available at the national and state levels. The data that do exist are not based on standardized definitions that can be used to compare probation across the nation. In addition, the last census of probation agencies was conducted by BJS in 1991; since then, the nature of probation has changed in many significant ways. For example, Community Corrections Acts (CCAs) expanded beyond the original three states that developed CCAs in the 1970s (i.e., Minnesota, Iowa, and Colorado); independent, state-level community corrections boards were created in some states; more private companies are being used to provide probation supervision; and the use of community-based correctional facilities—some of which offer an alternative to incarceration—that provide programs and treatment intended to meet offender needs and reduce the risk of recidivism.

THE SCOPE

CAPSA will address current information gaps identified by the community corrections field by providing a clear picture of how adult probation in the United States is currently organized, the supervision policies and practices agencies have established to administer adult probation, the various types of functions agencies perform and the different types of individuals supervised by probation agencies. In addition, the study will produce a comprehensive listing of public agencies that supervise adult felons (or felons and misdemeanants) and private companies that supervise adult felons and misdemeanants. CAPSA also has the potential to enhance the utility of the probation population data that BJS collects through its Annual Probation Survey by examining the associations between the operations of probation agencies and their supervision policies and practices relative to population changes, such as the size of the probation population, the types of probationers supervised, movements on and off supervision and outcomes of supervision. This type of analysis will provide a better understanding about factors related to population changes.

CAPSA will survey public agencies and private companies nationwide that supervise adult probationers. The project team has used several sources to assemble a preliminary roster of agencies and companies that are believed to supervise probationers. To date, approximately 2,000 entities are included in the roster. Efforts to identify other available sources, agencies and companies are ongoing.

All agencies and companies on the preliminary roster will be asked to participate in the study; additional agencies and companies will be asked to participate if they are identified during the collection period. The head of each agency or company will be asked to designate appropriate staff that can complete a study questionnaire. The questionnaire for public agencies will be web-based, and the designated staff will be provided instructions on how to access the questionnaire online. The secure website will allow respondents to save and close the questionnaire at any time and re-open it later to continue or edit entries until they are ready to submit their answers. A different questionnaire will be used to collect information from the private companies, which will be mailed to the designated private company staff.

The Objectives

The CAPSA survey is designed to meet several objectives: to screen agencies and companies on the roster to determine whether they meet the CAPSA eligibility criteria, to assess and validate the roster of agencies by relying on respondents to identify additional agencies within their jurisdiction that may be missing from the roster, and to collect information from the CAPSA-eligible agencies that describes the organization and current nature of probation at the national level, as well as across and within states. In 2013, nearly 50 public agencies and private companies participated in a pilot test of the CAPSA survey. The findings were used to assess the level of burden placed on respondents and to evaluate and revise the survey questions to help ensure the utility and quality of the data to be collected in the national study. Topics addressed in the national study include the following:

- *Policies and practices*
 - Methods of supervision (e.g., electronic supervision, intensive supervision, or programs and services for special populations)
 - Party/venue responsible for supervision (e.g., agency, third party, private company, or community-based correctional facility)
 - Risk and needs assessment
 - Firearms/arrest powers of supervision officers (public agencies)
- *Supervision authority (public agencies)*
 - To impose conditions
 - To grant early positive discharge
 - To impose a period of incarceration

- Functions performed
- Populations served; size of populations
- Funding sources for adult probation supervision (public agencies)
- Sector (i.e., public agency or private company)
- Branch/level of government (public agencies); private companies will be asked branch/level of governments for which they supervise adult probationers
- Type of oversight by governmental agencies (private companies)
- Number of states for which they supervise adult probationers (private companies)

To minimize burden on agencies and companies, the questionnaires only include a few questions that ask for aggregate counts (e.g., number of probationers under supervision and number of supervision officers). Completing the public agency questionnaire is estimated to take about 65 minutes; the private company questionnaire should take about 30 minutes to complete.

The Benefits

CAPSA will have direct implications on policy and practice of adult probation supervision. It is also critical to help understand correctional systems nationwide and for policy development and criminal justice planning at all levels of government. Adult probation is an amorphous field that manages a large and diverse population. The CAPSA findings will provide essential information to move the field forward with a clearer picture of the structure of adult probation in the United States and of the type and prevalence of policies and practices that are currently in place. For example, the CAPSA information could be used to answer the following questions:

- How is adult probation organized in the United States? How does the organization vary within and across states?
- What are the various functions that adult probation agencies perform? How do they differ within and across states?
- What sources of funding do agencies receive for adult probation? How do funding sources vary by structure, within and across states and by population size of agencies?
- What are the various types of populations that adult probation agencies supervise? Is there a relationship between the size of agencies' adult probation populations and the types or varieties of individuals (e.g., juveniles, parolees, or pretrial) they supervise? What is the nature of that relationship?
- How do the characteristics of agencies' adult probation populations vary by structure and state? How are the population characteristics related to supervision practices?

- What methods and practices of supervision do agencies have in place to manage the adult probation population? How do they differ by structure, within and across states and by adult probation size and characteristics?
- Do agencies have any supervision authority to administer adult probation without approval from a judge or court (e.g., to impose conditions, grant early positive discharge, or impose period of incarceration)? If so, what type of supervision authority do they have? What is the extent of their authority? Does this vary by structure or state? If so, how does this vary?
- How many private probation companies exist in the United States? Which states use private companies to supervise adult probationers?
- What is the size of the U.S. adult probation population supervised by private companies? What is the size by state and how does it vary?
- Which types of governmental agencies use private companies to supervise adult probationers? How does that vary by state?
- To what degree do governmental agencies conduct various types of oversight of private companies' adult probation supervision activities? Does that vary by state? If so, how does it vary?
- What are the various functions that private probation companies

perform? How do they differ by state?

- What methods and practices of supervision do private companies have in place to manage the adult probation population? How do they differ by state and adult probation size and characteristics?

Statistical reports will provide data that can serve as a benchmark and the standardized questionnaire and definitions will permit states and localities to rely on the CAPSA data to assess their probation agencies relative to all probation agencies nationwide, as well as among those with similar characteristics. For example, agencies could compare their supervision authority or practices of supervision with other agencies of similar population size or characteristics (e.g., branch, level, and type of government) within their state or in other states. >>>▲

To learn more about Westat's role in CAPSA and other community corrections projects, contact:

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For more information about BJS's Community Corrections Statistical Program, including CAPSA, contact:

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American Indian Justice Conference
Seattle, WA. For more information go to:
www.ncjtc.org/CONF/AIJC/Pages/default.aspx

JUNE 11-14, 2014

MASCA 76th Annual Conference
Washington, DC. For more information go
to: www.masca.us/registration.html

JUNE 17-19, 2014

9th Annual Global Youth Justice Training
Institute Cape Cod, MA. For more
information go to: www.globalyouthjustice.org/Training_and_Events.html

JULY 20-21, 2014

Correctional Mental Health Care
Conference Denver, CO. For more
information go to: www.ncchc.org/education-conferences

AUGUST 10-13, 2014

2014 National Forum on Criminal Justice
Breckenridge, CO. For more information
go to: www.national-forum.net/home

AUGUST 11-15, 2014

2014 International Terrorism and
Organized Crime Conference
Anaheim, CA. For more information go to:
<http://www.agiac.com>

AUGUST 15-20, 2014

ACA's 144th Congress of Correction
Salt Lake City, UT. For more information
go to: http://register.aca.org/aca_prod_imis/conference_prod

SEPTEMBER 22-25, 2014

NAJIS 32nd Annual Conference
Salt Lake City, UT. For more information
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