

# PERSPECTIVES

THE JOURNAL OF THE AMERICAN PROBATION AND PAROLE ASSOCIATION

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# executive director/ceo's message

Several of the excellent articles in this issue of Perspectives are a reminder of the importance of visual communication. What we see with our eyes catches our attention and sticks in our memory. A prime example is laid out in the article by Jonathan Fisher on how the New York City Department of Probation teamed up with a nonprofit organization (Seeing for Ourselves) to offer a NeON photography course to those on probation. The photographs of the NeON project have done so much to open people's eyes to the lives of individuals participating in community supervision—reaching out in a way that breaks through ingrained misconceptions and over-generalizations about the nature of probation itself and the type of people on probation. They provide a valuable window that underscores the truth of the old saying that a picture is worth a thousand words. APPA was fortunate to have some of the students from the course take photos during our annual training institute in 2023 – they did a fantastic job!

Next, consider the article by West Huddleston and Stephen K. Talpins on the need to revisit drug testing methodologies to increase ease of testing and close gaps in access. When it comes to our ability to step back from in-office urine drug testing and increasingly rely on oral fluid drug testing done remotely, the camera plays a crucial role. The individual being tested can document each step in the testing process, from opening the test package to capturing “close-up images of the results of the rapid test at multiple points in time,” enabling a remote observer to verify the validity of the test with a high degree of certainty. The shift to digital cameras and their incorporation into smartphones has made photography amazingly accessible and useful as a tool in our day-to-day lives.

And, when it comes to the World Conference, I wish I could have captured in photographs what a stimulating and positive experience that turned out to be. Fortunately, William Burrell and the attendees quoted in his article have done an excellent job of presenting in words the excitement, energy, and sense of collaboration we all experienced. First-hand participation can be the best and most memorable way of learning and growing. In that regard, I urge those working in this field to make every effort to participate in training sessions and conferences, including APPA's upcoming 2025 Winter Training Institute in Las Vegas, Nevada. The synergy of working with others helps us all advance in our personal and professional lives.

Before closing I want to underscore the challenge offered in the “Looking at Probation in a Whole New Way” article to develop a parallel program in your local area--and the helping hand available from the original program staff for doing so. As always, thank you to each of the contributors of these great articles. Of course, I am grateful to those who see the value of this digest and take the time to read and grow!



**VERONICA CUNNINGHAM**  
EXECUTIVE DIRECTOR/  
CEO APPA

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 abroad. 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.

Articles must be emailed to [perspectives@csg.org](mailto:perspectives@csg.org) in accordance with the following deadlines:

- Unless previously discussed with the editors, submissions should not exceed 12 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 and in American Psychological Association (APA) Style.
- 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., to (Mattson, 2015, p. 73).
- Alphabetize each reference at the end of the text using the following format:
  - Mattson, B. (2015). Technology supports decision making in health and justice. Perspectives, 39(4), 70-79.
  - Hanser, R. D. (2014). Community corrections (2<sup>nd</sup> ed.). Thousand Oaks, CA: Sage.

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# THE SIXTH WORLD CONGRESS ON PROBATION AND PAROLE

by William D. Burrell

The 6th World Congress on Probation and Parole was held in The Hague, Netherlands, from April 16-18, 2024. Sponsored by the Dutch Probation Service (Reclassering Nederland), it was the largest World Congress so far, with over 500 attendees from 63 countries across the globe.

Prior World Congresses were held in London (2013), Los Angeles (2015, co-sponsored by APPA), Tokyo (2017), Sydney (2019), and Ottawa (2022). The Congress is a biennial event, except for Ottawa, which was delayed by the pandemic.

The Congress was significant for the Dutch Probation Service, which celebrated its 200th anniversary in 2023. The Service was founded in 1823, some 18 years before John Augustus, the “Father of Probation” in the U.S. began his work as a volunteer probation officer in the courts of Boston.

## APPA AT THE CONGRESS

APPA was well represented at the 6th World Congress. Members of the APPA International Relations Committee (IRC) in attendance included Committee Chair Julie Truschel, Joseph Arvidson, Willow Baker, William Burrell, Debi Koetzel, and Joe Winkler from the U.S. and international members Sylvie Blanchet (Canada), Nancy Nungari (Kenya), Patricia O’Hagan (Northern Ireland), and Stephen Pitts (United Kingdom). APPA Executive Director Veronica Cunningham also attended.

The IRC members did more than just attend. As Julie Truschel said, “we were humbled and honored that so many of our committee members were chosen to provide workshops on this global stage.” Seven current IRC members and an APPA past president presented workshops.

## APPA IRC MEMBER PRESENTATIONS

TITLE	PRESENTERS
Merging Trauma-Informed Care & Desistance in Probation Supervision	Joseph Arvidson* & Nicole Kimberly-Staeheli
Probation and Parole: Occupation or Profession?	William D. Burrell*
From Dealer to Leader: The Power of Lived Experience	Julie Truschel* & Billa Nanra
Learning from European Experience - Building Probation Capacity and Impact at a Global Level	Stephen Pitts* & Leo Tigges
Global Collaboration for Evidence-Based Parole: A Path to the Future	Sylvie Blanchet*, Ashley Koonce & Jonathan Ogletree
Innovations in Probation	Joseph Winkler*
What's in a Name? Assessing Probation Officer Support for the Organizational Coaching Model	Debi Koetzle* & Shelley Johnson
Professional Values and Skills: The Last Frontier of “What Works” in Probation and Parole	Mario Paparozzi (APPA Past President)

*\*IRC member*

The organizers of the Congress did a marvelous job of organizing and executing the event. It was 2½ days of plenary sessions, workshops, networking opportunities, excellent food and cultural opportunities. Steve Pitts noted how a worldwide community of probation has formed and taken flight. Each World Congress has added people, organizations and nations to this global community.

IRC members had uniformly positive experiences at the Congress. Patricia O’Hagan described the Congress as “a melting pot of global minds, united by a commitment to learning and sharing best practices.” Nancy Nungari said, “the networking sessions felt like a warm, large bonfire, as we inspired each other.” Julie Truschel commented: “Many conversations were held over cups of coffee or glasses of wine that initiated relationships to be continued virtually into the future.”

One theme that resonated throughout the Congress was the power of relationships. The opening plenary address by Ms. Mpho Tutu von Furth (daughter of Desmond Tutu) set the tone as she discussed restorative relationships that facilitate responsibility, justice, healing, and forgiveness.

As Nancy Nungari observed, a theme was woven throughout the Congress, which was the immense impact of relationships in achieving our shared goals for more effective and humane probation and parole practice.

A PARALLEL FOCUS ON VOLUNTEERS

Running in parallel to the World Congress on Probation and Parole was the second World Congress on Community Volunteers. The 2017 World Congress in Tokyo highlighted the role of the hogoshi, the volunteer probation officers who serve throughout Japan. They are community members who provide supervision, guidance, assistance, and mentoring to persons on probation. There are more than 45,000 hogoshi working in Japan today.

The value of community volunteers and the “sheer breadth” of their contributions made a very strong impression on Steve Pitts, who also addressed the Volunteers’ Congress.

In addition to representation from the oldest probation services (Netherlands and U.S.), the Congress was attended by some of the youngest, including many from central and eastern Europe. It was exciting to hear how

they have been learning and growing as they build their probation and parole services.

BUILDING GLOBAL COOPERATION

The Congress also saw the renewal of the affiliation agreement between the APPA and Confederations of European Probation (CEP). Plans under the agreement include exchange seminars between the U.S. and European jurisdictions and webinars featuring members of both organizations. A good example of this type of international cooperation was the workshop at the APPA Training Institute in Indianapolis featuring Joe Winkler of the Florida Department of Corrections and Iuliana Carbonaru of the Romanian Probation Service, who is the Vice President of the CEP.

One of the unique features of the Congress was the scholarships offered by the Dutch Probation Services to enable staff without resources to attend. I met and had a wonderful conversation with Max van Wersch, a college student and intern with the Dutch Probation Service. I also noted that workshops had many more young probation officers compared with previous Congresses. These attendees added a valuable and extremely current perspective to the discussions about supervision practices.

The Congress also benefitted from the presence of academics—some established and others emerging—who enriched discussions about integrating the latest research into policy and daily practice. Based on their new book on global community corrections, Ioan Durnescu (Romania) and Faye Taxman presented four grand challenges for the worldwide probation and parole community to address.

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15

10

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Level 2

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5

10

15

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The challenges are discussed in greater detail in the book *The Routledge Handbook on Global Community Corrections*. <https://www.routledge.com/The-Routledge-Handbook-on-Global-Community-Corrections/Durnescu-Byrne-Mackey-Taxman/p/book/9781032294919?>

EXPERTS BY EXPERIENCE

As with many recent APPA Institutes and other conferences, the Congress featured sessions with persons with lived experience or, as they were called, “experts by experience.” Julie Truschel interviewed Billa Nanra about his evolution from heroin addiction and dealing to his incarceration and reentry after prison and engagement with the Peace Education Program in prisons and with parolees.

Willow Baker was responsible for setting up a viewing of the documentary “The Power to Change” about knife crime in London and programs that are helping, including the Peace Education Program. After viewing the video, one attendee said “I have been a probation officer for decades. I am not easily moved but this film and the presenters really moved me.” That video can be seen at: <https://www.youtube.com/watch?v=L1dYMUo50WM>

CONCLUSION

Willow Baker summed up the event powerfully: “The 6th World Congress on Probation and Parole was likely the most well organized and informative conference I have ever attended. It achieved an excellent balance between entertainment, inspiration, serious work, and sincere collaboration,”

Nancy Nugari said: “My big takeaway: the relationships we build—with ourselves, with each other, with our clients and with our stakeholders—are the foundation of our collective success in transforming probation and parole practices globally.”

I think it is safe to say that APPA had a major impact on the World Congress, and the Congress did as well on all of us who attended. The success of the 6th World Congress demonstrates to me the recognition of the existence of a global probation and parole community and the responsibilities we all have to one another, to assist developing countries, and to share knowledge among all systems, established and emerging.

NEXT UP?

At the conclusion of the Congress, the Dutch Probation Service handed off the World Congress responsibility to Indonesia, which will host the 7th World Congress on Probation and Parole in 2026. The flight of the global probation and parole community is well underway, and we look forward to our next touchdown in Bali, Indonesia!

ACKNOWLEDGEMENTS

Thanks to IRC members Joe Arvidson, Willow Baker, Debi Koetzel, Nancy Nungari, Patricia O’Hagan, Steve Pitts, Julie Truschel and Joe Winkler for sharing their thoughts on the Congress with me.

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William D. Burrell is an independent corrections management consultant. He is a member of the International Relations Committee and served as editor of *Perspectives* from 2000-2014.

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- ☐ Urban (Pop. >50,000)
- ☐ Rural (Pop. <50,000)
- ☐ Both Urban and Rural

JOB JURISDICTION

- ☐ City
- ☐ County
- ☐ Federal
- ☐ Province
- ☐ State
- ☐ Tribal
- ☐ Alaskan Village
- ☐ Other\_\_\_\_\_

APPA OFFERINGS

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- ☐ Writing for Quarterly Journal

I AM INTERESTED IN:

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- ☐ Controlled Substances
- ☐ Criminogenic Risk/Needs
- ☐ Diversity
- ☐ Domestic Violence
- ☐ DUI
- ☐ Electronic Monitoring
- ☐ Evidence-Based Practice
- ☐ Family Justice
- ☐ Fines, Fees & Restitution
- ☐ Gangs
- ☐ International
- ☐ Interstate Compact/Commission
- ☐ Judicial
- ☐ Juvenile Justice
- ☐ Offender Employment
- ☐ Offender Mental Health
- ☐ Officer Safety/Wellness
- ☐ Parole
- ☐ Pretrial
- ☐ Probation
- ☐ Professional Development
- ☐ Public Policy
- ☐ Public Relations
- ☐ Recidivism
- ☐ Research/Evaluation
- ☐ Restorative Justice
- ☐ Sex Offender Management
- ☐ Supervision Strategies
- ☐ Technology
- ☐ Victims Issues
- ☐ Workplace
- ☐ Other: \_\_\_\_\_

PRIMARY WORK SECTOR

- ☐ Academia
- ☐ Adult Correction
- ☐ Adult Parole
- ☐ Adult Probation
- ☐ Community Justice
- ☐ Juvenile Parole
- ☐ Juvenile Probation
- ☐ Judicial
- ☐ Non-Profit
- ☐ Pretrial Services
- ☐ Private
- ☐ Residential
- ☐ Treatment Provider

PROFESSIONAL CATEGORY

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- ☐ Attorney
- ☐ Commissioner/Director/Chief
- ☐ Consultant
- ☐ Educator
- ☐ Grant Coordinator
- ☐ Judge
- ☐ Line Officer
- ☐ Parole Board Member
- ☐ Private
- ☐ Project Director
- ☐ Retired
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- ☐ Student
- ☐ Supervisor
- ☐ Trainer
- ☐ Transition Specialist

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# LOOKING AT PROBATION IN A WHOLE NEW WAY

by Jonathon Fisher

**“Taping dog’s mouth shut gets him probation in Topeka”**  
(The Associated Press, 2020)

**“East Boston woman on community supervision makes off with her probation officer’s wallet”**  
(WISN, 2015)

**“Cold-cocking chiropractor earns Florida man probation”**  
(Cooper, 2015)

While the above news headlines have been somewhat disguised, the imagery that accompanied the original stories can easily be imagined. We have, after all, become accustomed to the photos of scowling Americans clad in orange jumpsuits illustrating stories about probation. It would also be no great stretch to consider that such imagery may kneecap one’s attempt to return to a law-abiding life. And it can follow one around online forever (Lageson, 2016). Whoever has said there’s no such thing as bad publicity may not have been on probation at the time.

The media scorn of probation as a sanction, along with its mockery of those serving a term, is exactly what certain New Yorkers on probation and their neighbors have been trying to undo since January 2018. It was then that a novel “participatory photography” program was brought to the city’s probation agency by a nonprofit organization, Seeing for Ourselves.

Seeing for Ourselves equips and trains marginalized individuals to take control of their own public narrative by documenting their lives photographically. It delivers a 12-week college-level program in the art of visual storytelling. The nonprofit then promotes the new imagery in gallery exhibits, publications, film, and social media. Shifting the discourse about people on probation, and probation

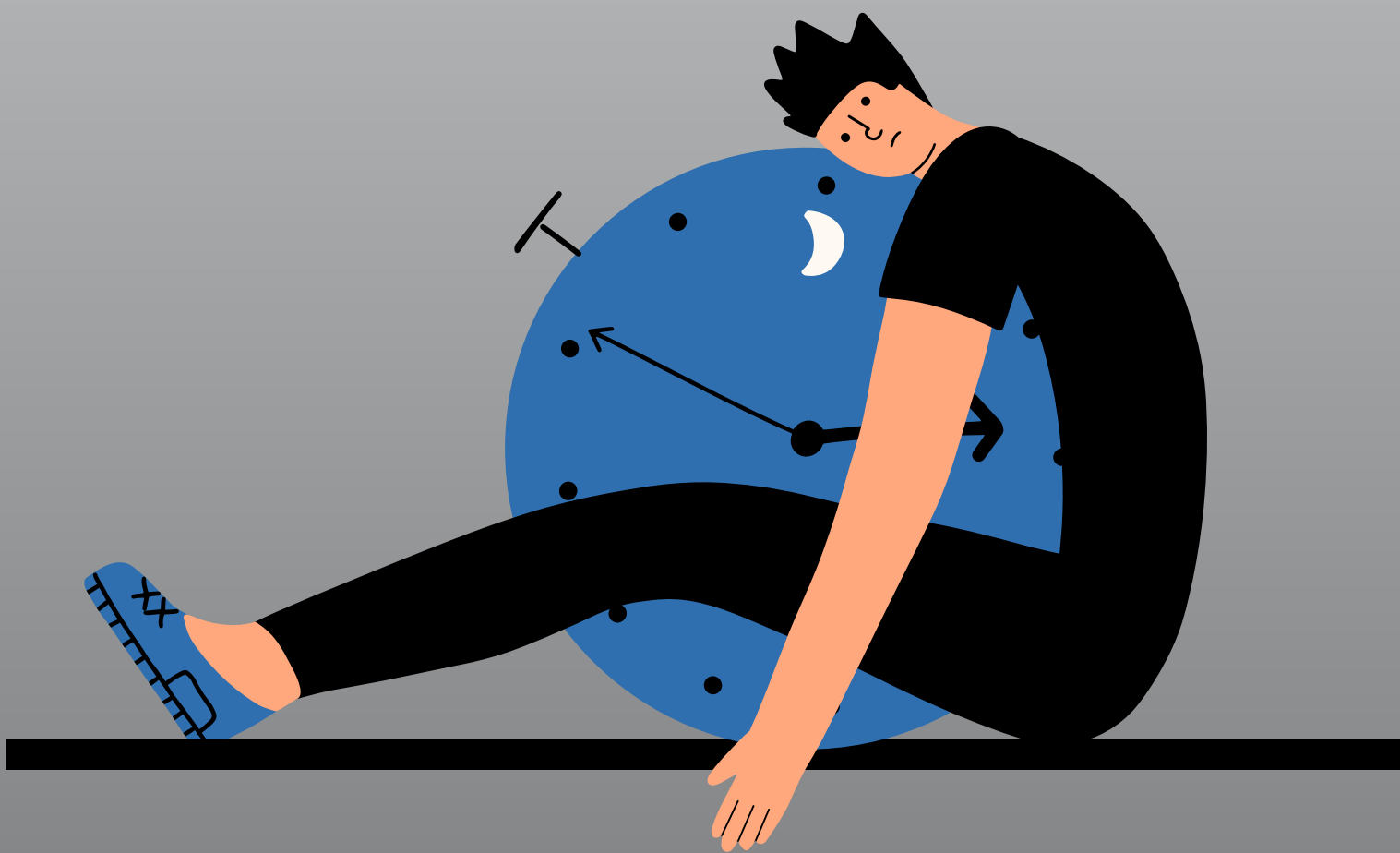
itself, can have lasting impact on the nearly 3.1 million Americans sentenced to a term of probation in 2022—more than those in jail or prison or out on parole combined (Carrano & Fisher, 2023). This article documents how the program and the practice of participatory photography is helping to change the public image of probation.

## PROBATION AND THE MEDIA

It seems no accident that the “second chance” known as probation was begun in 1841 by Boston bootmaker John Augustus (New York City Department of Probation [NYCDOP], n.d.) here in America, the country that itself was a second chance for so many. The practice entails supervision in the community, generally as an alternative to incarceration. For a century after its institutionalization in the Bay State in 1878, the practice was portrayed by the media as a legitimate criminal justice sanction (Carrano & Fisher, 2023). However, the 1972 to 1992 crime wave (Lancaster, 2017) led the media to begin characterizing probation as a slap on the wrist, if not a joke (Carrano & Fisher, 2023)—an ironic development, as in another apparent reaction to the crime wave this originally rehabilitative practice now turned punitive.

After the shift toward increasingly punitive policies took hold, untold numbers of Americans wound up pinballing between probation and prison, continually tripped up by arduous stipulations or mandatory conditions of probation (Pew Charitable Trusts, 2019). Over the ensuing decades, many jurisdictions began to walk back the harsh transformation of probation, and New York City led the way. Its many innovations have turned it into an industry leader and helped make it one of the safest large cities in the country (Carrano & Fisher, 2023; Gordon, 2024). Yet beyond the news headlines, probation remains largely unknown to the public.

Both the NYCDOP (Bermudez, 2015) and Seeing for Ourselves (Carrano & Fisher, 2023) believe that the





media's continued scornful portrayal of probation and its mockery of those immersed in this criminal justice intervention may have discouraged reforms elsewhere, preventing the practice from living up to its potential as an alternative to jail or prison. Jurisdictions may have concluded not that probation should be made more effective but that such an effort would not be worth the trouble. (To point out a parallel example of public entities walking away rather than offering obvious countermeasures, government support of New York City's public housing tended to evaporate in the face of mocking media treatment of the housing projects since the 1970s, as the city and state concluded not that more support was warranted but rather that investment was a losing hand [Carrano et al., 2015].)

Recently, a competing narrative to the media's unflattering treatment of probation has emerged and drawn attention. In this telling, rather than individuals failing probation, the justice intervention itself fails those whom it serves (Harding et al., 2022). While some see this outlook as leverage for legislative reform, others see it as a call

for abolishing the practice altogether (Schiraldi, 2023). This continued focus on failure, while characteristic of a national media that has adopted an "If it bleeds, it leads" outlook, may not be as helpful to criminal justice as a different narrative altogether.

### SEEING FOR OURSELVES

Seeing for Ourselves initially brought a similar participatory photography program to the city's public housing agency from 2010 to 2013 to counter a generation-long focus by the national and local media on crime and disrepair that undermined city and state support of these beleaguered communities. The most revealing imagery was combined with a backstory about public housing in the globally acclaimed, award-winning Project Lives (Carrano et al., 2015). That work created a new visual narrative—one that brought the city and state back to the funding table (Fisher, 2021).

Evidently persuaded by this success and encouraged by an award to the nonprofit by the National Endowment for the Arts at the end of 2017, NYC asked the nonprofit

to next deliver its programming to New Yorkers on probation. While Seeing for Ourselves had previous experience in public housing when setting out on its first initiative, it possessed no background in criminal justice. It would face a steep learning curve.

### THE PROBATION PHOTOGRAPHY PROGRAM

Centered around a 12-week course delivered by the nonprofit's embedded photography teacher, "NeON:Photography" took its place at the NYCDOP as one of a variety of programs of the agency's Neighborhood Opportunity Network (NeON) that served the seven underserved communities where most individuals on probation live: the South Bronx, Harlem, Jamaica, Bedford-Stuyvesant, East New York, Brownsville, and the north shore of Staten Island. In the program's inaugural implementation with those on probation, hundreds either shared high-end, digital single-lens reflex cameras donated by Sigma Corporation of America and Seeing for Ourselves or opted for the alternative of using their own smartphone. Like other NeON offerings (including music, poetry, and wellness), the course was open to community members generally, not solely those serving a term of probation. This element of NYCDOP practice aimed at reducing the stigma associated with justice involvement (Carrano & Fisher, 2023).

Starting up slowly in the spring of 2018, with the nonprofit an unknown entity in these communities, NeON:Photography would before long be swamped by applications. Reportedly, the waiting list now numbers over 500 (American Probation and Parole Association [APPA], 2023). The course has led to thousands of dollars in stipends paid to participants by the city in the interest of job readiness for engaging in the program even as Seeing for Ourselves turned over half its National Endowment for the Arts grant to the participant photographers. Meanwhile, according to NYCDOP officials, thousands of economic opportunities have been created in the form of paid teaching jobs and photo shoots along with photograph sales. This allowed for new careers to be launched, and others turbocharged (APPA, 2023).

Entire lives began to change as participatory photography drove home that everyone has a unique own point of view—a revelation to some (Fisher, 2021).




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Early anecdotal evidence seems to demonstrate a lower rearrest rate for those in participating in the program (Davis, 2020). However, further evaluation and research is needed to uncover the potential impact of the program in this area.

The effort began to take on the air of the paradigmatic Hero's Journey (Voytilla, 2003). The participatory photography program started up slowly, corresponding to the Journey's stage of "refusal of the call." The photography instructor then began to teach the students, corresponding to the Journey's "aid from a mentor" stage. The participants accepted a mission to undo negative stereotypes, corresponding to the Journey's stage of "the challenge." Those students on probation were kept on the path by neighbors who were also taking the course, corresponding to the Journey's stage of "help from allies." Finally, the photographers were able to deliver brand-new imagery to the world to help reset probation's public image, corresponding to the Journey's stage of "the return."

Instead of a mug shot, the visual narrative of probation could be a bald gentleman comfortably settling down in a barber's chair for a shave. A mother proudly celebrating a child's birthday. A row of smiling probation officers offering assistance.

As the article by The Philadelphia Inquirer (Melamed, 2020) and coverage by various media outlets of the gallery exhibits, film, and book delivered by this initiative exemplify, the media narrative about probation began to change (see the Whole New Way website, n.d.). Critical of neither those immersed in it nor of the sanction itself, a new focus celebrated those who not only made probation work for them but who in turn worked while on probation to reform probation by creating a new public narrative. As noted earlier, NYCDOP and the nonprofit it worked with believe that such portrayals can do even more than just encourage change within punitive probation jurisdictions themselves; they can also promote an attitudinal shift among the population at large, especially when coupled with the gallery exhibits, film, and books that themselves seem to have a similar impact. And there's more. Keep in mind that landmark legislation such as the Civil Rights Act of 1964 and the Clean Air Act of 1970 did not appear out of the blue. The way was prepared by evolving public sentiment. Similarly, a new public view of probation might help clear a path to legislative reforms.



At the end of 2021, Seeing for Ourselves departed from the probation agency, with its programming now permanently institutionalized under the direction of the nonprofit's erstwhile photography instructor, now an NYCDOP official herself. For more information and to view the culmination of this work, see In a Whole New Way, a documentary that aired on PBS (Fisher, 2021). A workshop on the film was held at the APPA 47th Annual Training Institute in Chicago in 2022, which was co-hosted by the NYCDOP commissioner along with Seeing for Ourselves and was received enthusiastically by audiences. A plenary screening of the work at the APPA 48th Annual Training Institute in NYC in 2023 was co-hosted by NYCDOP's new leadership team along with the nonprofit and a key program participant. The reception here was also strongly positive.

I have two words: "inspirational"—both your personal testimony and the film. They are inspirational. There's no other way to put it. ... The other word I could use



here is just "profound"—the kind of transformation you've documented here that happened in the New York City probation department, and you've created an incredible program....I just think that we all, as professionals in the field and really wanting to make a difference, should take this lesson to heart. You work in a bureaucracy, and there are a thousand rules and restrictions: "You can't do that. You can't do this. There's no hope." All this kind of nonsense that we hear on a routine basis. This is an antidote to that. And I want to thank you from the bottom of my heart for everything you've done.

That is a powerful statement about making a difference and the role of attitude.

Before closing, it's worth mentioning that the Seeing for Ourselves- NYCDOP collaboration--and the media climate that gave rise to this project--are not unique to this country (Fitzgibbon, 2017). Indeed, in a manifestation of synchronicity, a participatory photography program to address the poor public view of probation in the European Community started up there in 2014, only four years before the Seeing for Ourselves effort got underway (COST ACTION, 2016).

## CONCLUSION

The involvement of the Seeing for Ourselves program with probation underscores how the voices of those directly impacted by probation—or, in this case, their imagery—can provide a much-needed counterweight to media portrayals of the practice and those it serves. Such a counterweight is crucial, as probation in the large number of still-punitive jurisdictions seems designed to fail, fueled by widespread negative perceptions. It will be a struggle to ensure that the media cover more than a token number of the people who succeed and that such individuals have an opportunity to present how they view their experience. Headlines such as those that opened this article or stories told from a victimology viewpoint will not be going away (Arvidson, 2024).

How might a probation department go about addressing this situation and breaking through the wall of negative media coverage? Pushing back against current practices and attempting to publicize success stories is no easy task but is worthwhile. One illustration of the uphill struggle ahead is what happened with the documentary The First Step, which focused on the successful efforts of



Van Jones to secure criminal justice reform at the highest level. According to the director, Netflix did not pick up the film because it told too positive a story; the streaming platform would not know how to market it (Kramer, 2021).

A second idea is to ask NYCDOP for assistance in establishing a local version of NeON:Photography. When such interest was voiced on behalf of the American Civil Liberties Union-Delaware, NYCDOP expressed willingness to provide such help. If circumstances prevent that course of action, a third option may be to determine whether probationers in the area the local department serves can enlist in the current NeON:Photography course. The program has been conducted virtually since the pandemic, so adding students from other jurisdictions may not unduly burden NYCDOP. Several NYC nonprofits have already expressed such interest. The stage would then be set for gallery exhibits and other forms of promotion in the local area.

A fourth way to make progress is to help promote what the New Yorkers in the program have already achieved. The way a nonprofit agency teamed up with a probation department and produced this valuable collaboration is a story that deserves attention. Consider the impact on individuals and the community— the way attaining mastery of a camera and learning how to express oneself on film has played out over and over again, the proverbial “thousand words” represented by each photo resulting from the project, and the widespread capturing and sharing of memories and differing perspectives on film deserves recognition.

In conclusion, progress has been made, but further research is needed to uncover the full impact of applying participatory photography practice to those on probation. Efforts will continue in that regard. Moreover, keeping up and keeping on with the progress already made is crucial. As stated earlier, the process of helping to undo mass incarceration by changing the media narrative about probation is a marathon, not a sprint. At the end of the road, the justice system will hopefully be in a new place.

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# SOLVING THE ACCESS GAP IN DRUG TESTING: A CRITICAL SUPPLEMENT OF REMOTE DRUG TESTING EVERY PROGRAM NEEDS

by West Huddleston and Stephen K. Talpins

Drug testing is a core principle of the American justice system. From diversion, pretrial, probation, and parole, to treatment courts and juvenile justice, justice-involved individuals are regularly tested for drug use (American Probation and Parole Association, 2024; Administrative Office of the U.S. Courts, 2020; National Association of Drug Court Professionals, 2013; National Association of Drug Court Professionals, 1997). Drug testing is also regularly utilized to inform family court and child welfare agencies, employers, law enforcement, transportation officials, and behavioral health providers.

Despite a variety of specimen collection methods, urine drug testing remains the specimen of choice. With its longstanding history, urine is accepted as the “gold standard” for drug testing (Cary, 2017). Practice standards across most disciplines recommend human-observed urine drug testing, performed onsite. Urine screening is utilized for its low cost and detection of historical drug use, detecting most substances within one to three days of use and up to seven days for some drugs of abuse. For cannabis, the detection time in urine can extend as far out as thirty days for heavy users (Hadland and Levy, 2016).

“There is no perfect drug-testing specimen—each has advantages and disadvantages, and each provides a somewhat different picture of a client’s drug use history.” NDCI Judicial Benchbook.

## THE ACCESS GAP

Though the gold standard, onsite observed urine drug screening has some glaring limitations. Specifically, observed urine collection is associated with a gap in access for certain justice-involved individuals. This Access

Gap occurs when individuals are legitimately unable to report to an onsite testing site due to transportation limitations or employment and family responsibilities. Not only are agencies left with missed tests and loss of progress tracking among individuals under their care and/or supervision, but these individuals typically are punished for their “noncompliance.”

The Access Gap also occurs among transgender or non-binary individuals, where an observed urinalysis is difficult and uncomfortable, and same-sex observers are challenging for agencies to provide.

While additional methods attempt to bridge the Access Gap, they do so ineffectively. For example, hair testing does not require a human-observed sample collection process, however, it shows too great of a detection window at 90-days; making it impossible to pinpoint use or respond to use with celerity.

Celerity, otherwise known as swiftness, of a response, both behavioral and therapeutic adjustments, is a key principle in operant conditioning. According to behavioral research, the effects of any response (e.g., sanctions and rewards) begin to decline within hours or days after the target behavior.

The sweat patch can be worn for seven to 10 days, possibly 14. However, in the event of a positive result, it is not possible to know if use occurred until after the patch is removed and tested, impeding celerity and hindering timely intervention. Without rapid detection, monitoring loses its effectiveness and delayed detection and response can be deadly, given the current heroin and fentanyl overdose epidemic.



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### TRAUMA

Trauma, often stemming from adverse childhood experiences, abuse or violence, is nearly universal among the justice-involved population (Madera, 2017). Trauma, has lasting adverse effects (SAMHSA, 2014), and disproportionately affects individuals with substance use and/or mental health disorders.

Simply put, trauma is a key driver of criminal behavior. Failing to address underlying trauma may perpetuate cycles of crime and self-harm, as individuals remain stuck in maladaptive coping strategies.

Given this context, it is essential to recognize that many individuals under community supervision may still be embedded in harmful environments and relationships and/or suffering from past traumatic events. As a result, individuals under supervision may become easily "triggered" by sensory stimuli, such as specific smells, sounds, or physical sensations, which evoke memories of prior abuse. Triggers for re-traumatization can include invasive procedures, such as observed urine drug testing, as well as changes in environment, verbal abuse, and shaming. These experiences can exacerbate existing trauma and lead to self-protective behaviors, such as emotional outbursts, treatment withdrawal, or absconding (SAMHSA, 2013). This highlights the critical importance of addressing the enduring impact of trauma in every way possible within community supervision settings.

### THE NEED FOR PRACTICAL TRAUMA-INFORMED DRUG TESTING

Human observed urine drug testing is oftentimes perceived as demeaning, triggering and re-traumatizing, hindering recovery from Substance Use Disorder, Post Traumatic Stress Disorder (PTSD), and associated anxiety and depression (Breitenbucher et. al., 2023; Huddleston et. al., 2024).

Given this and the shift in community corrections toward a more empathetic and supportive framework, there is a clear need for trauma-informed drug testing. By implementing trauma-informed drug testing protocols and methodologies, agencies can mitigate the risks of triggering and re-traumatization, ultimately leading to more equitable and effective outcomes for both individuals and their families (Estefan et al., 2012; Furman, 2016). Implementing trauma-informed drug testing can also enhance client engagement and reduce dropout rates, directly addressing issues of administration and equity by ensuring that drug screening

practices do not disproportionately impact or penalize marginalized communities, fostering a more just and balanced approach to drug testing.

### CLOSING THE ACCESS GAP AND USING TRAUMA-RESPONSIVE TESTING

Enter remote oral fluid drug screening. In the spring of 2020, amid the COVID-19 Pandemic, remote testing capabilities grew in demand as remote Covid testing and remote drug testing became essential. Remote oral fluid drug testing quickly gained acceptance in pre-employment and drug-free workplace testing and, most recently fueled by the U.S. Department of Transportation when it added Oral Fluid Drug Testing (OFDT) as an approved methodology (U.S. Department of Transportation, 2023). Currently, onsite oral fluid testing accounts for 30% of workplace testing and is regularly used by law enforcement during road-side testing to assess if a driver may be driving under the influence of drugs.

Oral fluid testing has advanced considerably in the past five years and is one of the fastest-growing testing methods for good reason. Unlike urine, hair and sweat, oral fluid can detect drug use within minutes of use, making it one of the best ways to determine if someone is using drugs of abuse in the present moment. Utilizing a screen with immediate results also provides celerity and transparency, speeding up the window for early intervention.

Currently, there are two ways to deliver remote oral fluid drug testing among justice-involved individuals. First, there are easy-to-use software applications (app), allowing remote collection to be video-recorded so that the test and results can be human-reviewed, or proctored. The second method to deliver remote oral fluid drug testing is by way of a live video platform (i.e., app, Zoom, etc.). In this scenario, the individual being tested performs the oral fluid test while online with a live observer, such as a case manager, case

*"While oral fluid testing has a slightly shorter window of detection than urine, it demonstrates a higher positivity rate for almost all drugs and more than twice the positivity rate for marijuana."*  
Dr. Suhash Harwani, Sr. Director of Science, Quest Diagnostics.

worker, or probation/parole officer. Both options eliminate the Assess Gap and retraumatizing potential associated with human-observed urine collection. Wrapped in good technology, an oral fluid drug test can be performed



privately, anytime, anywhere with results shared quickly to the supervising agency.

There are significant advantages to adding a remote, video-recorded and human-reviewed or live-video-observed oral fluid testing methodology to any drug testing program:

- Increases certainty: With a reasonably high sensitivity for most drugs and an early detection time, oral fluid can be used to effectively identify current drug use. Increased certainty is a powerful behavioral influence.
- Increases celerity: Celerity requires both speed of detection and speed of reporting. Remote OF results are verified and reported within 30 minutes, providing unmatched celerity for a remote option. Increased celerity significantly improves outcomes.
- Trauma-responsive: Provides individuals who have a trauma-history much needed safety, privacy and dignity; keeping them calm and in control of their experience, and removing an unnecessary barrier to testing.
- Culturally sensitive: Supports transgender or non-binary individuals who need an alternative to observed, onsite testing.
- Strengthens recovery capital: Enables individuals who are gainfully employed to avoid missing work, losing hourly wages, and potentially putting their job at risk. This is especially beneficial for long-haul truck drivers, oil-field workers, and other individuals who travel out of town for work.
- Supports family responsibilities: Provides individuals who are caretakers of children, grand-children, or ill/ailing family members an alternative to traveling, oftentimes by public transportation, to a testing site.

- Supports rural populations: Affords individuals who live in rural areas a time- and money-saving solution to traveling long distances to a testing site.
- Extends opioid detection: Extends drug use detection at night and on weekends when most collection sites are closed. This enables individuals who have a fentanyl or other opioid history to be more closely monitored for use and potential overdose.
- Offers positive reinforcement: Provides a meaningful step-down option to onsite drug testing for individuals who have established sobriety and/or are in later stages/phases of supervision.
- Emergency use: Can be used as a backup method for individuals who are being urine tested if an emergency arises.

For an agency, the benefits of a remote drug testing option are immense:

- Meets the standard of care (“do no harm”) and best practices by providing a safe and dignified drug testing solution for clients with a trauma history.
- Provides greater transparency and celerity to professionals about client’s recovery or drug use.
- Reduces “missed tests” by increasing access to the agency’s drug testing program.
- Allows for convenient and effective testing for clients who travel for work, are on pass, or on weekends.
- Increases visibility and ability to intervene with clients that use opiates/fentanyl after collection-site hours (e.g. nights, weekends, holidays).

Attorney’s Office partnered with Judges Verde and Cannava, the Administrative Office of the Courts, the Public Defender’s Office, and the multi-disciplinary collaborative teams of the Adult Drug Court and the Misdemeanor Domestic Violence Court and conducted a 10-week pilot of rapid oral fluid as a supplement to their robust urine drug testing program.

CASE STUDY: MIAMI-DADE COUNTY, FLORIDA

BACKGROUND

Consistent with State Attorney Katherine Fernandez Rundle’s commitment to innovation and positive change, she and her team asked to pilot remote oral fluid testing in Miami-Dade County’s Drug Courts. Between April and June, 2024, the State

CASE STUDY: MIAMI-DADE COUNTY, FLORIDA

The intent of the pilot was to:

- Test the feasibility of rapid and remote oral fluid as a possible supplement to urine collection for participants who have access obstacles to on-site drug testing (e.g., live outside the county, rely on public transportation, have employers who prevent or discourage them from leaving their work sites during normal working hours, travel for work, are on out-of-state pass, or otherwise cannot access a testing site easily);
- Test the feasibility of rapid and remote oral fluid as a possible solution for participants who have sexual and/or physical abuse histories;
- Perform a side-by-side comparison of onsite urine and oral fluid testing to assess their relative advantages; and
- Assess the ease of use of an app-based remote oral fluid technology among a diverse sample of participants.

PILOT PRODUCTS

Clearlee is a mobile application that uses facial recognition and AI-guided prompts during a video-recorded process to guide a participant through a private, remote, oral fluid collection process. Instructions (text and voice-over) are provided during the recorded

test session in the Clearlee app for ease during the oral fluid specimen collection and to ensure test results are securely and accurately captured. Both an English

and Spanish version of the Clearlee app was utilized among participants.

Clearlee uses Saliva Confirm, a 14-panel oral fluid device, manufactured by Clinical Reference Laboratories.

When the in-app test is completed, the recorded test session is uploaded to the Clearlee

review portal for human review, verifying chain of custody and reliable test results. Results are available immediately when performed onsite and in minutes if performed remotely, ensuring celerity and supporting early intervention if reuse occurs.

THE MIAMI EXPERIENCE

ADULT DRUG COURT

During the Adult Drug Court pilot, every other participant who appeared for court onsite was tested using traditional urine screening and Clearlee’s oral fluid kit. A total of 90 participants were tested. Consistent with the literature, the methods correlated fairly well. As expected, urine testing yielded slightly more positive results due to a longer window of detection and/or better sensitivity to certain types of drugs, while oral fluid was better at detecting same day use. Notably, oral fluid testing also was positive for two participants who adulterated their urine samples. In total, a similar number of individuals tested positive for the two methods, with urine testing identifying 26 positive results and oral fluid 24. More specific results are reported below:

Week	Number	Neg (excl. RX)	Urine Pos	OF Pos
1	17	7 (41.2%)	9	7
2	16	16 (100%)	1	0
3	13	10 (76.9%)	3	2
4	13	8 (61.5%)	5	5
5	11	5 (45.5%)	4	5
6	11	5 (45.5%)	4	5
7-8	9	9 (100%)	0	0
Total	90	60 (66.0%)	26	24



# Innovative Solutions that Make a Difference

As a leader in electronic monitoring technology and software, SCRAM Systems has been reengineering community corrections operations since its inception.

Heading into the future, SCRAM Systems is transforming products and operations that streamline processes, enhance productivity, and improve client outcomes through constant innovation and investment in research and design. **SCRAM Systems has always been—and always will be—committed to building solutions that make a difference.**



*Changing lives for the better and making communities safer through advanced technology and world-class service.*

## CASE STUDY: MIAMI-DADE COUNTY, FLORIDA

### MISDEMEANOR DOMESTIC VIOLENCE COURT

During the Misdemeanor Domestic Violence Drug Court pilot, 13 participants were tested using Clearlee's oral fluid kit and app. Case managers gave 145 test kits to participants and asked them to follow Clearlee's in-app instructions. In order to assess the ease of use of an app-based remote oral fluid technology, no one trained participants how to use the kits in person. In the event a participant challenged a positive oral fluid drug test, that same

participant was required to submit an observed urine drug test within 24 hours for GCMS confirmation.

Overall, they found Clearlee's app-based remote oral fluid collection methodology was easy to use and was appreciated for its ability to reduce a number of testing access obstacles. Only one participant could not use the app; an elderly participant who does not use apps whatsoever. All other participants were able to use the kits properly, though a few needed Clearlee to assist them via phone, text, or video.

### CONCLUSION

The integration of remote, video-recorded, and human-proctored oral fluid testing into an agency's drug testing program represents a significant advancement in closing the testing access gap and providing trauma-responsive drug testing. This innovative approach addresses the limitations of traditional urine drug testing by providing an accessible and dignified, less intrusive, and more timely method for detecting drug use. It offers a practical solution for individuals facing access challenges such as transportation issues, employment, and family responsibilities and for those from vulnerable populations, including transgender and non-binary individuals and those with trauma histories.

By leveraging modern technology, platforms like Clearlee.com are poised to revolutionize drug-testing practices. The goal is to promote fairness, accountability, and better outcomes for justice-involved individuals. Oral fluid testing using rigorous procedures can meet that need.

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## AUTHOR BIOS

**West Huddleston** is the former CEO of the National Association of Drug Court Professionals (All Rise) and Justice for Vets (2006 -2015) and co-founder and former Executive Director of the National Drug Court Institute (1998-2015). During his two-decade tenure at NADCP, Mr. Huddleston founded and published Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Courts, the Drug Court Review, Adult Drug Court Best Practice Standards (Volume 1), the Drug Court Judicial Benchbook, and 22 other monographs, policy briefs, book chapters, articles, and training guides. Mr. Huddleston's vision, leadership, and the subsequent impact of All Rise as a "champion" organization around the globe was a focus in the 2011 public management and change book series How Information Matters, Networks and Public Policy Innovation by Dr. Kathleen Hale of Auburn University.

Mr. Huddleston is a highly sought- after keynote speaker and author on behavioral change, trauma, and best practices in community corrections and treatment courts. He is a member of the Advisory Board of the Division on Addiction at Harvard Medical School, Chairman of the Board of WarriorNow, and recent past Vice Chair of the foundation for catastrophically injured veterans, The Independence Fund.

**Stephen K. Talpins** is a Chief Assistant State Attorney at the Miami-Dade County (Florida) State Attorney's Office. He reports directly to the State

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Mr. Talpins is a nationally recognized author, advocate, and speaker on Smart Justice and other criminal-justice-related issues. In addition to working collaboratively with public, private, and non-profit stakeholders, he has published dozens of articles, given well over 150 presentations, served on multiple expert panels, and participated on the Boards of three non-profit associations. His efforts have been recognized by numerous organizations and agencies, including Citizens Against Drunk Impaired Drivers, Mothers Against Drunk Driving, and the National Commission Against Drunk Driving. During the past decade, The Century Council identified Mr. Talpins as "One of the 20 People to Watch," the National Highway Traffic Safety Administration gave him a Public Safety Award, the Office of National Drug Control Policy (the office of the United States Drug Czar) named him an Advocate for Action, and the International Association of Chiefs of Police recognized him as an Ambassador of the Drug Recognition Expert Program. Most recently, the National Institute of Justice selected him as a member of the 2021 Law Enforcement Advancing Data and Science program cohort.

