

Federal PROBATION

*a journal of correctional
philosophy and practice*

Volume 74 Number 1

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Published by the Administrative Office of the United States Courts www.uscourts.gov
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Program Design, Implementation, and Evaluation in “Real World” Community Supervision

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WHEN LIPTON, MARTINSON, and Wilks (1975) published their review of offender treatment studies and launched the “nothing works” movement, there were two major consequences. First, many scholars and policy-makers abandoned offender rehabilitation as a goal of corrections and turned to deterrence and punishment as the new goal. This new purpose was embraced particularly in the United States, where the penal harm movement was firmly implanted (Clear, 1994). A second important outcome of “nothing works” was that proponents of the rehabilitation ideal not only continued to conduct research on offender treatment but did so with renewed vigour (e.g., Cullen & Gilbert, 1982; Gendreau & Ross, 1979; Palmer, 1975). The evidence supporting offender rehabilitation continued to accrue to the point that there has been a return to “what works.”

With the return to “what works,” correctional agencies have made significant investments into bringing this empirical knowledge into practice; unfortunately, the results have frequently been disappointing (e.g., Barnoski, 2004; Goggin & Gendreau, 2006; Wilson & Davis, 2006). Because of discrepancies between expectations based on small-scale well-controlled empirical studies and what was found in large-scale implementations of “what works,” there has been a growing interest in the importance of program design, the integrity of implementation, and the evaluation of these effectiveness mediators (Andrews, 2006, 2008; Rhine, Mawhorr & Parks, 2006; Taxman & Marlowe, 2006). Designing effective programs and services for offenders, implementing them, and evaluating them in a manner that provides insights into the development, delivery, and evaluation, is a considerable challenge for clinicians, program managers, administrators, and researchers alike (Welsh, 2006).

This paper begins with a brief overview of the “what works” literature within the context of community supervision. Next, the authors identify some of the critical issues and challenges that are commonly faced by efforts to bring “what works” practices to the supervision of offenders in

the community. Many of these issues were considered in the design of the Strategic Training Initiative in Community Supervision (STICS) - a comprehensive model, with an implementation strategy, to transfer “what works” knowledge into the real world of everyday community supervision. Therefore, we conclude with a description of how these issues were addressed through STICS and how we evaluated our efforts to determine success.

The Emergence of the Risk-Need-Responsivity (RNR) Model

An important advance in summarizing research evidence is the application of meta-analytic techniques. One of the first important meta-analytic reviews of the offender rehabilitation literature was Mark Lipsey’s (1989) analysis of 400 interventions with juvenile delinquents. He found that treatment was associated with an average 10 percent reduction in recidivism. In addition, Lipsey made a significant contribution to the field by listing some of the characteristics of the more effective programs. His list, however, consisted mostly of methodological factors (e.g., sample size, length of follow-up). Subsequent meta-analyses confirmed that offender treatment more often than not led to reductions in recidivism, whereas “get tough” sanctions showed little impact on recidivism (Lösel, 1995; Redondo, Garrido, & Sanchez-Mecca, 1999).

In 1990, Andrews, Bonta, and Hoge described the following set of principles for effective intervention: 1) Risk (direct services to higher-risk offenders), 2) Need (target criminogenic needs in treatment), 3) Responsivity (use cognitive-behavioral treatment methods and tailor the intervention to the offender’s learning style, motivation, abilities, and strengths), and 4) Override (deviate from the principles for specified reasons; now called the principle of professional discretion). Since the original formulation, the Risk-Need-Responsivity (RNR) model and its principles have been greatly expanded. Today 21 principles have been articulated (Bonta & Andrews, 2007), ranging from broad, overarching themes (e.g., use a general personality and cognitive social learning theory) to organizational factors (e.g., clinical supervision of staff in accordance with RNR). Although the RNR model is far more comprehensive now than in 1990, the Risk, Need, and Responsivity principles remain at the model’s core.

The validity of the RNR principles was tested in a meta-analysis conducted by Andrews, Zinger, Hoge, Bonta, Gendreau, and Cullen in 1990. Eighty studies of adult and juvenile treatment interventions were reviewed and the results showed that the effectiveness of treatment varied in accordance with the RNR principles. Studies that followed the principles of Risk, Need, and Responsivity had a mean effect size (ϕ) of .32, whereas studies that failed to adhere to the three principles showed a mean effect size of -.07. In the latter case, these inappropriate interventions actually resulted in increased recidivism (sanctions were also associated with increased recidivism effects; $\phi = -.08$). The robustness of the RNR model has continued to be demonstrated through extended meta-analyses of the offender treatment literature (e.g., Andrews & Bonta, 2006) and independent tests of the principles (Hanley, 2006; Lovins, Lowenkamp, Latessa, & Smith, 2007; Lowenkamp, Latessa, & Holsinger, 2006; Lowenkamp, Latessa, & Smith, 2006; Marlowe, Festinger, Lee, Dugosh, & Benasutti, 2006; Palmer, McGuire, Hatcher, Hounsom, Bilby, & Hollin, 2008). Undoubtedly, the evidence in support of RNR accounts for it being the predominant model in the rehabilitation of offenders (Taxman & Marlowe, 2006).

From Demonstration Projects to the Real World

Translating empirical knowledge into system-wide everyday practice has proven difficult. Andrews and Bonta (2006) examined 47 treatment demonstration projects and 209 “real world” evaluations. Real world projects were defined as interventions with samples greater than 100 and where external researchers conducted the evaluations. These 256 studies were then rated on their adherence to the three major principles of Risk, Need, and Responsivity. The results appear in Table 1 below. It is clear that the effect size diminishes when we move from a demonstration project to a real world application. This is congruent with Lipsey’s (1989) earlier findings that the best results are found when the sample size is small and those designing and delivering the treatment conduct the evaluation. It is also apparent from Table 1 that the RNR principles remain important; as adherence to the RNR principles increases, so does the mean effect size. Other studies have confirmed this pattern of results (Andrews, 2006; Lipsey & Cullen, 2007;

Lowenkamp, Latessa, & Smith, 2006).

The findings shown in [Table 1](#) suggest that in the “real world” treatment has less of an effect than in demonstration projects. The “real world” treatments with their large samples make it difficult to adhere to the RNR principles. Therefore, integrity in the delivery of services is critical. Furthermore, ensuring that the intervention is delivered to the higher-risk cases, targets criminogenic needs, and uses cognitive-behavioral techniques are major challenges for correctional systems. When we consider the expanded principles in the RNR model (e.g., use structured assessments of Risk, Need, and Responsivity; managers select, train, and supervise staff according to RNR), the challenges are compounded.

Table 1. *Demonstration vs. Real World Treatment: Mean Effect Size (r) by Adherence to RNR (k = number of tests of treatment)*

Adherence to Number of RNR Principles				
Program Type	0	1	2	3
	<i>r (k)</i>	<i>r (k)</i>	<i>r (k)</i>	<i>r (k)</i>
Demonstration	.01 (1)	.07 (7)	.31 (16)	.34 (23)
Real World	-.02 (93)	.04 (71)	.09 (16)	.15 (10)

(from Andrews & Bonta, 2006)

A recent example of the difficulty of translating knowledge to practice is illustrated by the experiences in United Kingdom, where they undertook perhaps the largest social experiment in corrections ever conducted. Guided by the “what works” knowledge and RNR model, the National Offender Management Service rolled out over 1,350 individual intervention projects. Expecting to find the same effects on recidivism reported in the various meta-analyses, they invested 400 million pounds in the delivery of treatment services (Homel, Nutley, Webb, & Tilly, 2005). Although early evaluations showed reductions in recidivism, the results from the national roll-out were not on the same scale as reported in the literature (Raynor, 2004; 2008). What went wrong? Although there are many explanations for the somewhat disappointing results (see Goggin & Gendreau, 2006), a primary reason is the failure of the services to adhere to the RNR principles. Integrity of adherence to the RNR principles is critical not only for formal treatment programs but also for effective community supervision.

Community Supervision

Most offenders in Canada and the United States are under a sentence of probation. For example, approximately 100,000 individuals each month are supervised on probation in Canada (Public Safety Canada, 2008). Probation is not only less expensive than imprisonment, but it is also thought to be more effective in reducing recidivism. Community supervision presents an opportunity for probation officers to use empirical knowledge about “what works” to facilitate prosocial change in their clients and thereby reduce re-offending. However, studies that actually examine the interactions between probation officers and their clients cast some doubt on the efficacy of probation officers in promoting change in their clients. In a meta-analysis of 15 studies yielding 26 effect size estimates, Bonta, Rugge, Scott, Bourgon and Yessine (2008) found that community supervision was associated with a reduction of only two percentage points in recidivism. Furthermore, in the same report, an analysis of audiotaped interviews between probation officers and their clients revealed that probation officers adhered to relatively few RNR practices (e.g., spent too much time on low-risk cases, did not target criminogenic needs sufficiently). Despite these findings, there is a considerable body of evidence that offers a range of suggestions as to what probation officers can do to facilitate change.

Andrews and colleagues (Andrews, 1979; Andrews & Bonta, 2006; Andrews & Carvell, 1997; Andrews & Kiessling, 1980; Dowden & Andrews, 2004) have contributed significantly to our understanding of the therapist/officer behaviors that result in reduced recidivism among offenders. These researchers described what they call “Core Correctional Practices,” which are practices derived from the RNR model and are demonstrably linked to reduced recidivism. These include certain relationship skills, prosocial modeling, the effective use of reinforcement and disapproval, and problem-solving.

Armed with this knowledge, the obvious next step is to train probation officers in some, if not all, of these core correctional practices and ensure that they utilize these skills during supervision of their clients. Surprisingly, there is almost a complete absence of evaluations of training probation officers in any of the skills described. The sole exception is the work conducted by Chris Trotter (1996, 2006), who trained 12 officers in a “prosocial approach” that emphasized prosocial modeling and reinforcement, problem-solving, and empathy (as a relationship skill). For the 93 clients of the trained officers, the four-year recidivism rate was 54 percent. However, for the 273 clients of the 18 untrained officers, the rate was 64 percent (a non-random evaluation design was used). In spite of these encouraging results, this study was a small demonstration project. For those attempting to translate RNR principles into everyday practice, the study does not provide concrete guidance on how to address the myriad of issues that threaten the integrity and fidelity of translating empirical knowledge into sustainable everyday practice.

The Strategic Training Initiative in Community Supervision (STICS)

The goals of the Strategic Training Initiative in Community Supervision (STICS) were to design a model of community supervision that was consistent with the RNR model, put together a means to implement the model into everyday practice, and create an evaluation strategy that would inform the design and implementation of effective “what works” community supervision. How to achieve these goals ultimately became the challenge. The three major challenges STICS attempted to address were to: 1) translate the RNR model into specific, concrete actions that would be useful for probation officers (i.e., the model of community supervision), 2) develop an implementation strategy that included officer training and ongoing clinical supervision/support (i.e., the implementation strategy), and 3) evaluate the model *and* implementation efforts on the behavior of both the officers and the offenders they supervise (i.e., the evaluation design).

The Challenges of Translating RNR Research into Practice

In translating the RNR principles into everyday community supervision, a number of issues need to be addressed to maintain the integrity of services. [Table 2](#) summarizes the key issues, as well as our response to address them. These issues pertain to the three critical components of program design, implementation, and evaluation. These are familiar challenges to anyone who is interested in translating the research on “what works” and the RNR model into practice. Whether it is a treatment program for offenders or community supervision, the issues are the same. The program or service must be guided by the evidence and be attentive to the general principles of Risk-Need-Responsivity and its underlying theory of criminal behavior. Moreover, for probation specifically, there is the issue of how probation services should be structured and delivered. Implementation concerns hinge on key pre-existing or prerequisite organizational practices, staff training, and skill maintenance to aid the delivery of services as intended. Evaluation issues include the research design/methodology and identifying critical data to collect.

I. Program Design

The first step in bringing “what works” from the research world to the practical world is the design of the program or service. The importance of this part of the process (i.e., translating research to practice) should not be underestimated (Welsh, 2006). The actual program and its components, targets, and intervention strategies are often what meta-analytic studies have used to assess treatment programs’ adherence to RNR principles (Andrews & Bonta, 2006; Hanson, Bourgon, Helmus, & Hodgson, 2009). In this section, we identify key considerations for those responsible for developing programs and services and explain how STICS addressed them.

General Theory of Criminal Behavior : The RNR model and consequently, the STICS model, are based on a General Personality and Cognitive Social Learning (GPCSL) theoretical perspective (Andrews & Bonta, 2006; Bonta & Andrews, 2007). Briefly, this perspective makes three important points: 1) criminal behavior is a learned behavior that follows the laws of classical, operant, and vicarious learning; 2) learning occurs via the interactions of an individual with his or her environment; and 3) some risk/need factors are more important than others, with one of the most important risk factors being procriminal cognitions and attitudes.

In developing the STICS model and training program, one practical concern was how to convince probation officers that their clients’ antisocial behavior is a product of learning and that behavior is primarily under the control of the individual’s cognitions and attitudes. If probation officers accepted the GPCSL view rather than a medical model (e.g., offenders are sick) or a sociological perspective (e.g., poverty causes crime), then they would more readily accept the idea that offenders can learn prosocial behavior through the same processes that govern the learning of criminal behavior. The importance of probation officers “buying into” a theoretical

view has been grossly underestimated in many studies. The psychotherapy literature has long recognized the importance of an “explanation” for the problems of the patient and how these problems can be overcome (Wampold, 2007). Like the patient of the psychotherapist, probation officers also need an explanation as to why they should change their behaviors and that of their clients. Therefore, the importance of GPCSL was explicitly addressed in the STICS training with specific reference to and presentations of the research in support of GPCSL.

Risk Principle: The evidence in support of the Risk Principle indicates that direct services should focus on higher-risk offenders with “dosage” increasing as risk increases. This, of course, requires an assessment of risk. Following the Risk Principle, STICS was designed for probation officers who supervise higher-risk clients. We made two decisions during the initial design that we believed would enhance adherence to the Risk Principle. First, we reviewed existing policies that helped us identify which probation officers were eligible for STICS (i.e., those that supervised higher-risk clients). It is common to have policies, at least in Canada, that dictate what probation officer level is responsible for supervising clients of different levels of risk. For example, two of our sites (British Columbia and Saskatchewan) have policies where probation officers supervise higher-risk clients and assistant probation officers supervise lower-risk clients. However, in our third site (Prince Edward Island), there is a variation on this policy: one group of officers supervises medium- and high-risk cases and the other group supervises low- and medium-risk clients. In this last case, since we wanted to capture all the medium-risk clients possible, we agreed to allow both groups of POs to participate in STICS. Second, the decision was made to over-sample high-risk clients. This was done to maintain a focus on high-risk clients and in recognition of probable higher attrition levels for this group. Consequently, STICS required officers to recruit only medium- and high-risk clients, with an over-sample of the high-risk (i.e., they were asked to recruit two medium-risk clients and four-high risk clients). It was hoped that these program design decisions would aid adherence to the Risk Principle.

Need Principle: The Need Principle indicates that services should target criminogenic needs. As with risk, adherence to need requires an assessment of the client’s criminogenic needs. In addition to the identification of a client’s criminogenic needs, the Need Principle also requires officers to focus intervention efforts on these specific needs (e.g., relapse prevention for substance abuse need). During the initial design of STICS, we debated which criminogenic needs would be the focus of STICS and how this might be practically translated to community supervision (e.g., including relapse prevention for substance abuse and anger management for aggressive behaviors). However, it became apparent to us that the efforts of probation officers during face-to-face supervision sessions needed to be flexible and yet at the same time, able to address the majority of criminogenic needs. Procriminal attitude is one of the criminogenic needs that ultimately applies to all other criminogenic needs (e.g., the attitude “working is for suckers” taps into two criminogenic needs: procriminal attitudes and employment). As a result, we decided to focus STICS towards helping probation officers target procriminal attitudes and cognitions.

To facilitate adherence to the Need Principle with an emphasis on procriminal attitudes, two specific strategies were undertaken. First, we developed what we called the STICS Action Plan. This tool assisted officers in understanding how procriminal attitudes and cognitions are intertwined with all other criminogenic needs and assisted them in developing RNR-based supervision plans using the client’s risk-need assessment. Secondly, we included specific interventions in the STICS training. Officer skills and learning components required staff to identify expressions of procriminal attitudes and facilitate the client’s learning how to replace procriminal attitudes with prosocial ones. By incorporating these two strategies, we expected probation officers to generalize STICS interventions and skills, to be able to apply them to the dysfunctional attitudes and cognitions that underlie a variety of criminogenic needs (e.g., “I only drink on weekends” for substance abuse needs, “I make more money in an hour stealing than you make in a week” for employment needs).

Responsivity Principle: The evidence in support of the Responsivity Principle indicates that services must be tailored to the client’s learning style, motivation, abilities, and strengths in order to establish and promote an effective learning environment. Adherence to the Responsivity

Principle is arguably the most challenging because there are a number of techniques, skills, and intervention strategies that can promote or diminish an effective learning environment for offenders. In practice, the STICS supervision model requires officers to provide the client with information to learn (e.g., key concepts and skills) in an understandable manner within the context of the officer-client relationship. The following four factors were considered critical to the Responsivity Principle for the STICS model of community supervision: the officer-client relationship; cognitive-behavioral techniques; concepts and skills relevant for clients under community supervision; and structuring of individual sessions and the supervision period.

a) The Officer-Client Relationship: The importance of establishing a good relationship with the client has been demonstrated with correctional clientele (Dowden & Andrews, 2004), substance abusers (Carroll, Ball, Nich, Martino, Frankforter, Farentinos, et al., 2006), and general psychiatric outpatients and attendees at counselling clinics (Ackerman & Hilsenroth, 2003). Some scholars argue that establishing a good rapport or therapeutic working alliance with the client is essential for effective intervention (Ahn & Wampold, 2001; Barlow, 2004; Frank & Frank, 1991; Wampold, 2007).

Adherence to this aspect of the Responsivity Principle is promoted directly through the implementation procedures of STICS. Most probation officers, at least in Canada, are hired based on their ability to establish rapport and many have also been trained in motivational interviewing. In addition, congruent with GPCSL is the view that relationship building is a skill that is learned. The skills include expressions of warmth, demonstrating flexibility, and engaging in various forms of active listening and constructive feedback (e.g., showing understanding, reflecting to the client what was heard, etc.). To facilitate establishing an effective working relationship, STICS ensures that officers learn these relationship-building skills and use them in supervision. By incorporating specific session processes (e.g., role clarification and collaborative goal setting), STICS supervision fosters good working alliances between the officer and the client.

b) Cognitive-Behavioral Techniques: Employing cognitive-behavioral techniques with the offender population in general and with clients during one-on-one supervision sessions is considered critical (Andrews & Bonta, 2006). In order to promote adherence to this component of the Responsivity Principle, the STICS model ensured that all aspects of supervision (i.e., concepts, interventions, skills) were based on a sensible cognitive-behavioral theory to account for client problems. Clear, concrete, and simple concepts, techniques, and skills derived from the model to facilitate prosocial change were used. For example, a simple tool (i.e., the Behavior Sequence) was used to illustrate the cognitive-behavioral model so that it could demonstrate to both officer (the change agent) and client (the consumer) that there is a concrete link between thoughts and behavior. Derived from this tool, specific techniques and skills are used to identify cognitions and attitudes that promote procriminal behaviors. In addition, individuals can be taught concrete skills to change cognitions (i.e., cognitive restructuring) and behavior with multiple opportunities for practice and generalization. This cognitive-behavioral model and its functional client-friendly tool allows for an examination of behavior as a function of antecedent stimuli, cognitions, and consequences with the emphasis on how internal cognitive cues (i.e., attitudes and thoughts) are the root causes of behavior. Furthermore, we incorporated specific ways of applying this tool to demonstrate a concrete method of identifying attitudes and cognitions that promote criminal behaviors, as well as a specific technique to teach cognitive restructuring skills.

c) Relevance to Client: It is one thing to discuss and describe a complex model of human behavior and quite another to translate this model into one that is easy to understand and personally relevant to offenders. STICS made every effort to ensure that key concepts, interventions, and skills involved in facilitating change were “client friendly.” This meant that concepts, tools, and skills were kept as simple and concrete as possible, and the language employed was free of “psychobabble jargon.” “Antecedent stimuli” were called “outside cues,” “procriminal thoughts” were called “tapes,” and “prosocial thoughts” were called “counters.” In addition, with the interventions focused specifically on attitudes and cognitions, STICS was designed to ensure that the key concepts and skills were applicable to each and every

criminogenic need. In this fashion, officers could tailor their change efforts to each individual client.

d) Structuring Supervision: Finally, the STICS model provided a specific concrete structure for individual sessions and a broad overview of how supervision should progress from intake to completion. Such structure fosters adherence to the Responsivity Principle by facilitating the creation and maintenance of an effective learning environment. Policies in most probation departments are relatively silent on what a probation officer should do when he or she meets a client for supervision. The only exception was to ensure that the client was complying with the conditions of probation. This lack of structure is reasoned to be one factor contributing to supervision sessions focusing more on compliance than on efforts to promote change (Bonta et al., 2008).

STICS included a structure for both the individual session and the overall probation period. For each individual session, the structure consisted of four components. The first component was a brief “check-in” lasting no more than five to ten minutes. The check-in involved spending time enhancing the working relationship with the client, checking for any new developments in the client’s situation that may require immediate attention, and making sure that the probation conditions were being addressed. The second component was a “review” of the last session, including the homework assigned. The review was designed to facilitate learning via discussions and/or rehearsal of previous material and provide linkages from one supervision session to the next. The third component was to actually conduct an “intervention” (about 20 minutes). This could be teaching the Behavior Sequence tool or doing a structured problem-solving exercise. Finally, the STICS session structure ends with “homework.” Homework that was agreed upon by the client and reinforced the learning of new concepts, skills, and/or prosocial cognitions was assigned and confirmed at the end of the session.

In addition to this session structure, there was also the recognition that community supervision changes with time. As such, both the focus and content of supervision sessions were expected to change over the course of supervision. In STICS, the supervision period was divided into eight distinct stages and their associated goals. The stages ranged from conducting an intake assessment (beginning of supervision) and establishing a relationship and collaborative goals (early in supervision) to using cognitive-behavioral techniques to change procriminal thoughts (later in the course of supervision). These elements of structure, both in the individual sessions as well as the overall probation period, were deemed to assist probation officers in achieving their goals with their clients.

II. Implementation of STICS

It is one thing to have a RNR-based service but it is quite another thing to implement it effectively in the real world. There are a number of implementation factors that are believed to influence the quality or integrity of the services that are actually delivered behind “closed doors” (Andrews, 2006). For example, in recognition of these organizational or implementation factors, the Correctional Program Assessment Inventory (CPAI) was developed to assess many of these factors and their relationship to effective correctional interventions (Lowenkamp, Latessa, & Smith, 2006). In this section, we describe and discuss what we consider to be three major challenges that face those attempting to bring “what works” to everyday practice and how STICS attempted to address them.

Jurisdictional Prerequisites

In order to facilitate a quality implementation of STICS community supervision, we considered the prerequisites or pre-existing conditions necessary prior to implementing an RNR-based service. As mentioned in the Program Design section, a jurisdiction must already utilize a validated risk-needs assessment instrument. Use of such instruments was considered necessary for community supervision to have any chance of adhering to the principles of risk and need. In addition, policies regarding levels of supervision and services should be congruent with the principle of Risk (i.e., higher-risk cases receive higher levels of service).

Another prerequisite was managerial support for STICS. One aspect included top-down verbal commitments to support probation officers' participation in all aspects of STICS (i.e., the initial training as well as ongoing implementation and maintenance). This meant that managers had to provide both the time and resources necessary for the additional demands placed on officers who were learning and applying a new way of conducting community supervision. A second aspect of support was that all managers of the frontline officers who were to be involved in STICS were required to attend the initial three-day STICS training. In practical terms, training of officers and managers occurred at the same time, but a separate trainer led the managers through the exercises and role plays during the training. We reasoned that attendance of managers not only showed support to their staff but would also yield dividends when staff returned to the field to practice what was taught. The managers would be more cognizant of the demands placed upon the officers by STICS and would work with staff to organize their workload in order to facilitate participation.

Initial 3-Day Training

The next major hurdle was bringing the model to probation officers and teaching them the new skills and knowledge. In developing the 3-day STICS Training, we considered the training as a starting point to initiate change in the probation officers' behavior when working with their clients. Just like the principles that have been shown to facilitate change in their clients, our training program also followed the Responsivity Principle to foster change in the officer's behavior.

Responding to the learning style of the officers, we recognized that probation officers need an explanation as to why they should change their behaviors and those of their clients. One practical concern was how to convince probation officers that the antisocial behavior of their clients is a product of learning and that behavior is primarily under the control of the individual's cognitions and attitudes. The STICS training included exercises to demonstrate the power of cognitive restructuring, prosocial modeling, reinforcement, and punishment. In particular, probation officers were trained to teach their clients how cognitions control their behavior, how rewards and punishments influence future behavior, and what the clients themselves can do to bring about change. Exercises were practical and included ones that addressed client examples as well as ones that focused on the officers' thoughts and behaviors regarding community supervision work.

Good working relationships are considered critical to facilitate change with clients. In training for professionals where the goal is to change their behavior, the relationship between the "student" and the "trainer" is likely just as important. The trainers modeled the skills being taught throughout the training. For example, the training included various components and exercises to ensure that the presentations, exercises, and discussions were collaborative, reciprocal, and experiential. Not only did the trainers describe real life experiences with clients to illustrate concepts, skills, and interventions, exercises permitted officers to bring and discuss their own experiences and examples to the training. The trainers were not just "academics" with no real life clinical experience; rather, the trainers were considered people with substantial experience and knowledge collaboratively helping the officers do a more efficient and effective job.

One of the foundations of the STICS model is a coherent and comprehensive cognitive-behavioral model of criminal behavior. STICS training relied heavily on such a model and cognitive-behavioral techniques to facilitate the learning of STICS material. Just as the client's behavior is determined by his or her cognitions and attitudes, so too is the officer's behavior when working with the client. Attention was paid to demonstrating that the cognitive-behavioral model was applicable to the officers' behavior as well as to that of their clients. Exercises permitted the officers not only to identify and facilitate change in the client's attitudes and cognitions, but also to examine their own attitudes and cognitions about their work as probation officers and their behavior behind closed doors during supervision.

When designing STICS, efforts were made to keep the model, language, and skills relevant to the client. It was also important that the training itself demonstrate relevance to the officer. The

training modules explicitly demonstrated empirically, theoretically, and practically how STICS was relevant to the daily work of community supervision (e.g., in general and in particular, to the officer's interactions with the client and the client's criminal behavior). Much of this was achieved through the consistent use of the STICS model, language, and skills, with one component building on the previous one. Interactive exercises were developed that were practical and relevant to everyday probation work and that acknowledged and attempted to address realistic challenges presented in community supervision (e.g., high-risk unmotivated clients and communities with minimal resources).

Program or service structure was also an important component of the STICS supervision model and as a result, it was a vital part of the training. We developed a formal training manual that structured the three days. The training consisted of 10 modules (see [Table 3](#) for an overview of the 3-day training) covering all aspects of STICS supervision including providing information for the officers to understand the STICS model and the skills and tools necessary to utilize and implement it.

Skill Maintenance

Repetition is the hallmark of skill maintenance. However, the limited practice during a three-day training program is not sufficient to maintain new behaviors over a period of weeks, let alone months (e.g., Miller & Mount, 2001). One noteworthy feature of STICS was that it went beyond the three days of training in RNR-based interventions and included ongoing clinical supervision. After the training, probation officers met monthly in small groups to discuss their use of STICS concepts and skills. At these meetings, specific exercises were assigned, completed, and discussed among the probation officers. The meetings also included a teleconference with the trainers/evaluators during which officers received clinical supervision. Clinical supervision included various types of exercises consisting of reviewing small samples of audiotaped sessions between officers and clients. In addition to the monthly meetings, we also encouraged officers to submit audiotapes to the trainers for individual clinical feedback, either orally or in written format. Finally, skill maintenance and development were fostered, with officers attending a one-day STICS refresher workshop facilitated by one of the trainers approximately one year after the initial three-day training.

III. Evaluation Issues

After issues of implementation are addressed, evaluation issues need to be considered. The quality of research or evaluation efforts in the field of correctional treatment has been criticized ever since the famous Martinson's "nothing works" review and is often believed to be a major problem in knowledge accumulation (Farrington & Welsh, 2005; Lipsey & Cullen, 2007). In this section, guided by the work of the Collaborative Outcome Data Committee on study quality of sex offender treatment outcome research (Collaborative Outcome Data Committee, 2007a; 2007b), we present two key evaluation issues and our responses to them regarding STICS. The two main evaluation issues that we faced pertained to the implementation of the best research design and the measurement of the impact of STICS training on the behavior of both the probation officers and their clients.

Research Design

There are various types of research designs, but the randomized experiment is considered to be the "gold standard." Although random assignment designs are difficult to employ in "real world" corrections (Farrington, 2006), the evaluation of STICS included the random assignment of probation officers to either the training or control conditions. Research participants were recruited as described below.

Senior management from three provinces (British Columbia, Saskatchewan, and Prince Edward Island) who had agreed to all the necessary prerequisites for participating in STICS sent an email to staff informing them of the opportunity to participate in a three-day training on learning "what works" techniques. Staff were also informed that this was a research project with certain data

collection requirements and that staff would be randomly assigned to either an experimental or a control group. Given that maintaining participation in a research project is challenging, particularly for a lengthy and demanding one such as STICS, we tried to maximize participation through efforts directed to the probation officers and their managers. First, we recruited only volunteering probation officers in order to capitalize on motivation. For the evaluation, we did not see volunteers as problematic. Although volunteers may not be representative of all probation officers, our intention was to evaluate the effectiveness of STICS among an amenable staff. Second, we asked the probation officers to submit an audiotaped session with one of their clients prior to training. Only two of the eighty probation officers (one from the experimental group and one from the control group) failed to submit a sample audiotape prior to group assignment (due to problems with the distribution of the audio recorders). This request was used to assure us that the probation officers were motivated and capable of fulfilling one of the basic requirements of the study (i.e., submitting multiple audiotaped sessions, discussed later) and the audiotape also provided a pre-test baseline measure of their interactions with clients. Finally, through random assignment of probation officers to groups, motivation was held constant. The probation officers were assigned to the experimental (i.e., STICS training) or control (i.e., no training) group using a 60:40 ratio. We over-sampled the experimental cases in order to have sufficient power for planned analyses specific to the trained officers.

Staff assigned to the experimental group participated in an initial 3-day training and were expected to attend monthly meetings. It was in these monthly meetings that skills were developed and maintained and ongoing commitment to the project was encouraged. For those officers who were assigned to the control condition, we anticipated that motivation to participate in the research could diminish significantly. Therefore, similar to those assigned to the experimental group, officers assigned to the control group were brought together for a half-day seminar. In this seminar, the probation officers were given an overview of the “what works” literature, the research requirements, and the importance of random assignment. By providing an overview of the offender rehabilitation literature, we raised the possibility that probation officers might be encouraged to engage in some core correctional practices if they were not doing so already. In addition, the research team held bi-monthly teleconferences with the control group to answer their questions about the research and to reiterate their importance in the evaluation. Finally, the control group was promised the three-day training at the end of the evaluation in the event of favourable research results.

In total, 80 probation officers volunteered for the study, with 51 officers assigned to the experimental “trained” group and 29 officers assigned to the control group. [Table 4](#) presents an overview of the characteristics of the officers. No significant differences were found between those assigned to the two groups. Overall, the probation officers were well-educated, with all of them having a university degree and most with specializations in the social sciences (e.g., psychology, criminology, and social work). On average they had approximately ten years of experience in probation.

Attrition is a problem in almost all experiments in criminology and this study was no different. Despite recruiting volunteers and having other structures in place to minimize attrition, we had 28 probation officers (18 experimental, 10 control) who, after training, did not recruit any clients for the study. This represents an attrition rate of 35 percent. The drop-outs fell into two main groups. The first group consisted of 18 probation officers (11 experimental, 7 control) who did not participate because they felt that they could not meet the demands of the extra work required by the project. The second group of 10 officers (7 experimental and 3 control) did not recruit clients because they were transferred to new jobs or withdrew from the project for personal reasons (e.g., maternity leave) soon after training. Comparison of the characteristics (see [Table 4](#)) of probation officers who continued with the project and those who dropped out found no statistically significant differences. Finally, it should be noted that seven officers submitted post-training data but ended their project participation early due to a new job or maternity leave. Nevertheless, data from these seven officers were included in all analyses following the intent-to-treat principle.

Assessment of the Client

As in all “what works” research projects of this type, gathering offender data included recruiting clients and collecting client information. For client recruitment, officers were asked to recruit six clients with new probation orders who had recently come onto the officer’s caseload. In accordance with the Risk Principle, officers were asked to recruit four high-risk and two medium-risk clients (offenders’ risk was determined by the existing risk-needs assessment used by the jurisdiction). Not only was risk-need assessment a prerequisite for RNR adherence, it was also a factor in determining the effectiveness of correctional interventions (Collaborative Outcome Data Committee, 2007a; 2007b). In addition to the risk-need assessments used in a particular jurisdiction, cross-jurisdiction risk-need information was collected. For example, probation officers across all three sites provided data that permitted scoring the 10 items of the Criminal History subsection of the Level of Service Inventory – Revised (LSI-R; Andrews & Bonta, 1995). We also asked officers to rate the severity of problems on seven criminogenic need areas (i.e., personality, attitudes, peers, family/marital, employment/education, substance abuse, leisure/recreation). These needs were assessed again after three and six months of supervision.

Finally, we gathered various demographics and criminal history information on the clients. This data was assessed at multiple times using two sources. Client self-report instruments were used to measure attitudes and problem-solving skills at intake and again after six months of supervision. Officer ratings and reports were used to measure the clients’ compliance and their criminal behavior after three and six months of supervision. The evaluation also included a plan to collect one-year recidivism outcomes using official records from provincial and national sources.

In accordance with our client selection criteria, almost all of the 143 probationers recruited for STICS were assessed as medium- (40 percent; $n = 57$) or high-risk (55 percent; $n = 79$), determined by the respective jurisdiction’s risk-need assessment. Despite the risk criteria for client recruitment, a small percentage of low-risk clients were recruited (5 percent; $n = 7$) owing to one site’s client-assignment procedures (e.g., there were a couple of participating probation officers in Prince Edward Island who supervised only low- and medium-risk clients). No significant differences were noted between experimental (STICS) and control group client risk level, the Criminal History subsection of the LSI-R, or demographic variables (see [Table 5](#)). Given the over-representation of medium- and high-risk offenders, it was not unexpected to find that the large majority of the clients had prior convictions and sentences of incarceration.

Assessment of Probation Officer Behavior

Clearly underlying STICS is the assumption that the behavior of probation officers during supervision sessions influences the behavior of the clients. In that respect, a primary concern of this study was evaluating the effects of the implementation components on the behavior of probation officers. Even though officers were randomly assigned to the two groups, we wanted to ensure that the baseline “effectiveness” of officers was comparable. To assess this, we plan to retrospectively gather recidivism data on six offenders that the officer supervised approximately one year *prior* to the start of the project. Data was also gathered on the officers’ participation in the various aspects of the maintenance components (e.g., initial training, monthly meetings, formal clinical feedback, and attendance at the refresher course).

The behavior of probation officers during client sessions was assessed through the use of audiotape recordings. Probation officers were asked to audiotape three separate sessions with each client recruited for the project: one soon after the intake assessment, a second after 3 months of supervision, and a final one after approximately 6 months of supervision. Audiotapes have been widely used for training purposes (Aveline, 1997; Gordon & Arbuthnot, 1988), evaluating the fidelity of treatment interventions (Ball, Martino, Nich, Frankforter, Van Horn, Crits-Christoph et al., 2007; Barber, Krackauer, Calvo, Badgio & Faude, 1997; Gondolf, 2008) and monitoring the supervision provided by probation officers to their clients (Bogue, Pampel & Vanderbilt, 2007). Audiotapes have the advantage of being relatively unobtrusive and non-threatening compared to videotapes or observers sitting in on sessions.

In addition to the 78 pre-training audiotapes (50 experimental and 28 control), we received a total of 299 audiotapes, of which 295 were valid for coding (four audiotape files cut abruptly shortly after the interview started). This included 220 audiotapes submitted by 33 STICS trained officers and 75 tapes submitted by 19 Control group officers. The majority of these sessions were at intake ($n = 140$), with fewer being recorded at three months ($n = 93$) and six months ($n = 62$). Unlike the assessment prior to training, where there was a single audiotape sample for each probation officer, officers were requested to submit multiple post-training audiotapes. On average, STICS officers submitted significantly ($t(50) = 2.43$; $p = .019$) more audiotapes ($M = 6.76$; $SD = 4.35$) than did Control group officers ($M = 4.00$; $SD = 3.09$). In order to reduce potential bias in the data introduced by officers with more tapes, aggregate mean scores across tapes for each individual officer were calculated and then between-group differences were examined.

The audiotapes were assessed by trained raters, in teams of two, using a detailed coding guide (available upon request from the authors). The coding focused on behaviors that adhered to the Risk-Need-Responsivity principles. The coding was conducted in two steps. First, raters coded each audiotape in five-minute segments, examining the presence or absence of specific topics of discussion (i.e., the various criminogenic needs that were identified for that client, non-criminogenic needs, conditions of probation, crisis). Next, the raters listened to the audiotape in its entirety without interruption, and coded the presence and quality of the specific skills and interventions used by the officers (e.g., active listening, prosocial modeling, and cognitive restructuring). A 7-point Likert scale was used to assess quality. For example, if procriminal attitudes were targeted in a session, then the session was rated from “1” (confrontational identification, not getting client buy-in or understanding, etc.) to “7” (identification of procriminal attitudes in a non-confrontational manner, discussion about effects of procriminal attitudes, confirmation of client understanding, etc.).

Although a large amount of data was coded from the audiotapes, we will highlight the results of some key variables. Two “frequency” variables were simply counts of the number of 5-minute segments during which: a) officers discussed criminogenic needs as identified by the intake risk/need assessment, and b) officers targeted procriminal attitudes. In addition, four key intervention/skill quality constructs based on adherence with the RNR principles were calculated from ratings on individual audiotape-coded items that were grouped *a priori* into the broader constructs. These constructs included: a) the level of structure of the session, b) skills to building a collaborative working relationship, c) cognitive techniques (e.g., focus on procriminal attitudes, cognitive restructuring), and d) behavioral techniques (e.g., reinforcement, modeling, rehearsal). These four constructs were also combined into an overall “Effective Correctional Skills” score.

Results on these variables reflect the officers’ application of the RNR-based STICS model of community supervision with their clients. As can be seen in [Table 6](#), the trained probation officers spent significantly more of their sessions focusing on criminogenic needs ($p < .01$) and procriminal attitudes ($p < .01$) than the control officers. In addition, they demonstrated significantly ($p < .01$) higher quality of RNR-based skills and interventions than the Control group officers, with the exception of behavioral techniques, where the difference between the groups was not statistically significant ($p = .06$). The average session length was comparable between the two groups, with the STICS group averaging 26:45 minutes a session and 24:36 minutes for the Control group ($p > .05$).

Summary

There is a significant body of research demonstrating that offender rehabilitation can reduce recidivism. For those individuals seeking to design, implement, and evaluate evidence-based offender treatment services, the principles of Risk-Need-Responsivity provide guidance. However, articulation of these principles fails to provide concrete guidance or solutions to the practical challenges of translating these principles into the “real world” of everyday correctional work. This paper attempted to assist those “real world” efforts by identifying some of the key challenges and issues in the areas of program design, implementation, and evaluation of transferring “what works” to community corrections and by illustrating how they were addressed

at each of these three stages. With RNR principles at the nexus of the strategies to address design, implementation, and evaluation challenges, we believe that efforts to bring “what works” into everyday corrections can significantly advance our knowledge and practice of effective corrections.

The first step to bringing “what works” to the “real world” is designing the service, intervention, or program. Developers must ensure that the “nuts and bolts” of the service/intervention adhere to the RNR principles. Although Andrews (2006) has provided a “to do” list to comply with the principles, it lacks specific guidance on the “what” and “how exactly” the service/interventions should be done behind closed doors. For example, Andrews’ list includes employing cognitive-behavioral and social-learning interpersonal-influence strategies, but what exactly should a probation officer do and when should he or she do it during a supervision session with an offender? With explicit identification of the design challenges for community supervision, the STICS model was developed. As a model of community supervision, STICS included a simple, concrete cognitive-behavioral approach with specific interventions that targeted procriminal attitudes. Moreover, the model had a clear structure for the entire supervision period as well as a structure for the individual officer-client sessions. And, at the same time, STICS had flexibility to permit addressing a wide spectrum of criminogenic needs with a variety of clients.

The second step of bringing “what works” to the “real world” is implementation. Numerous researchers (Andrews, 2006; Goggin & Gendreau, 2006; Lowenkamp, Latessa, & Smith, 2006) have recognized the importance of implementation and the challenges of having a RNR-based service or intervention delivered as intended. It is relatively straightforward to identify some prerequisite organizational conditions (e.g., risk-need assessment is utilized, policies that support the RNR principles, management support and commitment for implementation). However, there are clear challenges regarding how to encourage front-line staff to consistently engage in RNR-based interventions when the actual client work is being done. In community supervision, it is critical to facilitate and maintain behavior change in the officers themselves. Of course, the question is how best to accomplish this change. We believe that traditional training approaches in corrections have not sufficiently addressed the challenges we have outlined. These challenges need to be faced and overcome when implementing “what works” into community supervision.

The authors of STICS took considerable effort developing the initial training program and its ongoing maintenance components. Practically, this meant that implementation had to recognize the significant demand that was placed on probation officers who must make the transition from a surveillance/enforcer role to a teaching/therapist role. Many probation agencies emphasize the former role for probation officers and treatment is usually referred out to structured group programs. In a departure from the norm, we asked probation officers to structure their supervision session by spending the majority of the session actively teaching a new prosocial skill or attitude. Doing this kind of teaching in one-on-one supervision is likely intimidating to almost all officers who are accustomed to the enforcement/monitoring role. Practically speaking, the initial three-day training and the ongoing maintenance components of STICS included specific components to address this personal uneasiness as well as any potential skill deficit in this teaching role. The training explicitly addressed why the officers should change their own behaviors and what behaviors (i.e., skills and interventions) would be more effective.

Just as adherence to the Responsivity Principle (e.g., using cognitive-behavioral strategies; key language, concepts, and core skills molded to the learning style of the client) is pivotal to promote offender change, all aspects of the implementation attempted to adhere to the same Responsivity Principle. Consequently, the training and ongoing maintenance for officers utilized cognitive-behavioral techniques to “teach” and “change” officer behavior. Efforts were made to help officers understand the STICS model, learn the concepts, skills, and techniques, practice them, and learn how to “teach” and facilitate “change” in their clients. As the early results of STICS suggest, it is important for correctional agencies considering implementing RNR-based services to recognize the level of support (e.g., three days of training, refresher course, monthly meetings, and individual feedback) that was provided to change officer behavior.

The final piece to translating “what works” into practice is evaluation. We value every effort a

researcher makes to enhance a research project's potential contribution to the field. Of course, there are a number of methodological challenges to evaluating recidivism reduction efforts. For example, the research design, what factors are measured, how they are assessed, as well as the overall level of "contamination" (e.g., attrition, breakdown in randomization) impacts a study's internal and external validity. For STICS, we recognized that the study's fundamental assumption was that change in offender behavior was at least partially dependant on the probation officer's behavior during supervision sessions. The research methodology paid particular attention to the officers as study participants. This was apparent through the random assignment of officers and the collection of data on the officer's behavior during supervision sessions. The results showed that STICS-trained officers, compared to controls, demonstrated significantly more and qualitatively better effective correctional practices during their interactions with clients.

There were two main limitations of this project. The first limitation is that the officers were volunteers, and therefore perhaps more likely open to this type of model and training. This raises the question, to use Goldkamp's (2008) words, were we "missing the target"? Volunteering probation officers are certainly a subset of the officer population and the generalizability to the population is limited. The impact of STICS on less inclined officers would require further research. A second concern was the level of officer attrition, a potential contaminate of the study's overall validity. In spite of our efforts to maintain motivation and enhance participation, 35 percent of the original volunteer officers did not provide any post-assignment data to the project. It is important to note that the majority of the officers who did not submit post-assignment data cited reasons concerning additional workload. This post-assignment attrition threatens the generalization of our findings. We are attempting to address this potential threat by undertaking a retrospective file review of pre-project cases to examine whether there were pre-existing differences in the probation officers' effectiveness to reduce reoffending. Future projects attempting to bring "what works" into the real world of everyday corrections would be wise to put in place organizational (e.g., additional management support and resources) and methodological (e.g., incentives for compliance) strategies to reduce officer attrition.

In conclusion, this paper attempts to add more concrete and practical guidance to bringing "what works" into the "real world" of community corrections. The description of our "how to" for STICS development, implementation, and evaluation illustrates one way in which a comprehensive RNR package to offender supervision can address the issues and challenges that can potentially erode a service's impact on facilitating offender change. The overall purpose of the STICS evaluation component was to demonstrate that the key ingredients of the RNR model can be successfully taught to probation officers and applied to their clients. Although the results on officer behavior during supervision sessions are encouraging, the next step is to evaluate the impact of these changes in officer behavior on client attitudes, behaviors, and ultimately recidivism. Overall, we hope that our experiences developing STICS will provide insight and further guidance into how to effectively transfer empirical knowledge into the real world of community corrections.

Table 2. STICS: Issues and Solutions.

Issues	The Challenge	The Solution
Program Design Issues		
General Theory of Criminal Behavior	How do we bring the general theory of criminal behavior to all aspects of STICS in a coherent and cohesive manner?	Ensure STICS model and implementation permit understanding of and promote acceptance of the GPCSL model with clear links to how it is incorporated into all practical aspects of STICS.
Risk Principle	How do we ensure that services focus on higher risk offenders?	Train probation officers who supervise medium and high-risk offenders.
Need Principle	How do we ensure that services target criminogenic needs?	Use a validated risk-need assessment instrument to identify criminogenic needs; provide a means to transfer risk-need profiles to supervision plans; procriminal attitudes and cognitions are the primary targeted criminogenic need.
Responsivity Principle:	How do we ensure that services are attentive to the learning styles of the clients?	STICS model addresses: a) relationship building, b) cognitive-behavioral techniques, c) relevance to the client, and d) structure.
a) Relationship	How can POs establish a therapeutic working alliance?	Ensure STICS fosters relationship building via skills and specific processes such as collaborative goal setting and role clarification.
b) Cognitive-Behavioral Techniques	How do we increase the likelihood that POs use cognitive-behavioral techniques with their clients?	Provide a cognitive-behavioral model, as well as the skills, tools and strategies necessary to utilize it in supervision with medium to high-risk clients.
c) Relevance to client	How can we ensure that key STICS concepts and skills are used in a concrete and understandable, client-friendly fashion?	Ensure the STICS model, key concepts, skills, interventions and materials are concrete, simple, and devoid of jargon; ensure flexibility so that STICS is useful for all types of client profiles (e.g., gender, race, mental disorder).
d) Structuring Supervision	How can we structure the supervision session and the supervision period?	Structure the individual session in four components and the supervision period into eight steps (from assessment to partnering with community resources).
Implementation Issues		
Jurisdictional Prerequisites	What organizational prerequisites are needed to implement STICS supervision?	Ensure the use of a validated risk-need assessment, policies that support the Risk principle, and management commitment to all aspects of implementation.
Initial 3-Day Training	How do we teach officers the new skills, teach officers how to teach clients, and persuade officers to use STICS?	Provide 3-day training session; incorporate theory and evidence to support effectiveness/usefulness; use exercises for PO to learn and apply model in practice.
Skill Maintenance	How can POs maintain their skills and deliver services as intended?	Provide ongoing supervision in different formats; provide support both inside and outside organization.
Evaluation Issues		
Research Design	What is the highest standard of evaluation methodology that we can use?	Randomly assign POs to training/no training conditions and be prepared for attrition.
Assessment of Probation Officers	What and how do we assess the POs?	Assess PO pre-existing "effectiveness" and PO behavior during all phases of implementation including in-session behavior (audiotapes).
Assessment of Offenders	What and how do we assess in the clients?	Use multiple assessments of risk and need, client self-report, and official indicators of criminal behavior.

Notes: GPCSL: General Personality and Cognitive Social Learning

PO: Probation Officer

Table 3 . Initial three-day training and skill maintenance components of STICS

	Method	Goal	Program Issue
Initial Three-Day STICS Training			
Day 1	Module 1: Overview and Rationale for STICS	Lay the theoretical groundwork and evidence for many of the specific skills taught in later modules	GPCSL Theory
	Module 2: Differential Supervision & the Risk Principle		Risk Principle
	Module 3: Criminogenic Needs		Need Principle
	Module 4: Procriminal Attitudes		Need Principle
	Module 5: Responsivity Principle: Building Rapport in a Therapeutic Relationship		Responsivity Principle
Day 2	Module 6: The Cognitive-Behavioral Model	Teach concrete concepts/skills, relevant to various criminogenic needs, applicable to range of clients	Responsivity Principle
	Module 7: Cognitive-Behavioral Interventions: Cognitive Restructuring		Responsivity Principle
	Module 8: Prosocial Modeling and Reinforcement	Teach modeling techniques, effective use of reinforcement/punishment	Responsivity Principle
Day 3	Module 9: Other Specific Cognitive-Behavioral Interventions	Teach core skills of problem-solving and self-management	Responsivity Principle
	Module 10: Strategic Supervision	Provide structure for each session and overall probation period	Responsivity Principle
	Monthly Meetings	Support, skill development & integrity	Skill Maintenance
	Formal Clinical Feedback on offender-client sessions	Support, skill development & integrity	Skill Maintenance
	Refresher Course (approximately one year post-training)	Support, skill development & integrity	Skill Maintenance

Table 4 . Characteristics of Probation Officers (n) Based on random assignment and for those who submitted data.

Probation Officers Randomly Assigned			
	Experimental (51)	Control (29)	TOTAL (80)
Gender (% male)	29.4	37.9	32.5
Age (years)	39.3	38.1	38.8
Experience (years)	11.1	8.9	10.3
Race (%): Caucasian	78.9	73.9	77.0
Aboriginal	5.3	13.0	8.2
Other	15.8	13.0	14.8
Probation Officers Who Submitted Data			
	Experimental (33)	Control (20)	TOTAL (53)
Gender (% male)	30.3	31.6	30.8
Age (years)	38.2	37.8	38.3
Experience (years)	9.9	8.9	9.6
Race (%): Caucasian	79.3	84.2	80.9
Aboriginal	6.9	0	4.3
Other	13.8	15.8	14.9

Table 5. Client demographic characteristics and risk-need information

Clients	Experimental (100)	Control (43)	TOTAL (143)
Gender (% male)	83.0	93.0	86.0
Age (years)	35.3	32.6	34.5
Race (%): Caucasian	71.0	67.4	69.9
Aboriginal	28.0	23.3	26.6
Other	1.0	9.3	3.5
Violent offence (%)	56.0	60.5	57.3
Prior conviction (%)	79.0	81.4	79.7
Prior incarceration (%)	73.0	74.4	73.4
Risk Level (as assessed by jurisdiction's risk-need instrument):			
Low	4.0	7.0	4.9
Medium	40.0	39.5	39.9
High	56.0	53.5	55.2
Criminal History Subsection of LSI-R			
<i>M (SD)</i> Score	4.70 (2.6)	4.79 (2.7)	4.73 (2.6)

Table 6 . Results of audiotaped sessions between probation officer and clients post-training for the Experimental and Control groups.

	Experimental <i>N</i> = 33	Control <i>N</i> = 19
Construct 	<i>M (SD)</i>	<i>M (SD)</i>
Structure** (3 - 28.5)	13.07 (5.6)	8.92 (3.7)
Relationship building ** (8 - 20)	13.61 (2.6)	11.6 (2.2)
Cognitive techniques** (0 - 9.86)	1.58 (2.2)	0.01 (0.05)
Behavioral techniques (5.33 - 19)	10.23 (3.0)	8.67 (2.5)
Effective Correctional Skills** (18.67 - 69.5)	38.49 (11.4)	29.16 (7.3)
Number of 5-minute segments where time was spent on:		
Identified criminogenic needs**	4.04 (1.6)	2.85 (1.8)
Procriminal attitudes*	0.61 (0.5)	0.07 (0.3)
Length of session (mm:ss)*		
	26:45 (11:12)	24:36 (11:22)

Significant between group post-training differences: * $p < .05$; ** $p < .01$.

¹ Each construct was measured using a different set of items and had different theoretical range of scores. Although all had a theoretical minimum score of 0, the theoretical maximum score varied for each construct. The maximum theoretical score was 56 for Structure, 35 for Relationship building, 28 for Cognitive techniques, 49 for Behavioral techniques, and 168 for Effective Correctional Skills. The observed range for each is shown in brackets.

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Published by the Administrative Office of the United States Courts www.uscourts.gov
[Publishing Information](#)

The Creation and Validation of the Ohio Risk Assessment System (ORAS)*

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THE OHIO RISK ASSESSMENT SYSTEM (ORAS) was developed as a statewide system to assess the risk and needs of Ohio offenders in order to improve consistency and facilitate communication across criminal justice agencies. The goal was to develop assessment tools that were predictive of recidivism at multiple points in the criminal justice system. Specifically, assessment instruments were to be developed at the following stages: 1) pretrial [\[link\]](#), 2) community supervision, 4) institutional intake, and 4) community reentry.

A major goal of the ORAS was to conform to the principles of effective classification. In doing so, the Ohio Department of Rehabilitation and Correction (ODRC) hoped to efficiently allocate supervision resources and structure decision-making in a manner that reduces the likelihood of recidivism. As a result, ORAS was developed to classify the risk level of offenders in the system while also identifying both criminogenic needs and barriers to programming.

The Principles of Effective Classification

The principles of effective classification have been developed to guide criminal justice agencies in the use of risk assessment systems. In short, the principles of effective classification suggest that agencies should use actuarial assessment tools to identify dynamic risk factors, especially in high risk offenders, while also identifying potential barriers to treatment. The risk principle suggests that correctional interventions and programs are most effective when their intensity is matched to the risk level of the clientele (Andrews, Bonta, & Hoge, 1990; Van Voorhis, 2007; Lowenkamp, Latessa, & Holsinger 2006). That is, the most intensive programming should be allocated to moderate- and high-risk cases, while low-risk cases should be allocated little if any programming.

Another consistent finding in correctional programming is that the most effective programs target dynamic risk factors (Andrews et al., 1990; Lowenkamp, Latessa, & Smith, 2005; Lowenkamp & Latessa, 2004). Dynamic risk factors (also called criminogenic needs) are factors that, when changed, have been shown to result in a reduction in recidivism. The needs principle suggests that effective classification systems should identify dynamic risk factors directly related to recidivism so that they can be used to target programmatic needs. '

The responsivity principle [2](#) focuses on identifying barriers to treatment (Van Voorhis, 2007). Although dynamic risk factors are directly related to recidivism, there are other issues that are likely to keep individuals from engaging in treatment, such as intelligence, reading ability, and language barriers. If left unaddressed, it is likely that these influences can interfere with the completion of treatment and, as a result, indirectly prevent a reduction in recidivism.

Finally, the principle of professional discretion recognizes that case managers and counselors are responsible for processing the risk, need, and responsivity information and making decisions based on the information provided (Andrews, Bonta, & Hoge, 1990). Further, actuarial tools are designed to treat offenders in the aggregate and cannot be structured to anticipate every possible case or scenario. As a result, it is important to allow criminal justice personnel the ability to override the assessment instruments in specific circumstances.

The Advantages of Constructing a Statewide Risk Assessment System

Although many criminal justice agencies have been implementing standardized risk classification instruments to efficiently manage their target populations, they often use empirically derived tools developed on samples from a different population (Jones, 1996). This is because resource constraints often limit the development of risk assessment instruments for specific jurisdictions and populations (Jones, 1996). Although using preexisting risk assessments is less costly, it assumes that the instrument is a valid predictor of recidivism for each agency's specific population (Wright, Clear, & Dickerson, 1984; Jones, 1996; Gottfredson & Moriarty, 2006). Since it is unlikely for a single instrument to have universal applicability across various offending populations, validating risk assessment instruments on specific target populations is important (Wright, Clear, & Dickerson, 1984). Further, different populations of offenders are likely within jurisdictions. For example, the population of defendants on pretrial supervision is likely different from the population of individuals who are released from prison. As a result the Ohio Risk Assessment System was designed to predict recidivism at different points in the Ohio criminal justice system.

The use of a standardized assessment tool in Ohio allows consistency in the assessment of risk across jurisdictions. Prior to the creation of the ORAS, counties in Ohio used different methods of assessment, creating a great deal of variation in the practices for assessing the risk and needs of offenders. Therefore, one of the purposes of ORAS was to promote consistent and objective assessment of the risk of recidivism for offenders in Ohio.

Another advantage of using a risk assessment system that follows offenders through the criminal justice system is that it improves communication and avoids duplication of information. In fact, many of the items in the individual assessments carry over into assessments at later dates. The total number of risk items collected from all assessment instruments is 63. Of these, 24 items are used on at least two if not more assessment instruments. Further, since ORAS will be automated, items that are assessed at earlier stages have the potential to auto-populate into assessments at future dates.

The Current Study

The current study outlines the construction and validation of four assessment tools [3](#): the Pretrial Assessment Tool (PAT), the Community Supervision Tool (CST [4](#)), the Prison Intake Tool (PIT), and the Reentry Tool (RT). A prospective design was utilized in the creation and validation of ORAS. To accomplish this, offenders across the Ohio criminal justice system were extensively interviewed for potential risk factors and were subsequently followed for one year to gather official measures of recidivism. Data collection instruments gathered information using a self-report questionnaire and semi-structured interviews [5](#) that together provided over 200 potential risk factors that were used to construct each instrument [5](#). The structured interview and self-report process took approximately 45-90 minutes to complete per offender. Four independent samples of offenders were gathered at different stages in the criminal justice system: at pretrial, on community supervision, at prison intake, and just prior to community reentry. Table 1 presents the number of cases in each sample. There were a total of 1,839 cases in all four samples: 452 in the pretrial sample, 681 in the community supervision sample, 427 in the prison intake sample, and 279 in the community reentry sample.

Table 1: Number of Cases in Each Sample

Sample	N
Pretrial	452
Community Supervision	678
Prison Intake	423
Community Reentry	277
Total	1830

The pilot sites for the project were selected with the considerations of geographic representation across the state, recommendations from DRC staff, and whether the site was available and willing to participate during the data collection process. Potential sites were asked to both facilitate access to the cases and provide a physical location to conduct the interviews. Although some logistical and scheduling issues arose at several sites, no site declined to participate in the project. Seven Ohio counties provided data for the PAT, fourteen counties participated in data collection for the CST, and eight correctional facilities participated in data collection for the PIT and the RT.

Participants

In order to be included in the pretrial sample, each individual had to be an adult charged with a criminal offense and referred to pretrial services during the period of data collection. To be included in the community supervision sample, each individual had to be an adult charged with a criminal offense that was recently referred to probation services during the period of data collection. Individuals were selected for the prison intake sample if they: a) were admitted to an intake correctional facility within the last six months and b) were within six months of release. The limited sentence length was necessary in order to provide an adequate follow-up time for recidivism in the community. The community reentry sample consisted of individuals who: a) were within six months of their release/discharge date and b) had not been admitted to prison within the past six months.

Recidivism

Collection of the follow-up data for all samples was completed approximately one year following the conclusion of the structured interviews. The primary measure of recidivism for this study was arrest for a new crime. Although data were gathered on a variety of other potential outcome measures (e.g., conviction, probation violation, institutional rule infraction), arrest was used for two major reasons. First, measures that gather information later in the criminal justice process, such as convictions, require a longer follow-up period than the 12 months used in this study. Second, using arrests in the community as an outcome allows the assessment tools to identify criminogenic needs that are likely to result in danger to the community. Although factors that are predictive of rule violations (e.g., probation violations or institutional violations) are of concern to criminal justice personnel, of most concern are factors that are related to criminal behavior [6](#).

Data on recidivism came from a variety of sources. For the pretrial sample, information was gathered by the counties from public records searches and searches of the cases file. For the community supervision sample, county agencies gathered the arrest data on offenders under their supervision through public records searches and file reviews. This information was verified through the Ohio Law Enforcement Gateway (OHLEG). OHLEG is especially useful because the information it provides is not specific to the county of supervision. Because not all inmates who were released from correctional facilities were placed on community supervision, OHLEG was the only source of information for regarding new arrests for these samples.

Assessment Construction

For each assessment, items gathered from the structured interviews and self-report surveys that were associated with recidivism were used to create each tool. Cases were excluded if they had missing information on four or more items [7](#). After the items associated with recidivism were identified, these items were scored to create scales that indicated increases in the likelihood of recidivism. A modified Burgess method was used to assign point values to each item. The Burgess

method assigns a point (a score of 1) to the presence of the risk factor, and assigns a score of zero when it is false or not present. Some items have multiple increasing risk scores, and as a result were scored with increasing values (i.e., 0, 1, 2). The items were then combined to create risk scales for each assessment tool. Once the risk scales were calculated, cutoffs were created to divide cases into different risk categories.

Priorities in Case Management

Another goal in developing ORAS was to assist Ohio criminal justice agencies with case management by providing the agencies with tools to identify and prioritize specific treatment domains. Each assessment instrument is broken down by domain (e.g., criminal associates, criminal attitudes, substance abuse, etc.) and specific categories divide offenders into groups based on their likelihood to reoffend. Stated differently, the assessment process not only provides an overall risk level, but also provides risk levels by case management domains. Presenting risk levels by domain gives practitioners specific information regarding the likelihood of recidivism based on individual criminogenic domains in order to encourage a more efficient allocation of treatment resources. [8](#)

Responsivity Assessments

In keeping with principles of effective classification, a goal in developing the ORAS was to gather information about potential barriers to treatment. As a result, additional case planning items are incorporated into the final assessment. Table 2 provides a list of areas that are gathered for responsivity. As indicated in the table, responsivity items range from factors such as intelligence and literacy to child care and transportation. These items are not directly related to recidivism, but instead have the potential to restrict the efficacy of treatment. Responsivity items are not used in the final calculation of risk, but instead are used as case planning factors that should be addressed to improve likelihood that programming will reduce recidivism.

Table 2: Areas Assessed for Responsivity

Treatment Barriers	
Low intelligence	Physical handicap
Reading and writing limitations	Mental health issues
History of abuse/neglect	Treatment motivation
Transportation	Child care
Language	Ethnicity and cultural barriers

The Pretrial Assessment Tool (PAT) Validation Results

The original pretrial data collection instruments provided over 100 potential predictors of recidivism. Of these, seven items from four domains were found to be related to recidivism: three items measuring criminal history, one item measuring employment, one item measuring residential stability, and two items measuring substance abuse [9](#). Overall, the PAT scores ranged from 0 to 9 and had a correlation of .23 ($p < .00$) with recidivism.

Table 3 presents descriptive statistics for offenders in the pretrial sample. Eighty percent of the sample is male, 46 percent is African American, and 16 percent were either arrested or committed a new offense. Table 3 also presents the distribution of cases by risk score. Scores of zero to two were categorized as low risk, three to five moderate risk, and six to nine as high risk. Of the total sample, 29 percent of cases were categorized as low risk, 54 were categorized as moderate risk, and 17 percent as high risk.

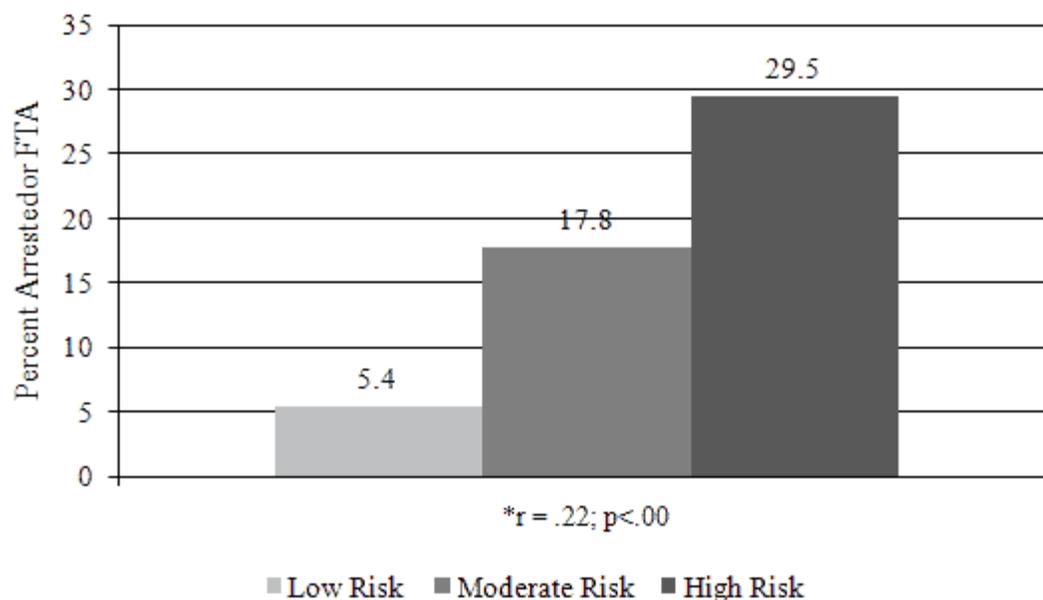
Table 3: Descriptive Statistics for the Pretrial Assessment Sample (n =452)

Variable	N	Percent
Sex		
Male	345	79
Female	107	23

Risk Level		
Low (0-2)	207	46
Moderate (3-5)	225	50
High (6+)	20	4
Arrest or FTA		
Yes	379	84
No	73	16

Figure 1 presents information regarding the predictive validity of the PAT. The chart illustrates that each risk level is associated with progressively higher rates of recidivism. Specifically, 5 percent of low risk cases were arrested, 18 percent of moderate risk cases were arrested, and 30 percent of high risk cases were arrested. The r value of .22 provides further indication that the assigned levels of risk can significantly distinguish between groups that have progressively higher rates of recidivism [10](#).

Figure 1: Predictive Validity of the Pretrial Assessment Tool (n = 452)*



The Community Supervision Tool (CST) Validation Results

Initial data for the community supervision sample was gathered through site visits to local county probation offices and community-based corrections facilities and provided information from 678 individuals. The self-report survey and structured interview guide provided a total of 200 potential predictors of recidivism. In all, the CST consisted of a total of 35 items within 7 domains: criminal history; education, employment, and finances; family and social support, neighborhood problems, substance abuse, antisocial associates; and antisocial attitudes and behavioral problems. Risk scores on the CST ranged from 0 to 43 and had a correlation of .37 ($p < .00$) with recidivism.

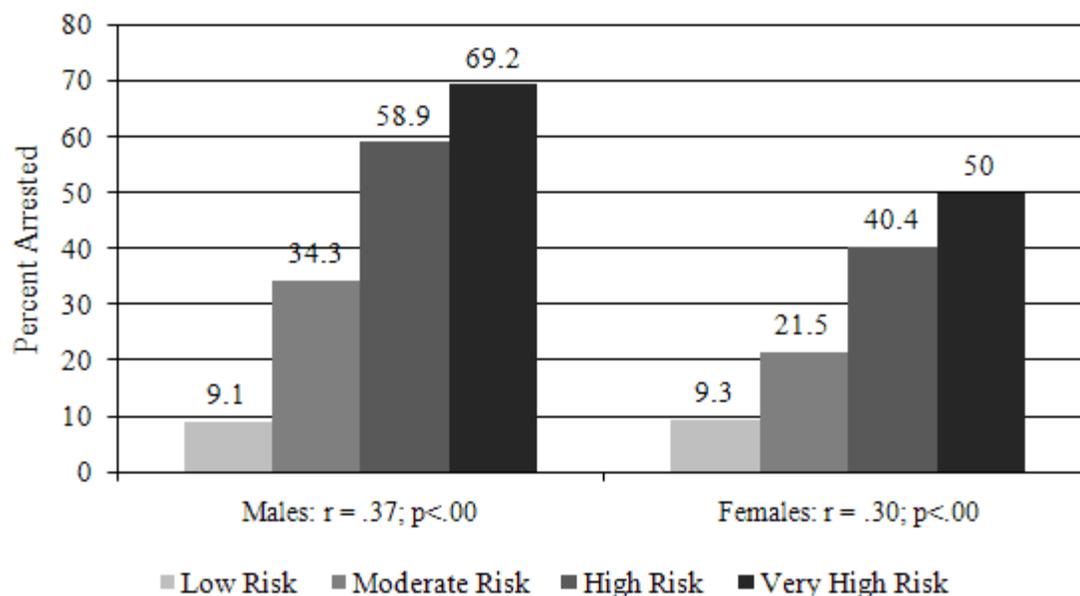
Table 4 presents descriptive statistics for the community supervision sample. Of particular interest are the final risk levels, cutoffs, and number of cases falling at each level. To provide optimal risk levels and cutoff scores, preliminary analyses revealed that males and females should be given different cutoff scores to categorize risk groups. This is primarily because females tended to have lower scores on the assessment instruments. For males, cutoffs for risk levels are as follows: low risk = zero - 14; moderate risk, 15 - 23; high risk = 24 - 33; and very high risk = 34 and higher. For females the cutoffs are as follows: low risk = zero - 14; moderate risk = 15 - 21; high risk 22 - 28; and very high risk = 29 and higher.

Table 4: Descriptive Statistics for the Community Supervision Sample (n = 678)

Variable	N	Percent
Sex		
Male	513	76
Female	165	24
Any New Arrest		
Yes	259	38
No	419	62
Males		
Low (0-14)	77	15
Moderate (15-23)	207	40
High (24-33)	190	37
Very High (34-49)	39	8
Females		
Low (0-14)	43	25
Moderate (15-21)	65	40
High (22-28)	47	29
Very High (29-49)	10	6

Figure 2 presents the failure rates for each risk level of the CST for male and female offenders in the community supervision sample. The table clearly illustrates incremental increases in the rates of recidivism for each group. For males, failure rates are nine percent for low risk, 34 percent for moderate risk, 59 percent for high risk, and 70 percent for very high risk offenders. The r value of .37 reveals that the relationship between risk level and recidivism is moderate and performs slightly higher than r-values generated in other research on dynamic risk assessment instruments (Gendreau, et al., 1996). Similarly, Figure 2 indicates that for females, risk levels are 9 percent for low risk, 22 percent for moderate risk, 40 percent for high risk, and 50 percent for very high risk. The r value of .30 reveals a moderate relationship with recidivism.

Figure 2: Predictive Validity of the Community Supervision Tool



The Prison Intake Tool (PIT) Validation Results

The PIT is designed to provide case managers with an assessment instrument that can be used to prioritize prison treatment based on the likelihood of recidivism. A total of 30 items from 5 domains were found to be significantly related to new arrests following their release from prison. The five domains of the PIT are: criminal history, education employment and finances, family and social support, substance abuse, and criminal lifestyle. Scores on the PIT range from 0 to 40 and have an r value of .36 when predicting new arrests after release.

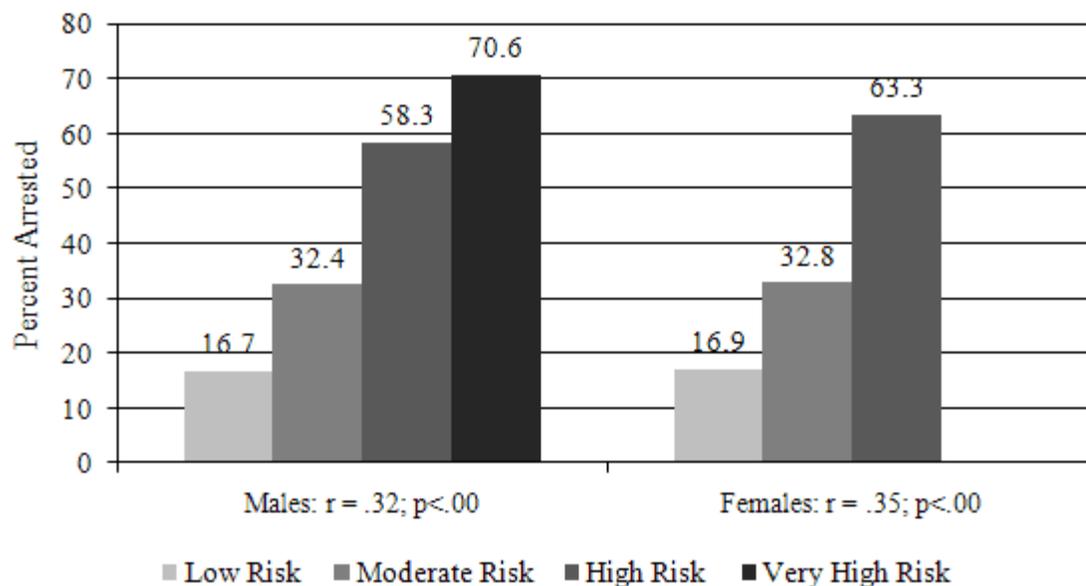
Table 5 presents descriptive statistics for the prison intake sample. Preliminary analyses indicated that the PIT produced four distinct risk levels for male offenders while only three risk levels were appropriate for females. For males, nine percent of the cases are low risk, 41 percent are moderate risk, 43 percent are high risk, and 6 percent are very high risk. For females, low risk cases account for 42 percent of the sample, moderate risk cases account for 39 percent of the sample, and high risk cases account for 19 percent of the sample.

Table 5: Descriptive Statistics for the Prison Intake Sample (n = 423)

Variable	N	Percent
Sex		
Male	267	63
Female	156	37
Males (n = 267)		
Low (0-8)	24	9
Moderate (9-16)	111	41
High (17-24)	115	43
Very High (25+)	17	6
Females (n = 156)		
Low (0-12)	65	42
Moderate (13-18)	61	39
High (19+)	30	19
Any New Arrest		
Yes	169	40
No	254	60

Figure 3 presents the percentage of cases that were arrested for each risk level on the PIT by gender. The chart illustrates that for both males and females, increases in recidivism are associated with increases in risk level. Further, there are acceptable r values for both genders ($r = .32$ for males and $r = .35$ for females). For males, 17 percent of low-risk cases recidivated, 32 percent of moderate-risk cases recidivated, 58 percent of high-risk cases recidivated, and 71 percent of very high-risk cases recidivated. Although only having three risk levels, risk levels for females were also associated with increases in recidivism: low-risk cases had a recidivism rate of 17 percent, 33 percent of moderate-risk cases recidivated, and 63 percent of high-risk cases recidivated.

Figure 3: Predictive Validity of the Prison Intake Tool (n = 423)



The Reentry Tool (RT) Validation Results

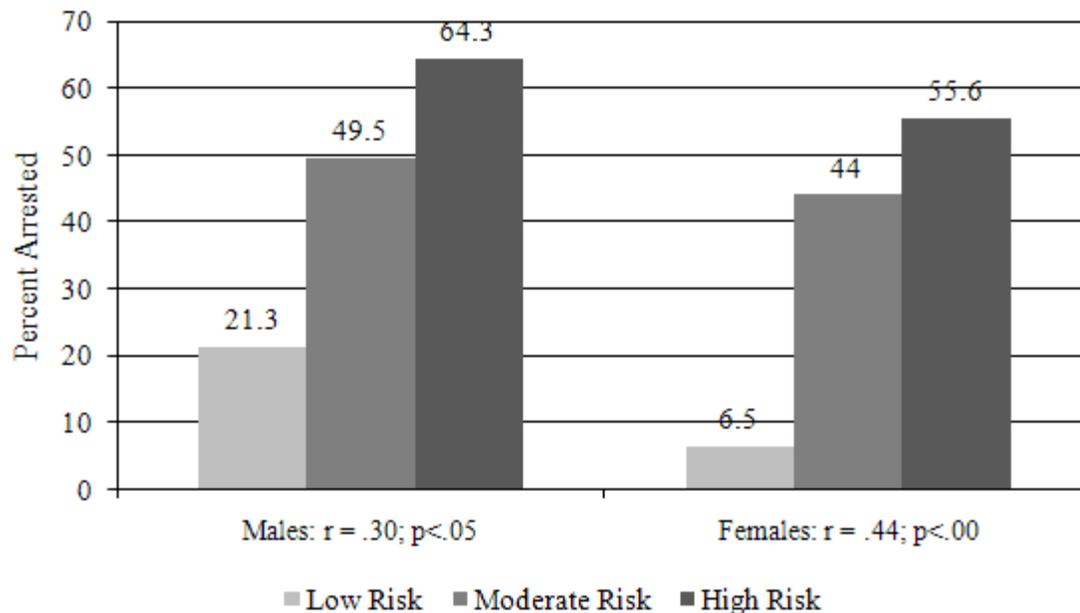
The RT was designed to be administered within 6 months of release from prison. The average length of incarceration for the prison release sample ranged from 2 to 452 months, with an average of 35 months. In all, the RT consisted of a total of 20 items from 4 domains and had potential scores that ranged from 0 to 28. Domains for the RT are: age, criminal history, social bonds, and criminal attitudes. The correlation between risk score and recidivism is .36. Table 6 presents descriptive statistics for the reentry sample. Preliminary analyses revealed that separate cut-off scores should be made for males and females. For males, the majority of cases are moderate risk, with similar percentages of cases falling at low- and high-risk levels. On the other hand, low risk is the modal value for females. These findings are similar to the PIT and indicate that females tend to score at lower risk levels than males on the assessment instruments.

Table 6: Descriptive Statistics for the Reentry Sample (n = 277)

Variable	N	Percent
Sex		
Male	212	76.5
Female	65	23.5
Risk Level: Males		
Low (0-9)	47	22.2
Moderate (10-15)	109	51.4
High (16+)	56	26.4
Risk Level: Females		
Low (0-10)	31	47.7
Moderate (11-14)	25	38.5
High (15+)	9	13.8
Any New Arrest		
Yes	118	42.6
No	159	57.4

Figure 4 presents the percentages of offenders that recidivated for each risk level of the RT by gender. The results indicate that both male and female groups experienced increasing rates of recidivism for each risk level. For males, 21 percent of low-risk cases were rearrested, 50 percent of moderate-risk cases were rearrested, and 64 percent of high-risk cases were rearrested. The r value of .29 indicates that the RT does a good job of distinguishing between low-, moderate-, and high-risk cases. For females, only six percent of low-risk females were arrested, while 44 percent of moderate-risk cases were arrested, and 56 percent of high-risk cases were arrested. The large r value for females ($r = .44$) is likely a result of the substantial difference between low- and moderate-risk females. Still, the findings for females should be taken with caution because of the small number of female offenders in the reentry sample ($n = 65$).

Figure 4: Predictive Validity of the Reentry Tool



Conclusion

The ORAS consists of a series of assessment tools that measure the likelihood of recidivism at different points in the criminal justice system. The validation results are promising and reveal that all assessment instruments are able to significantly distinguish between risk levels. Further, r values are relatively large, and depending upon the assessment instrument, range from .22 to .44.

Although the findings presented here are encouraging, two major limitations of this study should be taken into account. The first limitation revolves around the generalizability of the sample to all offenders in the Ohio criminal justice system. Although the data collection period gathered information on over 1,800 offenders in Ohio, it would be imprudent to assume that the findings are representative of all offenders in Ohio. First, resource constraints limited the inclusion of cases from all counties and correctional institutions. Second, although the samples were gathered from specific populations, certain types of cases may be underrepresented in the population (e.g., sex offenders, Hispanic offenders, female offenders). The underrepresentation in the population leads to small numbers of these types of offenders in the sample. For example, the findings from the RT were based on a sample size of 65 females. Although the results provide evidence that females have a distribution on the risk levels that is different from men, the findings should be considered preliminary until data can be collected on a larger sample of women who are released from prison.

Measurement error creates a second limitation for this study. The major source of data collection for this study was the structured interview, which was undertaken by trained research staff, not criminal justice personnel that will administer the assessment once it is implemented. Further, the informed consent process identified a sample of offenders who agreed to participate in the interview process. In short, the structured interview process used to gather the data will likely be

somewhat different from the process used by criminal justice officials to interview cases and assign risk once the ORAS is implemented.

The limitations of this study suggest that ODRC follow several important recommendations. The first major recommendation is that ODRC conduct revalidation studies of ORAS. Revalidation studies will provide further evidence that the instruments in ORAS can predict recidivism across multiple samples from the same population. Further, the automation and storage of ORAS data will allow researchers to gather stratified probability samples in order to 1) provide a sample that is representative of all counties in Ohio and 2) oversample underrepresented groups (such as women and sex offenders). Also, revalidation studies should seek to extend the follow-up time. Although an average follow-up of 12 months is adequate, research suggests that 18 to 24 month follow-up times are optimal (Jones, 1996).

Revalidation studies can also address the threat that measurement error poses to this study. That is, revalidations studies will involve gathering data from assessments that are given by personnel within the criminal justice system, examining the predictive validity of ORAS in a “real world” setting. Another important step to help ensure the validity of ORAS is proper training. To ensure this, a specific training protocol has been developed for training personnel on the assessment instruments. Proper training cannot be stressed enough, because the efficacy of every assessment is heavily dependent upon the person who conducts the interview and scores the risk instrument. This is especially important because, although the interview questions are structured to maximize reliability, scoring for some of the items relies upon the professional judgment of the interviewer. Training will also help to minimize the potential measurement error from differences between having criminal justice personnel conducting the interviews instead of university research staff. Not only is initial training important, but it is recommended that a system be developed that specifies the training process, provides reliability checks for interviewers, and specifies guidelines for retraining.

Although the study’s limitations should be kept in mind, ORAS provides some distinct advantages. For example, not only does ORAS classify offenders into risk categories, it also provides case managers with the tools to prioritize treatment needs. That is, each assessment instrument can be broken down into domains and the likelihood of recidivism within each domain can be used to flag problematic domains. As a result, the treatment domains provide a means to efficiently allocate treatment resources in a manner that reduces recidivism. ORAS also provides assessments that are constructed based on samples of Ohio offenders and are specific to different stages in the criminal justice system. Another advantage is that ORAS increases the consistency in assessment across counties and agencies. Using ORAS is likely to encourage agencies to conform to the principles of effective classification. This is because ORAS provides assessments that 1) separate Ohio offenders into risk groups based on their likelihood to recidivate, 2) identify dynamic risk factors that can be used to prioritize programmatic needs, 3) identify potential barriers to treatment, and provide an override option.

* This research was made possible with a grant from the Ohio Department of Rehabilitation and Correction (grant numbers 2005-JG-E0R-6269 and 2005-JG-C01-T8307). Views expressed are those of the authors and do not necessarily reflect the views of ODRC.

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The Role of Probation and Parole Officers in the Collaborative Response to Sex Offenders

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IN JUNE 2007, the American Probation and Parole Association was awarded a cooperative agreement from the National Institute of Corrections to develop a curriculum for training community corrections professionals on how to deal with low-level/low-risk sex offenders from a collaborative framework. The training module included two components: 1) a module focusing on how to define, identify, and supervise low-level sex offenders, and 2) a module focusing on strategies to promote collaboration in working with these sex offenders. In this article, the authors introduce the collaborative response to sex offenders, with a specific focus on the role of probation and parole officials in this collaborative response system.

When considering the importance of collaboration, the adage “three heads are better than one” comes to mind. This phrase points to the benefits of working together. Regrettably, when individuals are asked about their perceptions of collaboration, negative responses are common. Practitioners tend to want to work with members of their own agencies, but may be resistant to working with individuals from other agencies. This resistance stems from two sources: 1) a lack of understanding about those who are involved in the collaborative response, and 2) a lack of understanding about the principles of collaboration. To address these issues, the curriculum introduces training participants to the parties involved in responding to sex offenses and the principles of collaboration. Below is an overview of the role of probation and parole officials in the response to these cases, and a discussion of the parties with whom probation and parole officers will collaborate in sex offense cases, as described in the curriculum.

Individuals/Agencies in the Collaborative Network

Much of the curriculum focuses on identifying the roles of various agencies involved in the collaborative response to low-level sex offenders. While many sex offenses may go unreported, when they are reported to criminal justice officials, several different agencies are called upon to assist with the response to the crime. As noted in the curriculum, these agencies include the following:

- Probation and parole officers
- Law enforcement (police and sheriff’s investigators)
- Jail staff

Court Staff—Prosecutors, Defense attorneys, Judges

- Prison staff
- Treatment staff
- Health care professionals
- Victim advocates

Probation and parole officers have become increasingly involved in the collaborative response to sex offenses in recent years. It has been said that probation and parole officers serve as the sex offender's "external conscience" (Jenuwine et al., 2002). What this means is that, as one source of external control in the collaborative response to sex offenses, probation and parole officers will work closely with sex offenders in an effort to make sure that offenders abide by the conditions of their probation/parole. In terms of collaboration in preventing sex offenses, probation officers are encouraged to:

- Participate in efforts by your local sexual assault program and other violence prevention groups to prevent sexual violence.
- Volunteer to assist law enforcement agencies with community notification proceedings. Work to make these meetings nonthreatening and educational.
- Offer to educate school boards, neighborhood associations, chambers of commerce, faith communities, and other interested people about sex offenders, risk factors, and prevention ideas.
- Use your influence with your clients to help them develop respectful attitudes and behaviors.
- By your own actions, model for your supervisees skills such as self-esteem, communication, assertiveness, limit setting, and conflict resolution.
- Learn about resources in your community from perpetrators, victims, and families of both. Share the information with your supervisees and their families.
- Continue to meet regularly with family members as necessary.
- Educate the family members or significant others of your supervisees about sexual violence and suggest ways they can support treatment and prevent relapse.
- If necessary, find programs that meet the needs of non-English speaking, illiterate, developmentally disabled, or mentally ill offenders, or those who are from a different culture than other participants.
- Strongly advocate expansion of treatment options for sex offenders, especially approaches that succeed in preventing further offenses and promoting treatment.
- Develop a supervision plan so victims are protected from further abuse.
- Volunteer to help train advocates from sexual assault programs about sexual offense issues. Tell them about your experience with offenders (Minnesota Department of Health, 2007).

In reviewing these items, three things become clear. First, probation and parole officials have a central role in responding to and preventing sex offenses. Second, their role is not limited to supervising sex offenders, but also includes performing activities designed to prevent sex offenses in the community and protect members of the public. Third, in reviewing each of these items, it is clear that probation and parole officers do not operate alone in their efforts to supervise low-level sex offenders. Instead, they work with other officials to perform each of these tasks. The roles of these other officials and the way probation and parole officials interact with each of them are discussed below.

Law enforcement (police and sheriff's investigators) are typically the first responders in cases of sexual offenses. The duties of law enforcement officers in responding to sex offenses are often well-defined. Officers arrive at the scene, secure the scene, gather evidence, and interview different parties (e.g. victims, witnesses, and offenders). After conducting an investigation, law enforcement officers decide if probable cause exists for an arrest. In cases where an arrest is made, officers then begin booking and intake procedures. In terms of collaboration, officers will typically communicate with their administrators, prosecutors, jail staff, and victim advocates as they process the case through the justice system.

Law enforcement administrators (sheriffs and police chiefs) also have a role in preventing sex offenses. Their involvement should include 1) providing continuing education about sex offenses to all staff, 2) reviewing sexual assault policies, 3) sharing information with the community about these policies, 4) seeking community support for improved sex offender legislation, and 5) hiring staff who can respond to the needs of sexual assault victims and the dynamics of sex offenders (Minnesota Department of Health, 2007).

Probation and parole officers can work with law enforcement officers in at least three different ways in their efforts to respond to sex offenders. First, probation officers might seek out information from law enforcement about specific offenders as they develop case plans for specific sex offenders. Second, probation and parole officials might join law enforcement officers in conducting ongoing investigations of sex offenders who are currently under some form of community supervision. Third, probation and parole officials will often serve along with law enforcement officials on sex offender supervision teams.

Jail staff become involved in responding to (and preventing) sex offenses after a defendant is identified and arrested by law enforcement. Jail staff are involved with sex offenses in at least three different ways. First, jail staff supervise those defendants who are not granted bail while they remain in jail pending trial. Second, lower-level sex offenders may be sentenced to jail after they are convicted. Common sentences for low-level sex offenders include short periods of incarceration in jail or prison. Third, during incarceration of sex defendants/offenders, jail staff are required to protect the offenders from being victimized themselves.

- Beyond these specific interactions with sex offenders, jail staff can also be involved in preventing sex offenses in other ways. For example, jail staff are encouraged to:
- Be a role model. Jail workers' practice of respectful treatment of others and limit-setting can serve as an example for the detainees.
- Help make the system work. Jail workers represent the community by supervising the detainee and by holding the detainee accountable.
- Aid in treatment. A jail worker's interaction with the sex offender detainees and participation in the treatment process can help treatment providers best meet the needs of these individuals.
- Support victims. All justice officials have a role to play in ensuring that certain victims' rights are upheld (adapted from Minnesota Department of Health, 2007).

Probation and parole officials work with jail officials in at least three different ways when responding to low-level sex offenders. First, when developing pre-sentence reports, probation officials may need to solicit information from jail staff. Second, when preparing offenders for release back to the community, probation and parole officials may find it useful to seek input from jail staff. Third, when working on community-wide prevention strategies, probation and parole officials may work with jail staff to develop prevention plans and programs.

Court staff (prosecutors, defense attorneys, court clerks and judges) also have a role in the collaborative response to sex offenses. Prosecutors decide which cases to prosecute, help to protect victims' rights, and use their position to send the community messages about the inappropriateness of sex offenses. Defense attorneys safeguard the rights of the accused and may work with treatment staff to ensure that offenders receive the appropriate treatment. Court clerks become involved in sex offenses by overseeing restitution collection and disbursement. Judges are the referees of the adjudication process. They decide the sentence given to offenders, the conditions for probation, treatment placement, and so on. Judges are also responsible for making sure that victims' rights are protected.

Probation and parole officials work with each of these groups in responding to sex offenses. They seek information from prosecutors and provide sentencing recommendations to judges. Also, probation and parole officials routinely share updates about offender progress, or lack of progress, under community supervision. In addition, probation and parole officials ensure that sex offenders are abiding by their release conditions and report any necessary deviations to the appropriate court officials.

Prison staff are also involved in the response to sex offenses. Like jail staff, their involvement includes supervising convicted offenders and serving as a role model to offenders. Also similar to jail staff, they have a role in promoting treatment, protecting offenders from abuse, and holding offenders accountable for their behavior. Unlike jail staff, prison staff are likely to supervise higher-risk sex offenders. Prison staff also work closely with treatment providers in an effort to rehabilitate incarcerated sex offenders.

Probation and parole officials work with prison staff to classify offenders for incarceration and assist in the re-entry of sex offenders back into the community. Given that convicted and incarcerated sex offenders are highly stigmatized (Tewksbury, 2005), re-entry strategies are particularly important for this offender group. Note also that recent state policy changes mandating prison sentences followed by long, if not lifetime, sentences of probation/parole have formalized a relationship between prison staff and probation/parole officials responding to sex offenses.

Treatment providers are also involved in the collaborative response to sex offenses. These providers include counselors, social workers, psychiatrists, psychologists, and other treatment professionals. Treatment providers work with both incarcerated and non-incarcerated sex offenders. Some also work with victims of sex offenses. Treatment providers and justice officials may appear to have divergent views about sex offenders. Many justice officials may view sex offenders as in need of strict punishment, while treatment providers are clearly supportive of rehabilitative ideals.

In many ways, probation and parole officials bridge the gap between the retributive orientation of criminal justice professionals and the rehabilitative orientation of treatment providers. While public safety is the main goal of probation and parole officials responding to sex offenders, the most effective probation/parole strategies call for integrating treatment into the sex offender's treatment plan (English et al., 1997). With low-level sex offenders, in fact, it is plausible to argue that rehabilitative ideals are particularly important. In promoting these ideals, probation/parole officials must have open lines of communication with treatment providers.

Health care professionals are also involved in the collaborative response to sexual assault. From a strict medical perspective, health care professionals are involved in sex offenses in the following ways:

[Health care professionals] assess patients for acute medical needs and provide stabilization, treatment, and/or consultation. Ideally, sexual assault forensic examiners perform the medical forensic exam, gather information for the medical forensic history, and collect and document forensic evidence from patients. They offer information, treatment, and referrals for sexually transmitted infections (STIs) and other nonacute medical concerns; assess pregnancy risk and discuss treatment options with the patient, including reproductive health services; and testify in court if needed. They typically coordinate with advocates to ensure patients are offered crisis intervention, support, and advocacy during and after the exam process and encourage use of other victim services. They may follow up with patients for medical and forensic purposes. Other health care personnel that may be involved include, but are not limited to, emergency medical technicians, staff at hospital emergency departments, gynecologists, surgeons, private physicians, and/or local, tribal, campus, or military health services personnel (United States Department of Justice, 2004, p. 2).

From this framework, one can suggest that health care professionals are involved in the collaborative response to sex offenses in at least five different ways. First, health care providers may suspect sexual assault and report it to the appropriate authorities. Second, health care providers may be called upon to help victims deal with their immediate physical injuries. Third, health care professionals (Sexual Assault Nurse Examiners in particular) may be involved in gathering evidence from the victim. Fourth, if the victim allows it, health care professionals may

serve as witnesses in criminal trials. Finally, health care professionals are often involved in educating the community about sexual assault prevention.

In terms of interactions between probation/parole officials and health care workers, four potential scenarios exist. First, probation officers preparing presentence reports may need to seek information from health care professionals who have information about the offender or victim. Second, probation/parole officials may need to work with mental health professionals in developing assessment plans for sex offenders. Third, probation and parole officials may need to gather information from health care professionals if offenders violate certain conditions of their release. Finally, the two groups may find themselves working together on collaborative teams developed to prevent sex offending in local communities.

Victim advocates are also involved in the collaborative response to sexual assault. According to Lonsway (2006), two types of victim advocates exist—community-based advocates and system-based advocates. Community-based advocates typically work for some sort of agency that is not affiliated with the justice system. These often include non-profit private agencies. System-based advocates typically work for a specific agency in the justice system. They are often referred to as “victim-witness” advocates because they work with victims who are willing to be witnesses in the justice processing of their cases. While different issues arise for each type of advocate, both groups provide an array of services in preventing or responding to sexual assaults. These services include crisis intervention, facilitating decision making, accompanying victims, serving as a liaison between agencies, safety planning, and referrals.

Probation and parole officials work with victim advocates in several different ways. First, in some cases, advocates might be the point of contact for probation/parole officials needing information from victims. Second, probation and parole officials might need to contact victim advocates in developing and arranging restitution payments to victims. Third, given that advocates routinely provide training about sex offenses, probation and parole officials might participate in training programs offered by advocates. Finally, as with the other groups, probation and parole officials often serve on collaborative teams with probation and parole officers.

Researchers are also involved in the collaborative response to sex offenses, albeit of a different nature than other professionals. Collaborative efforts must be evaluated to determine whether changes need to be made. Researchers interested in studying sex offenses and responses to these offenses can use their skills and abilities to inform our understanding about the most appropriate collaborative tools and strategies.

Probation and parole officials are in an excellent position to work with researchers in this collaborative response system. For example, probation and parole officials can help researchers gain access to data and potential research samples. Probation and parole officials can also work with researchers to develop appropriate lines of inquiry. Through forming researcher/practitioner partnerships, researchers and probation officers can formalize strategies to increase understanding about sex offenders of all types. Most important, the two groups work together by sharing, and using, relevant information. In particular, probation and parole officials provide researchers with insight into the response to sex offenders, while researchers use this information to develop recommendations for responding to and preventing sex offenses.

Concluding Remarks

A number of other individuals/agencies may be involved in the collaborative response to sexual offenses. These include mental health care professionals, public health professionals, victim service providers, elected officials, funders, neighborhood associations, the media, employers, child care providers, parents, school personnel, sports/recreation leaders, victims, and college students. Table 1 shows how all of the groups discussed above and these ancillary groups can be involved in the collaborative response to sex offenses.

TABLE 1. Roles of Different Groups Involved in Collaborative Efforts

GROUP	Role in Responding to Sexual Assault
Law enforcement	<ul style="list-style-type: none"> -use leadership role to show how power can be used in healthy ways -cooperate with violence prevention programs
Jail staff	<ul style="list-style-type: none"> -use leadership role to serve as role models for prevention of sex offenses -support community efforts to get involved in violence prevention efforts
Prison staff	<ul style="list-style-type: none"> -serve as role models to inmates -facilitate treatment
Prosecutors	<ul style="list-style-type: none"> -set example by showing respect to victims -recommend sentences that include treatment for sex offenders
Defense attorneys	<ul style="list-style-type: none"> -learn about treatment programs for sex offenders -work with system to build prevention initiatives
Court officials	<ul style="list-style-type: none"> -review laws and keep other staff informed -make sure court staff is aware of effective sentences for sex offenders
Probation/Parole officers	<ul style="list-style-type: none"> -serve as role model to sex offenders -participate in community awareness campaigns
Health care providers	<ul style="list-style-type: none"> -talk to patients about human development, healthy sexuality, sex offenses -watch for signs of sex offenses -make referrals and participate on prevention/response teams
Helping professionals	<ul style="list-style-type: none"> -work with clients to reduce risks of sex offenses -meet with different professionals involved in response to sex offenses
Mental health professionals	<ul style="list-style-type: none"> -watch for signs of sex offenses -help clients build strengths -communicate best ways to help victims and offenders with others
Public health professionals	<ul style="list-style-type: none"> -teach community about healthy development -meet with community partners to plan prevention efforts
Victim service providers	<ul style="list-style-type: none"> -extend services to underserved groups -educate about healthy sexuality -serve on sex offense prevention coalitions
Elected officials	<ul style="list-style-type: none"> -encourage constituents to take a role in preventing sex offenses -sponsor research on sex offenses and the justice system's response -communicate the costs of sex offenses to the community
Funders	<ul style="list-style-type: none"> -participate in awareness campaigns -support and fund programs to prevent sex offenses -assist efforts that seek to explain sex offenses
Neighborhood	<ul style="list-style-type: none"> -conduct needs assessment for prevention of sex offenses

groups	-work with other groups to prevent sex offenses
Media	-present messages opposing sex offenses -use public service ads to support collaborative efforts
Employers	-ensure workplace is free from sexual harassment -support well-being and healthy development -support collaborative efforts with funds or staff
Child care providers	-serve as a role model -communicate ways to identify sex offenses to others
Parents	-promote non-violence -talk to children about healthy sexual development
School personnel	-serve as a role model -work with parents to promote healthy development -participate in prevention efforts with other community agencies
Victims	-serve as role model to others -participate in justice process to the extent that they feel comfortable
College students	-serve as mentor to younger student -participate in sexual assault prevention efforts

SOURCE: Adapted from Minnesota Department of Health (2007).

No one group alone can solve any crime problem. This is especially true for sex offenses. While the curriculum was developed with an aim towards increasing understanding about low-level sex offenders, the parties called upon to respond to these offenses also collaborate on other forms of crimes. The types of interactions, however, tend to be dictated by offense type rather than occupation type. Probation officers working with law enforcement officers to address drug offenses, for example, will engage in different forms of interactions than they would when responding to sex offenses. In this sense, it is imperative that these groups understand their roles, their collaborative partners' roles, and the dynamics of sex offending. They must not assume that all sex offenses are the same. As noted in the curriculum, the wide range of sex offenses warrants that different response strategies be used for different types of sex offenders. By recognizing these roles and the need to dictate responses according to offense type, probation and parole officials place themselves in a better position to participate in the collaborative response to sex offenders. The NIC-APPA curriculum provides all community corrections professionals the opportunity to understand these roles and better prepare themselves for the response to these offenses.

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Published by the Administrative Office of the United States Courts www.uscourts.gov
[Publishing Information](#)

Pretrial Diversion: The Overlooked Pretrial Services Evidence-Based Practice

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ALTHOUGH PRETRIAL DIVERSION (PTD) was conceived in the late 1940s as a program for dealing with juvenile offenders, it was not implemented in the federal judiciary under its current form until the passage of the *Pretrial Services Act of 1982*. Originally, PTD was meant to be an alternative to prosecution for low-level criminal offenders who had identifiable rehabilitative needs (Ulrich 2002). Moreover, an expectation of this program was that participants lack a significant criminal history. Through identifying potential participants in this program and developing an individualized supervision plan aimed at addressing root causes of the individual's criminal activity, stakeholders attempted to prevent future involvement in criminal behavior.

Emerging as part of the rehabilitative movement of the 1960s and 1970s, PTD gained popularity as an informal alternative to prosecution (Roesch 1978). Despite multiple different forms of PTD that have developed over the past 50 years, research regarding this program is significantly lacking (for a more complete legislative history, see Bellasai 2008 and Clark 2007a). Thus, similar to pretrial services bond supervision, far too little current research has been conducted to make recommendations for "best practices." Additionally, a consistent decline in the use of PTD at the federal level raises concern that the program will dissolve prior to the development of such practices.

Of the 98,244 pretrial services cases activated nationwide in FY 2008, 1,426 were PTD cases. In comparison, at the time of the last published analysis of PTD in 1999, the number of cases activated were 80,154, with 2,716 being PTD cases (Ulrich *Ibid.*). Alarming, despite an increase of more than 20 percent in overall cases, PTD cases diminished by more than 48 percent. Of similar concern, three districts (the District of New Jersey, the Eastern District of Virginia, and the Eastern District of Missouri) accounted for approximately one-quarter of these PTD activations in FY 2008. The number of cases activated in each of these three districts constitutes more activations than the entirety of the first, second, third, sixth, or seventh circuits (H-Table 1). This reduction of nearly half of all cases within the past 10 years is significantly concerning.

Over the past 25-plus years, this program has largely failed to gain and maintain momentum

throughout the pretrial services system. Although this failure has gone unexamined at the federal level, the trend of limited research and limited use seems consistent with many state-operated diversion programs (Tragos & Sartes 2008). Also, numerous legal challenges at the state level may have discouraged the implementation and operation of PTD programs (Clark *Ibid.*). Through a review of Eastern District of Missouri (ED/MO) and national policy, supplementary information gained through a record analysis, and ethnographic interviews of assistant U.S. attorneys (AUSA) and a judicial officer, this article attempts to offer evidence of the worth of an often overlooked program.

Literature Review

Under 18 U.S.C. § 3154(10), pretrial services and probation offices are authorized to participate in PTD programs according to the agreement between the chief pretrial services or probation officer and the U.S. attorney's office for each district. This program is to be administered by the U.S. attorney's office with pretrial services officers and probation officers acting in an investigatory and supervisory capacity. The U.S. Attorney's Criminal Resource Manual (USAM) title 9 § 712 provides additional guidance for the administration of this program.

Specifically, the USAM provides that PTD is subject to eight basic requirements at the federal level. These guidelines require that the U.S. attorney's office be involved in 1) the identification of eligible individuals; 2) the voluntary participation of candidates following consultation with legal counsel; 3) the maintaining of confidential information; 4) the coordination with the pretrial services or probation office for investigation, enrollment, and fingerprinting of eligible program candidates; 5) the development of an individualized supervision plan that is tailored to the subject's needs; 6) the ensuring that a PTD agreement is signed and that supervision does not extend beyond 18 months; 7) the formal dismissal of charges should the candidate successfully complete the term of supervision; 8) the initiation of prosecution should a subject fail to successfully complete PTD. Furthermore, title 9 § 22.100 of the USAM indicates that eligibility for this program is contingent upon the subject 1) not being charged with an offense that, under guidelines for the local U.S. attorney's office, should be diverted to the state for prosecution; 2) maintaining fewer than two felony convictions; 3) not being addicted to controlled substances; 4) not being a public official accused of an offense arising out of public trust; 5) not being charged with an offense related to national security or foreign affairs.

In addition to these regulations, *The Guide to Judiciary Policies and Procedures* offers direct guidance to pretrial services and probation officers on their specific responsibilities in the investigation and supervision of PTD candidates. Second, the National Association of Pretrial Services Agencies (NAPSA) reformulated its 1995 standards for PTD and issued a final version of these revisions in November 2008. Third, the American Bar Association (ABA) has emphasized adherence to its standards for its members' participation in PTD.

The common themes arising out of the standards of these agencies are the prevention of future criminality through the addressing of criminogenic needs, the conservation of public resources, and the implementation of restorative justice. Thus, pretrial services and probation officers are called on to collaboratively identify, assess, and supervise PTD candidates to monitor their program compliance as well as reasonably assure that any required restitution or community service obligation is completed. Moreover, these officers are called to do so by making judicious use of available resources to address criminogenic needs. At all stages, the standards listed above encourage the development and use of innovative practices.

In light of these standards and the promotion of the use of innovative practices, it is necessary to differentiate PTD from other, seemingly similar programs, such as specialty courts that have arisen in state and federal jurisdictions (Clark 2007b). Most prominent among these types of courts are drug courts. Such programs encourage defendants and offenders to work collaboratively with judicial officers and community supervision officers to address criminogenic needs. However, two noticeable differences emerge between these programs and PTD.

First, in such courts, a judicial officer is still required, whereas the goal of PTD programs is to

bypass the judicial officer in order to conserve that officer's time for cases needing greater attention. Second, despite an individual's successful or unsuccessful completion of these programs, a criminal conviction or participation in that program may remain on the defendant's criminal history indefinitely, depending upon the program's protocol. In contrast, PTD offers to expunge the offense of those who complete the program successfully.

Although the investigation and supervision of individuals who pose risks of danger to the community and nonappearance are common for probation and pretrial services officers, the PTD program requires the officer to step beyond those narrow constraints in order to effect long-term change in the divertee's life. In place of the presumption of innocence, officers have a voluntary acceptance of responsibility prior to program initiation. Instead of confining the officer's concerns to the few months prior to case disposal, he or she is required to continually assess the subject's third-party risk while under supervision and to assist in longitudinal planning that encourages positive lifestyle changes. In lieu of release on the least restrictive conditions, officers must determine an appropriate restitution or community service schedule (where appropriate), as well as any conditions imposed by the U.S. attorney's office or deemed necessary during the PTD investigation.

Such requirements obviously necessitate flexibility on the officer's part. In fact, PTD cases may seem to be contrary to the core identity and mission of pretrial services agencies, the investigation and supervision of defendants presumed innocent under the least restrictive means possible in order to reasonably assure the safety of the community and the presence of the individual as required. However, PTD clearly relates to pretrial services' mission, beliefs, and values of providing service to the court, assisting in the fair administration of justice, and ensuring the safety of the community

Critics of PTD argue that the discretionary power granted to the U.S. attorney's office is too great and in violation of constitutional rights, as evidenced by the multiple legal challenges that PTD has faced. Moreover, concerns have been raised that the PTD program is a method of net-widening, which consumes more judicial and prosecutorial resources than it conserves (Hillsman 1982). Due to the paucity of research in this area, however, such criticism cannot be adequately validated or refuted. However, it is worth noting that the NAPSAs standards attempt to address these concerns.

Methodology

The current study attempts to triangulate data regarding PTD through the use of multiple research methods. Specifically, the use of content analysis, ethnographic interviewing, and minimal quantitative analysis were employed to develop conclusions regarding the benefits derived from a well-implemented PTD program as well as anecdotal "best practices" that may be replicated in other districts. This multi-methodological approach allows for enhanced internal and external validity.

A thorough review of national and local policy was undertaken to determine the nature of the PTD program within the Eastern District of Missouri (ED/MO). As all districts that participate in a PTD program are required to establish a memorandum of understanding (MOU) with the U.S. attorney's office, it is reasonable to believe that unique factors exist within the ED/MO that impact the functioning of the program. In addition, national policy analysis uncovered specifications to the approved methods of operation of PTD throughout the federal judiciary. Following this review, minor clarifications were obtained through a brief discussion with office executives.

The examination of PTD in the ED/MO progressed with the investigation of data obtained through the use of Probation and Pretrial Automated Case Tracking System (PACTS) national reports. Additionally, supplemental information was obtained through a content analysis of annual reports from the ED/MO FY 2003 to FY 2007. Once these data were obtained, they were subjected to a frequency analysis that included the use of descriptive statistics.

In stage three of this analysis, ethnographic interviews were conducted with four assistant U.S. attorneys who refer cases for PTD frequently. Also, in order to obtain the perspective of a judicial officer, one additional interview was conducted with a magistrate judge. These interviews were conducted in person, telephonically, and via electronic correspondence, depending upon the schedule of the study participant. Confidentiality was assured to all study participants.

Findings

The review of the local and national policy revealed the general operation procedures for PTD in ED/MO. Essentially, cases are referred to the pretrial services office from the U.S. attorney's office with the investigative report of the investigating agents. These referrals are filtered through a PTD program coordinator who makes initial contact with the subjects and assigns cases for investigation. While these cases are commonly assigned to a student intern for investigation, all officers and officer assistants regularly conduct these investigations as well.

Within the police-defined, 45-day time frame, the product of these investigations is submitted to the U.S. attorney's office with a recommendation for participation in PTD or denial to PTD. The AUSA then has 14 working days to object to any information in the report. Absent any objection, the subject is enrolled into the program by the pretrial services office, fingerprinted by the appropriate executive-branch agency, and placed under the supervision of a pretrial services officer or officer assistant.

This supervision consists of individualized case management that targets the identifiable needs of the program participants for 12 to 18 months. Minimally, all divertees are required to submit a monthly written report to the pretrial services office, maintain monthly telephone contact with the pretrial services office, and submit to occasional, unannounced home assessments. Subjects who consent to participation in various forms of therapeutic treatments and/or require more intensive supervision will, of course, be monitored more closely.

After completing the agreed-upon time frame, subjects are successfully discharged from the PTD program. Should a restitution balance remain outstanding, the subject signs a notarized promissory note, with the divertee and the victim of the underlying offense each receiving a copy. Should this subject fail to make restitution payments to the victim following completion of PTD, the victim can pursue civil legal action against the subject at his or her discretion. In contrast, subjects who fail to abide by their PTD agreement are unsuccessfully terminated from the PTD program and referred to the U.S. attorney's office for prosecution at their discretion.

The premier example of this individualized, needs-based case management in the ED/MO is the community supervision-based Jail Diversion Program. This program, funded through a federal grant to an outside mental health agency, is a partnership with a local social service agency that caters to subjects with a Diagnostic and Statistical Manual of Mental Health Disorders (DSM-IV) axis diagnosis. This program offers divertees with serious mental health issues regular access to psychiatric and psychological treatment as well as assistance with medication. Moreover, participation in this program also familiarizes divertees with mental health issues with local resources that can continue to assist them following their completion of the PTD program.

In addition to the presence of such programs, pretrial services administrators take an active role in the PTD program. Pretrial services managerial leaders meet regularly with U.S. attorney's office managers to discuss the importance and successes of the PTD program as well as explore areas needing improvement. Furthermore, pretrial managers will actively pursue PTD case referrals from the U.S. attorney's office if referrals begin to wane. Finally, pretrial managers make an effort to educate all newly hired AUSAs of the benefits and process for PTD referrals.

An analysis of the ED/MO's annual reports from FY 2003 to FY 2007 indicates that an average of 130 PTD referrals are made each year and that 115 of these referrals are deemed appropriate for program participation. A mean analysis determined that an average of \$364,416.26 in restitution payments are collected prior to PTD program enrollment, \$196,312.74 was collected during supervision, and \$249,289.16 was pledged in promissory notes. In light of these figures, it appears that while the most restitution was collected prior to program enrollment, a significant

amount was collected while subjects participated in the program, as well as pledged money following their participation.

A review of PACTS data regarding PTD cases closed between FY 2003 and FY 2008 (Table 1) in the ED/MO revealed that the white collar crimes, especially fraudulent activity targeting governmental agencies and financial institutions, made up the overwhelming majority of offenses referred to PTD. However, the presence of minor drug-related crimes as well as minor crimes of violence and sex offenses displays the ability of the PTD program to serve a variety of populations.

Table 1 ED/MO Pretrial Diversion Cases from FY 2003 - FY 2008 by Offense Type		
	Frequency	Percentage
White Collar Crimes	537	83.1%
Drug-Related Crimes	22	3.4%
Driving While Intoxicated on Federal Property	22	3.4%
Minor Sex Offenses and Minor Crimes of Violence	13	2.0%
Miscellaneous Federal Offenses	52	8.0%
TOTAL	646	100.0%

These data also display an individualized attribute of the ED/MO that helps its PTD program to flourish. The presence of a large bar and nightclub district in close proximity to the Jefferson National Expansion Memorial (the St. Louis Arch) often results in many subjects being referred for participation in PTD due to operating a vehicle while intoxicated on federal property. While this specific national park is located in the ED/MO, there are undoubtedly numerous other federally owned properties, such as military bases, districts with special maritime jurisdiction, or other national parks, throughout the country where PTD could offer authorities and criminal offenders an alternative to unnecessary prosecution.

Data from the ethnographic interviews of AUSAs revealed multiple trends. Among these individuals, a common misunderstanding arose that the U.S. Attorney's Office does not obtain statistical workload credit for making PTD referrals. Similarly, these AUSAs believed that the pretrial services office as well as investigative agencies do receive this credit. While the perception of such a disparity would obviously make AUSAs disinclined to make referrals, it should be noted that such workload credit is obtained by U.S. attorney's offices according to information received from the Department of Justice.

Despite this misunderstanding, these attorneys lauded the success and importance of the PTD

program. Primarily, the responses of these subjects highlighted the importance of the high level of confidence that each attorney had in the capabilities of the pretrial services office to thoroughly and individually supervise divertees. Unfortunately, due to the individualized way in which the AUSAs must treat their cases, no interview subject was able to provide an accurate or consistent estimation of time or financial resources saved that could be directly attributed to the presence of the PTD program.

The lone judicial officer who was interviewed regarding the costs and benefits of the PTD program expressed sentiments similar to those of the AUSAs. In addition to the importance of high quality pretrial services case management and saving the time and resources of the court, however, the judicial officer's responses focused on the importance of maintaining numerous alternatives for case disposal and offering those who engage in criminal behavior a chance at making positive lifestyle changes. This judge emphasized that such changes are too often hindered by the presence of an individual's criminal record.

Implications

In a 2007 article, John Clark, Senior Project Associate with the Pretrial Justice Institute, proposed that a "third generation" of non-traditional case disposal options is poised to begin. As the initial generation of PTD gave way to the specialty courts, the new generation will combine these similarly oriented programs to manage the wide array of cases that each court faces. Thus, it seems that the field is willing to accept PTD as a realistic option of the case disposal continuum so long as it can be validated as an effective program.

The evidence presented in this analysis proposes that such validation can be seen in a district where PTD is widely used. These data suggest that significant time and resources may be saved by the U.S. attorney's office, the judicial officers of a court, the investigative agents, and the pretrial services or probation office when PTD is thoroughly implemented. In addition to the conservation of time and economic resources, PTD can positively impact the lives of participants through the avoidance of criminal conviction and the offering of social services to address criminogenic needs.

In light of these program foci, it appears that the current study confirms the literature finding that a clear discrepancy can be found between the traditional mission and tasks of pretrial services and the longitudinal addressing of criminogenic factors that PTD is intended to achieve. It seems that pretrial services functions are not isolated to addressing factors prior to trial only. As participation in the PTD program attempts to make significant lifestyle changes in divertees through substance abuse counseling, mental health counseling, addressing chronic unemployment, and instilling a sense of personal accountability, the clear, overarching goal of this program is to reduce future criminality.

From the perspective of a pretrial services or probation officer, the PTD program offers an ability to individualize case supervision in order to address identified needs. Thus, providing accountable supervision of participants is necessary to maintain the high level of trust between the pretrial services office and the U.S. attorney's office that this program requires. However, due to the comparatively insignificant nature of many of these crimes and the requirements for program admission, many of these cases require less intensive investigation and supervision than pretrial services cases do. For example, PTD cases often lack significant criminal history, do not require the submission of status reports, and often cannot be addicts. This being the case, officer assistants and/or student interns may be able to perform the investigation process with limited supervision or officer involvement. Thus, similar to time and resources saved by the attorneys and judicial officers involved in a case, the pretrial services or probation officer benefits immensely from this program by having more time to dedicate to higher-risk defendants. Such factors clearly adhere to the recently established "pretrial risk principle" (VanNostrand & Keebler 2009).

A pretrial services or probation administrative viewpoint suggests that the time invested in developing and embracing an excellent relationship based upon open communication with the

U.S. attorney's office may result in an influx of workload credit-earning cases. Through tenaciously pursuing PTD referrals by managerial pretrial services staff, providing ongoing training to the U.S. attorney's office, and offering regular, public recognition of the number of cases referred for diversion, pretrial services administrative personnel must actively work to build a successful diversion program. Also, successful PTD programs must be structured so that the assistant U.S. attorneys are not expected to devote an unreasonable amount of time to the referral process. Moreover, such a program benefits greatly from the endorsement of the judicial officers for that district. Thus, open communication and promotion of such a program are needed for the continuation and growth of a PTD program.

In addition to saving time and resources, the U.S. attorney's office is offered an alternative to case disposal that is mutually beneficial to the government and to the subject of investigation. Clearly, however, the complexities of the statistical workload formula of the U.S. attorney's office may need to be more widely understood if PTD is going to gain greater momentum. It is believed that such additional guidance would promote the enhanced usage of PTD nationwide.

Although investigative agencies seemingly gain less from the implementation of a PTD program, the minimal gain in time and resources in not having to search for and arrest charged defendants as well as the time and resources gained from not having to prepare for and attend court hearings suggests that such a program benefits these stakeholders as well. Of course, the reduction of the threat to an investigative agent's safety cannot be minimized as PTD participation does not require that agent to effect an arrest.

Benefits to the participants of the PTD program are numerous as well. In addition to being given the opportunity to address problematic aspects of their lives, divertees also gain the immeasurable benefit of not being convicted of a federal crime. Numerous evidence-based practices (EBPs) developed in the post-conviction stage of supervision, such as the defendant offender workforce development (DOWD), and a plethora of academic research (Petersilia 2003) demonstrate that individuals with federal criminal convictions face many challenges to obtaining employment and housing, and developing positive interpersonal and familial relationships upon release from incarceration.

Similarly, in analyzing the ED/MO's Jail Diversion Program, substantive research on the prevalence of mental health disorders within the criminal justice system, including some research regarding similar diversion programs or special needs courts (e.g. Swaminath et al. 2002), clearly justifies the presence and need for such programs. Such research also regularly discusses the causal links between mental health disorders and criminal involvement and indicates the lack of programs to assist individuals with such conditions in the criminal justice system (Hartford et al. 2007). Thus, the PTD program and, subsequently, the Jail Diversion Program offer an alternative to prosecution and confinement of individuals in serious need.

While the main contributors to a successful PTD program are the U.S. attorney's office and the pretrial services or probation office, the contributions of the federal public defender's office and the U.S. Marshals Service cannot be overlooked. Evidence from ED/MO suggests that although all divertees are informed of their right to legal representation prior to entering this program, the overwhelming majority waive this right. Nonetheless, the federal public defender's office is always available to be appointed to represent PTD candidates, should the need arise. Such availability is necessary for the successful functioning of this program. Similarly, the assistance of the U.S. Marshals Service with the fingerprinting of the vast majority of PTD cases allows for greater ease and completeness of the enrollment process.

One final group of stakeholders are the victims of criminal acts. From the perspective of a program emphasis on restorative justice, success can only be gauged by whether identifiable victims were made whole. Also, the financial nature of the majority of the criminal offenses referred to PTD justifies using restitution as a metric of anecdotal success. These data suggest that, on average, the majority of restitution is collected prior to enrollment into PTD and while under supervision. In addition, victims are provided with a civil recourse to obtain any uncollected restitution in the form of a notarized promissory note signed at the conclusion of

supervision. Third, victims receive their compensation more quickly than if the case were submitted for prosecution.

Such a reduction in criminality and a conservation of resources are particularly appealing during current times of economic conservatism. Undoubtedly, criminal acts as well their prevention, investigation, prosecution, rehabilitation, and punishment are tremendously expensive to the American public. With fewer economic resources available, it seems that PTD offers a less costly form of case disposal that is mutually beneficial and based upon the theory of restorative justice.

Enhancement and further quantitative analysis of these data, however, were inhibited by multiple factors. Although PACTS offers a variety of standard data reports, it lacks an analysis of the number of PTD cases unsuccessfully terminated that were referred for prosecution. Thus, while all cases unsuccessfully terminated are referred back to the U.S. attorney's for prosecution, no accurate measurement is available for how many of these cases are actually prosecuted without further analysis or the development of structured query language (SQL) programs, which is beyond the scope of this investigation. Second, the inability to filter PTD cases in some of the national reports prevents easily interpretable data from being obtained at the local level. Third, the lack of access to longitudinal data regarding divertees' future involvement in criminality after successfully completing the program inhibits a fuller analysis of the long-term effectiveness of PTD.

Although early evaluation research from the 1960s and 1970s offers evidence of the effectiveness of PTD, the dated nature of these analyses and the many changes that have occurred since that time prohibit modern attribution of these findings. Thus, additional research is required to further validate the effectiveness of PTD. Moreover, these future investigations should account for the presence of the recently developed specialty-type courts that are arising at the federal level. In doing so, pretrial services can begin to crawl away from a reputation of being the field that research forgot. Finally, future investigations should examine the longitudinal impact on PTD participants to determine any future involvement in criminal activity.

Limitations

Limitations in this study are those regularly associated with qualitative ethnography as well as case-study analysis. However, in a system that is increasingly interested in quantitative analysis and drawing conclusions based upon correlation and regression analyses, proponents of the field must not overlook qualitative works such as those presented here if they desire to fully depict and understand the elements of pretrial services work. Nonetheless, the limited scope of the current investigation and the relatively low number of ethnographic interviews conducted may prohibit field-wide generalizability of the findings presented.

Conclusions

Echoing modern findings regarding program reviews (Zlatic 2009) and prior analysis of the federal diversion program (Moriarty 1993), it seems that a key component of PTD program success in the ED/MO lies in an open-systems management style and the collaboration of multiple agencies through the use of effective communication. Such relationships and communication must be actively maintained by all parties in order to better assist in the fair administration of justice. In collaborating with the U.S. attorney's office in the PTD program, enhanced service to the court may be realized and numerous other stakeholders may benefit. Furthermore, in light of the continual search for pretrial EBPs that respect the legal and constitutional rights of those under supervision, the impact of PTD should be more thoroughly examined as a potential pretrial EBP.

As the example of the Eastern District of Missouri shows, implementing an effective PTD program requires pretrial services and probation officers to extend their traditional roles of assessing and addressing risks of nonappearance and danger to the community in favor of examining criminogenic factors in participants' lives. While such a role is beyond what is traditionally expected in pretrial services casework, the benefits displayed in the ED/MO by such

an approach seem to outweigh the adherence to a traditional role. Thus, while this evidence is based upon a qualitative analysis, findings suggest that communication, officer flexibility, and individualized supervision may constitute “best practices” for PTD program implementation and management.

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National Surveys of State Paroling Authorities: Models of Service Delivery*

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THE CONCEPT OF PAROLE has been around for more than a century in the United States and the goals and activities of parole agencies have evolved over time as social and political environments changed. Throughout the history of parole, calls for reform and new parole models have been voiced by prominent criminologists (i.e., Petersilia, 1999; Caplan, 2006; Criminological Research Associates, 1974); however, no attempts have been made to identify existing commonalities among state paroling authorities (i.e. parole boards). They are often nonchalantly categorized by authors of published articles and reports using binary descriptors that meet their literary needs. For example, two categorizations commonly referenced in the literature are *discretionary* parole, by which paroling authorities decide releases for eligible inmates on a case-by-case basis, and *mandatory* parole, by which judges or statutes define parole release as a function of an inmate's sentence (e.g., Ireland & Prause, 2005; Griset, 1995; Shade, 1982). *Indeterminate and determinate* sentencing structures have also been used repeatedly to describe paroling authorities (Pew Charitable Trusts, 2007; Ashford & Winston, 1993; Bottomley, 1990). Other less common descriptors include *casework* and *surveillance* models (e.g., West & Seiter, 2005), *summary parole* and *regular parole* models (Star, 1979), and *part-time parole boards* and *full-time parole boards* (Conley & Zimmerman, 1982; Hart, 1978).

This exploratory study assumed that paroling authorities (PAs) are more complex in terms of their structures and operations than their traditional references, which only describe one aspect of parole and are not exhaustive. The limited attention given to parole models may be attributable to the fact that reasonable people can disagree over which label best characterizes a particular agency or jurisdiction (Tonry, 1999b). However, this explanation does not account for the absence of models that aggregate shared attributes of PAs among different states rather than debate experts' preferences. A census of contemporary paroling authority (PA) attributes must be identified first before new models can be developed or existing models improved. Heeding calls for reform of parole is difficult when the system of independent agencies is greatly unknown in the broader context of the nation.

This paper presents a national snapshot of parole in the U.S. that was constructed from national survey data of state paroling authorities. Models depict the most common characteristics among all

state parole jurisdictions. A Geographic Information System (GIS) was used to map regional differences and further illuminate variance in the models. The principle research question of this study was straightforward: What are the different types of state parole models currently operating in the United States? The answer, discussed here, was long overdue and is greatly needed to better understand the structural and operational characteristics of parole in America.

Data Sources and Methods

A national survey was designed and implemented in consultation with the APAI that aimed to identify characteristics common to all paroling authorities (PAs), to capture differences among PAs, and to solicit information on regulations pertaining to release, supervision, and revocation decision-making activities. The survey was sent to the administrative heads of 67 PAs that were members of APAI as of November 2007, including all 50 states. The administrative head (i.e. chairperson, director) was asked to complete the survey himself or herself, or to designate an appropriate representative to do so in his or her place. Respondents were asked to consult whatever resources were available to them to ensure that the answers provided were accurate and up-to-date. The survey was administered online via Survey Monkey, a web-based survey tool. It provided respondents with a user-friendly interface to complete the survey and it streamlined the collection and management of response data. Forty-seven (47) of the 50 states that were asked to respond did so; the states that did not respond were California, Indiana, and Mississippi. Data from the 2008 APAI survey formed the basis for modeling.

Originally, the APAI dataset contained 108 categories of variables for each state in the U.S. All data were recoded into dichotomous variables, yielding 577 variables. Only those variables with sufficient variability were used for subsequent analyses. Sufficient variability was defined as more than 25 percent and less than 75 percent agreement among the states. For example, 44 out of 47 states permit victim input at parole hearings. Because there was little difference among states with regard to this attribute, it was excluded from a model. As shown in Table 1, remaining variables were categorized into "structural" or "operational" variables, with operational variables sub-categorized as "pre-release," "post-release: supervision," and "post-release: revocation." Structural variables included measures of PA composition, PA affiliation and jurisdiction, PA statutory regulations and authority to impact incarceration lengths. Five multilevel crosstabs were computed using all variables within each (sub)category, respectively. One multilevel crosstab included all "structural" variables; another included all "operational" variables combined; another included all "operational pre-release" variables; another included all "operational post-release: supervision" variables; and another included all "operational post-release: revocation" variables. As shown in Tables 2 through 5, the greatest overlap of variables within each crosstab became a model. Models represent the most common characteristics of paroling authorities in the U.S.—for each (sub)category. A geographic information system (GIS) was then used to assess spatial distribution of the models.

Table 1: Variables Included within each Category and Sub-Category

STRUCTURAL	OPERATIONAL
Mixed sentencing structure (both indeterminate and determinate)	Pre-Release
All full-time board members	Uses actuarial instruments to decide release
Has discretionary authority to release inmates	Time off credits are available
Has no discretionary power to set minimum time incarcerated (left up to courts/statutes)	Program completion is required prior to release
Has discretionary authority to terminate sentences prior to max	Board member voting for release works within a panel structure*
Independent/autonomous agency*	Minimum number of votes needed for parole approval*
Has jurisdiction over state inmates only*	Post-Release: Supervision

Has jurisdiction over adult inmates only*	Parole board has full authority over supervision of parolees in the community
	Board has discretionary authority to set conditions of parole
	Board uses actuarial instruments to set conditions
	Board uses actuarial instruments to set security levels of supervision
	Post-Release: Revocation
	Has discretionary authority to revoke parole
	Does not use actuarial instruments for revocation decisions
	Case hearing officers have discretionary authority to make final revocation decisions*
*excluded from final analysis due to either limited or extreme variability.	

Results

Overview of Parole in the U.S.: Key Findings from the APAI Survey

Most paroling authorities (PAs) consist of members appointed by the governor and who serve an average of five years. They are most often independent agencies or affiliated with the Department of Corrections. A majority of state PAs have the authority to make final release decisions and make those decisions within a mixed determinate and indeterminate sentencing structure. Over half the PAs require interviews with parole-eligible offenders prior to release, with most interviews conducted in-person by a panel of PA members. A minimum of three panel members and three votes are needed to decide release.

The top three sources of input considered by PAs in their release decision-making process are from the victim, the offender's family and the district attorney. Other factors that impact most heavily on the decision to release are crime severity, crime type, and offender criminal history, respectively. The most frequently cited factor in delayed release is a delay in program completion. Program completion is a prerequisite for release in most states; almost all PAs report that they do not have enough available programs. Most states do give time off credits (TOC), the most common one being statutory good time.

More than half of PAs have full authority over supervision and most have the power to set conditions of supervision for all their offenders across crime categories. More than half the PAs also have the authority to terminate supervision prior to maximum sentence for all offenders across crime categories. The most often cited responses to violations of supervision are outpatient and inpatient treatment programs, electronic monitoring, and house arrest. Most PAs can approve motions to revoke parole and over half can issue arrest warrants. Almost all PAs have the authority to manage or adjudicate violations, although only 75 percent can set the time to serve for revocation.

Over 90 percent of PAs can revoke supervision for all offenders across crime categories. Most PAs include both revocation options that return offenders to prison with or without treatment and non-revocation options that place offenders in intermediate sanctions or community-based facilities. Management of community-based facilities usually resides with the state's correctional authority. With regard to instruments used to guide the parole process, the most commonly cited are Static-99, LSI-R, and instruments developed in-house. The only instruments that are routinely validated are those developed in-house.

The most easily produced and regularly published statistic by PAs is the number of offenders paroled in a given calendar year. Other statistics seem to be difficult to produce, apparently because the PAs are not always the entity that manages statistics. Only 29 PAs provided recidivism rates,

with averages ranging from 25.1 percent calculated for one year to 4.28 percent calculated for over three years. The offender population used to calculate rates varied too much to report a pattern. The events used to calculate recidivism were generally those that resulted in incarceration. Only 19 PAs reported having secure facilities that can be used in place of incarceration.

Overall, the survey was successful in gathering a great deal of information about the policies and practices of domestic paroling authorities. Full findings from the survey are published in a report entitled “Findings from the APAI International Survey of Releasing Authorities,” and can be downloaded at <http://www.apaintl.org/documents/surveys/2008e.pdf>.

Paroling Authority Models

Nine states share common structural attributes. As shown in Table 2 and Figure 1, the structural model comprises states that share the following characteristics: The paroling authorities (PAs) are composed of all full-time members; their sentencing structure is mixed (both determinate and indeterminate); they have discretionary power to release; they have no authority to set minimum time (this function is left up to the courts or statutes); they have the authority to terminate the maximum sentence. There does not appear to be a significant spatial cluster of states that share structural attributes, although most of the states are in the eastern and mid-western part of the country.

Twenty-four states share common pre-release characteristics. As shown in Table 3 and Figure 2, the pre-release operational model comprises states that share the following characteristics: Program completion is required prior to release; time-off credits are available; PAs use risk assessment instruments in release decisions. There does not appear to be significance in the spatial pattern, although the plurality of states is in the south and mid-west.

Thirteen states share common post-release characteristics with regard to supervision. As shown in Table 4 and Figure 3, the post-release operational model for supervision comprises states that share the following characteristics: Their PAs have full authority over parolee supervision; their PAs have the authority to set conditions of parole; they use risk assessment instruments to set conditions and levels of parole. The spatial pattern shows some clusters in the east, south and mid-west.

Thirty-one states share the most common post-release characteristics with regard to supervision. As shown in Table 5 and Figure 4, the post-release operational model for revocation comprises states that share the following characteristics: Their PAs have authority to revoke supervision and they do not use risk assessment instruments to decide revocation. There does not appear to be any obvious spatial clusters, as most states fit this model.

The combined operational model comprises state PAs that share all the operational commonalities: Program completion is required prior to release; time off credits are available; they use risk assessment instruments in release decisions; they have full authority over parolee supervision; they have the authority to set conditions of parole; they use risk assessment instruments to set conditions and levels of parole; they have authority to revoke supervision; they do not use risk assessment instruments to decide revocation. Only five states share these common characteristics and spatially cluster in the southern part of the United States, as shown in Figure 5. Only one state—Tennessee--has all operational and structural characteristics discussed here.

Table 2. Model 1 – Structure

Authority to terminate prior to max	Has power to set minimum time	Authority to release offenders	Board membership			Mixed sentencing structure
Yes	Yes	Yes	All full-time	State	AL	--
					GA	Yes
				Total		1

			All part-time	State	OK	--
				Total		--
			Mixed	State	HI	--
					IA	--
					UT	--
				Total		--
	No	Yes	All full-time	State	FL	Yes
					IL	Yes
					MI	Yes
					MN	Yes
					MO	--
					NB	Yes
					NJ	Yes
					NY	Yes
					OH	Yes
					TN	Yes
					WVA	--
				Total		9
			All part-time	State	AK	--
					ID	Yes
					NH	--
					SD	--
					VT	--
					WY	--
				Total		1
			Mixed	State	CT	Yes
					KY	--
					WA	Yes
				Total		2
No	Yes	Yes	All full-time	State	TX	--
				Total		--
			All part-time	State	MT	--
				Total		--
No	No	Yes	All full-time	State	AR	Yes
					LA	--
					MA	Yes
					MD	--
					OR	Yes

					PA	--
					SC	Yes
				Total		4
			Mixed	State	DE	Yes
					NV	--
					RI	--
				Total		1
		No	All part-time	State	NM	--
				Total		--
			Mixed	State	NC	Yes
				Total		1

Figure 1

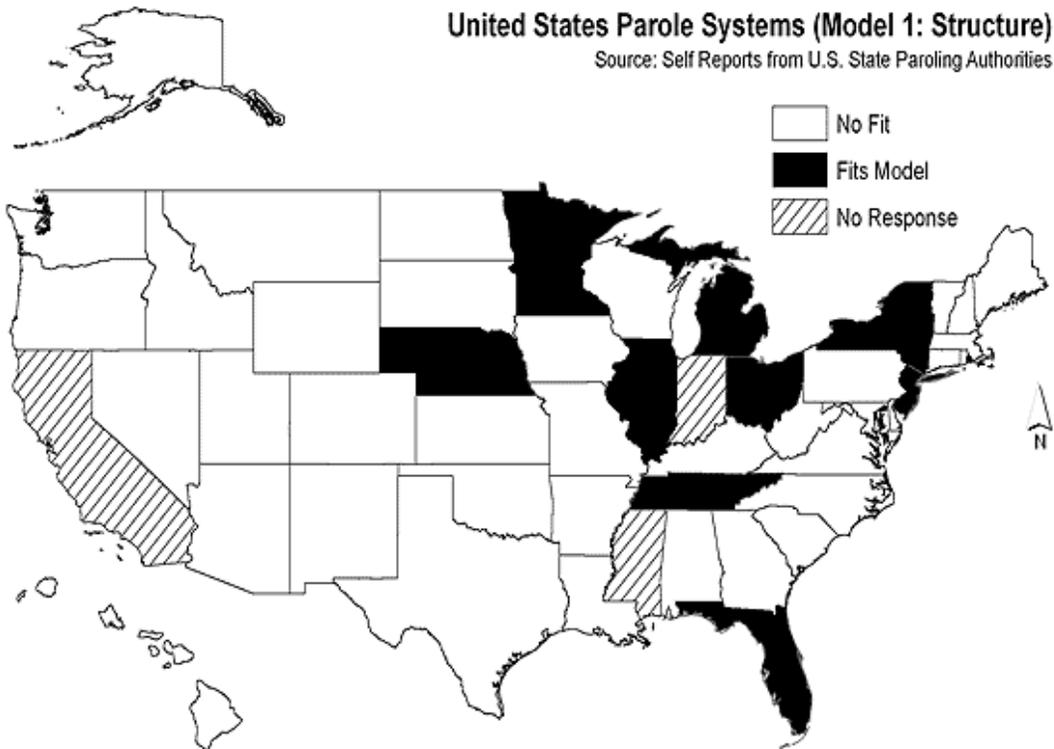


Table 3. Model 2 – Operational, Pre-Release

Time off credits available?	Program completion required?			Use parole decision making instruments?	
				Yes	No
Yes	Yes	State	AK	1	0
			AL	1	0
			AR	1	0
			AZ	0	1
			CO	1	0

			DE	1	0
			FL	1	0
			GA	1	0
			IA	1	0
			KS	0	1
			KY	1	0
			LA	1	0
			MA	1	0
			MD	1	0
			ME	0	1
			NB	1	0
			ND	1	0
			NJ	1	0
			OK	1	0
			RI	1	0
			SC	1	0
			SD	1	0
			TN	1	0
			TX	1	0
			WA	1	0
			WI	0	1
			WVA	1	0
			WY	1	0
			Total	24	4
	No	State	IL	1	0
			NV	1	0
			NY	1	0
			OR	0	1
			VA	0	1
			Total	3	2
No	Yes	State	CT	1	0
			HI	0	1
			ID	1	0
			MI	1	0
			MO	1	0
			MT	1	0
			NH	0	1
			OH	1	0

				MN	0	1
				MO	1	0
				MT	0	1
				NB	0	1
				NJ	1	0
				OK	0	1
				PA	1	0
				SD	1	0
				TN	1	0
				WVA	0	1
				WY	1	0
				Total	13	6
	No	Yes	State	HI	1	0
				NH	1	0
				OH	0	1
				Total	2	1
No	Yes	Yes	State	IA		1
				Total		1
	No	Yes	State	FL	0	1
				NC	0	1
				NM	1	0
				NV	1	0
				NY	1	0
				OR	1	0
				RI	0	1
				SC	0	1
				VT	0	1
				Total	4	5

Figure 3

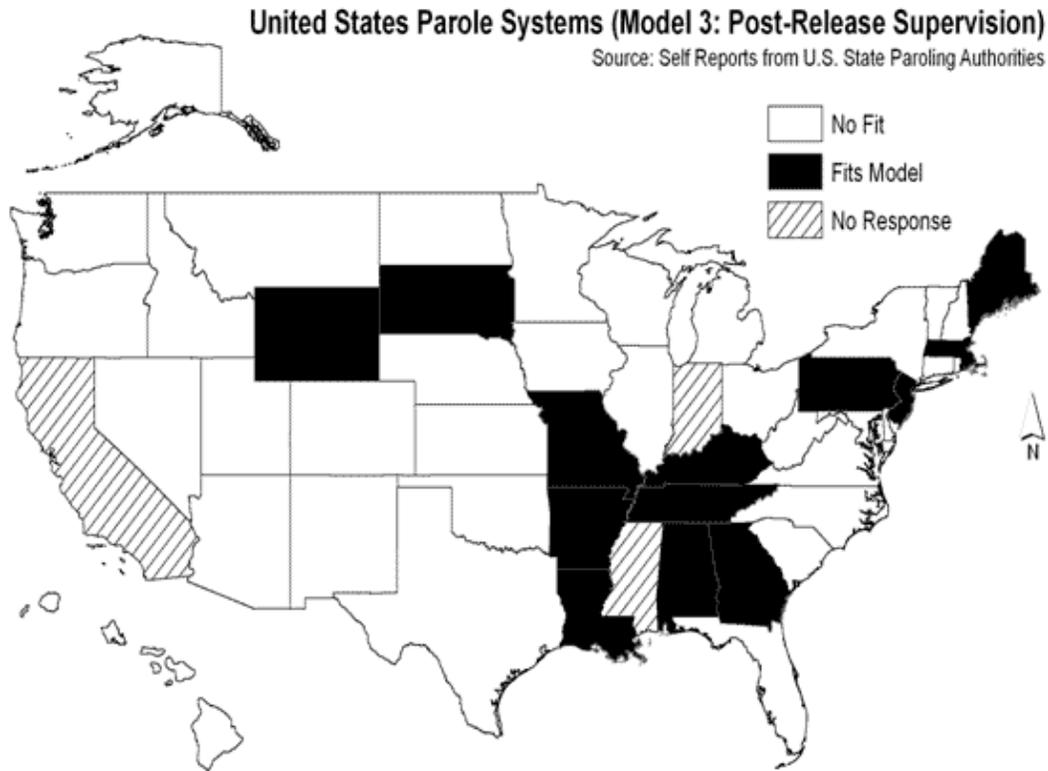


Table 5. Model 4 – Operational, Post-Release Revocation

Risk assessment for revocation decisions?			Authority to revoke supervision?	
			Yes	No
Yes	State	CT	1	
		FL	1	
		IA	1	
		KY	1	
		MA	1	
		ND	1	
		NJ	1	
		PA	1	
		SD	1	
		UT	1	
		VT	1	
				WY
		Total	12	
No	State	AK	1	0
		AL	1	0

		AR	1	0
		AZ	1	0
		CO	1	0
		DE	1	0
		GA	1	0
		HI	1	0
		ID	1	0
		IL	1	0
		KS	1	0
		LA	1	0
		MD	1	0
		MI	1	0
		MN	1	0
		MO	1	0
		MT	1	0
		NB	1	0
		NC	1	0
		NH	1	0
		NM	0	1
		NV	1	0
		NY	1	0
		OH	1	0
		OR	1	0
		RI	1	0
		SC	1	0
		TN	1	0
		TX	1	0
		VA	1	0
		WA	1	0
		WVA	1	0
		Total	31	1

Figure 4

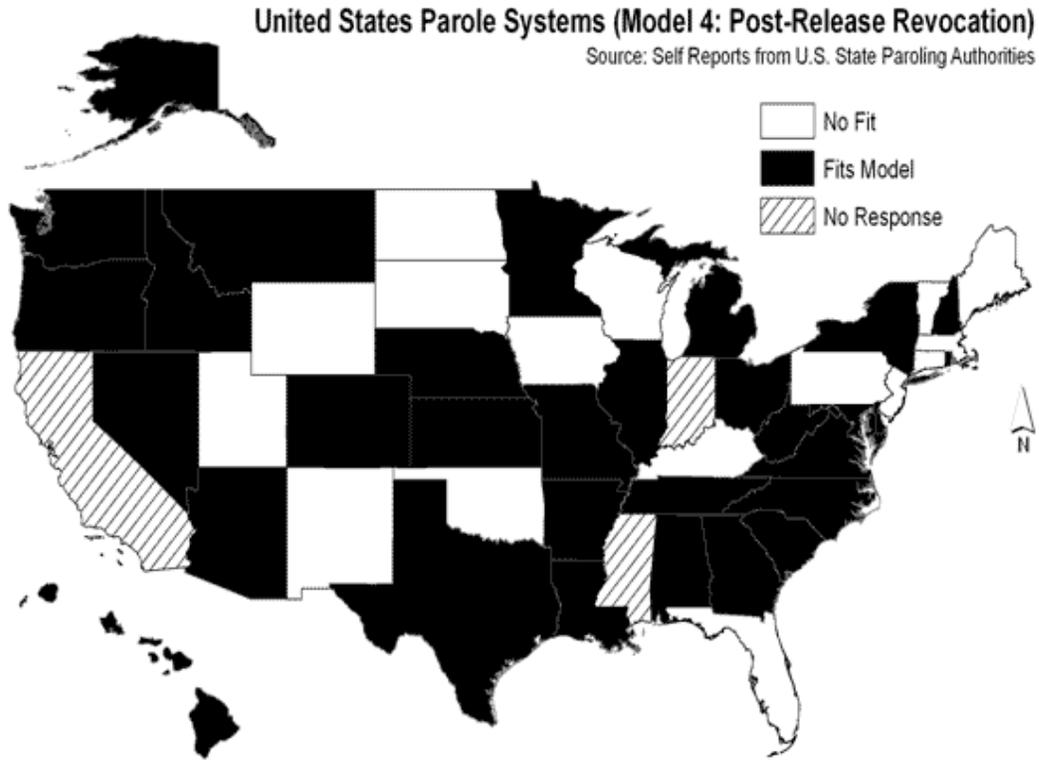
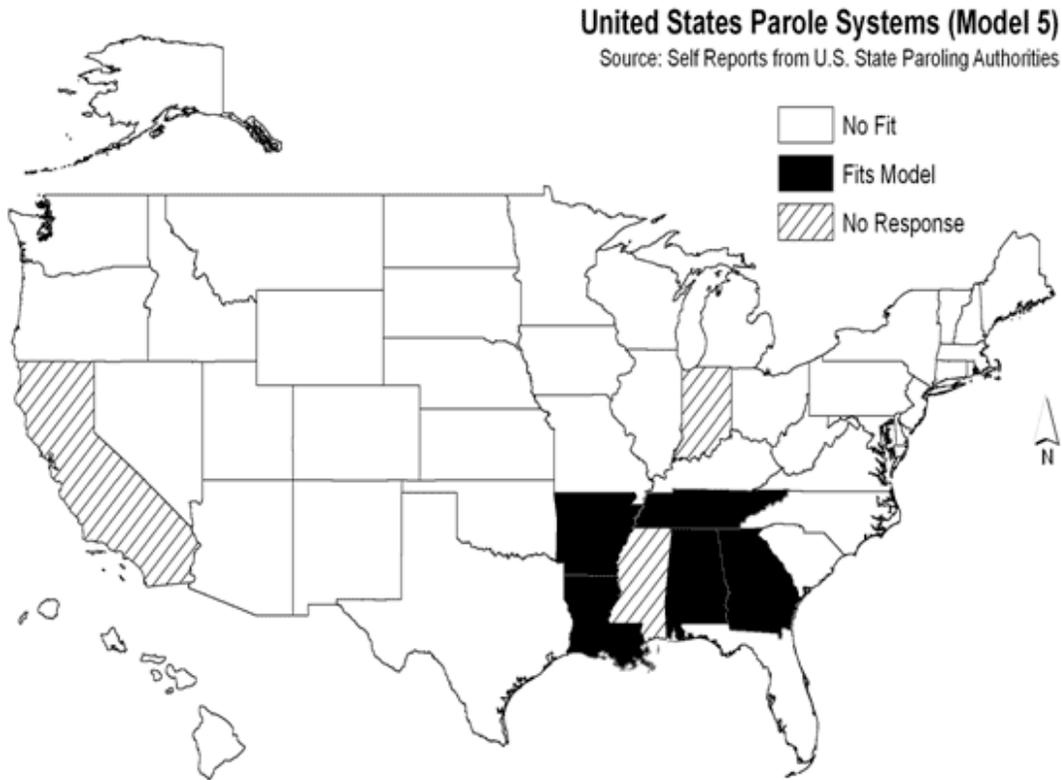


Figure 5



Discussion and Conclusion

Results suggest that state paroling authorities are more complex than previously documented. For instance, the structural model indicates that categorizing parole into “determinate” and “indeterminate” is not valid because most states operate under a mixed sentencing structure. Within this structure, references to discretionary and mandatory release are more complex as well, in that parole boards also have the power to terminate maximum sentence, but no authority to set the minimum time incarcerated.

The paroling authority models constructed for this study highlight the variability among the states’ approaches to release. Although each state may operate in a consistent way on a daily basis, there is much disparity in the way that incarcerated offenders are considered for and supervised on parole across the country. Some non-shared operational characteristics have important implications for practice. For instance, the fact that 31 states do not use risk assessments for their revocation decisions indicates a need for further standardization in this area to ensure that prisoners across the country are similarly treated and assessed for their risk to the public in a reliable and evidence-based manner. Furthermore, the fact that program completion prior to release is required in 24 states and, as survey results indicate, there are not enough programs, is also alarming. When factors that inmates believe affect release decision are different from the factors that paroling authorities actually consider, or when they are limited by the resources that are made available, inmates will be confused and angry and will be less likely to conform to requirements for institutional control (West-Smith et al., 2000). “Each parole case that is deferred or set back becomes another story, duly embellished,” wrote West-Smith et al. (2000, p. 9), “that makes its rounds throughout the prison population, fueling suspicion, resentment, and fear of an unbridled discretionary system of power, control, and punishment.”

The Model Penal Code was developed in the 1950s for the American Law Institute, a professional organization of lawyers, judges, and law professors (Robinson & Dubber, 1999). The Code’s purpose was “to stimulate and assist legislatures in making a major effort to appraise the content of the penal law by a contemporary reasoned judgment—the prohibitions it lays down, the excuses it admits, the sanctions it employs, and the range of the authority that it distributes and confers” (American Law Institute, n.d., para 1). Prosecutors, psychiatrists, mental health specialists, judges, academic scholars, and leading corrections professionals wrote the Code’s sentencing and corrections provisions (Tonry, 1999b). According to the first official draft of the Model Penal Code, adopted at the 1962 Annual Meeting of The American Law Institute, the first three general purposes for the sentencing and treatment of offenders was: a) to prevent the commission of offenses; b) to promote the correction and rehabilitation of offenders; and, b) to safeguard offenders against excessive, disproportionate, or arbitrary punishment (Robinson & Dubber, 1999; Tonry, 1999b). The Code stated that prisoners should be eligible for parole release on completion of their minimum sentences and it created a presumption that prisoners would be released when they first became eligible.

The Model Penal Code was never adopted in toto by any of the 50 U.S. states, the District of Columbia, or the federal government. The few similarities among the paroling authorities reviewed in this study may be in large part due to the Model Penal Code’s influence (Robinson & Dubber, 1999). More apparent, however, is that after nearly 60 years, and well into a new century, the Code has had little impact on producing a cohesive system of parole in the U.S. There remains no standard approach to parole across jurisdictions today (Tonry, 1999b; Kinnevy & Caplan, 2008). This highlights the trend that parole systems have been moving farther away from a unifying system-wide model that was common throughout much of parole’s early history in the U.S.

It remains unclear whether a system of disparate paroling authorities is the most appropriate framework for the United States. On the one hand, it permits the individualization of parole at the state level—which is consistent with the federated system of government in the U.S. and the historically common principle to assess risk and parole release on a case-by-case basis. Arguably, this principle can apply to states’ environmental, social, political, and economic contexts as well as to an offender’s personal and criminal attributes. On the other hand, dissimilar paroling authorities permit and perpetuate unequal release and reentry outcomes for similarly-situated inmates across state lines. Findings from this study suggest that twenty-first century paroling authorities are complex systems that cannot be labeled according to only one of their attributes, as is commonly done. More accurate labels should take into account common structural and operational

characteristics of paroling authorities.

* This study was paid for, in part, by a grant from the JEHT Foundation. Special thanks to the Association of Paroling Authorities International for professional advice and significant contributions to the data collection efforts.

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Huikahi Restorative Circles: A Public Health Approach for Reentry Planning

Lorenn Walker and Rebecca Greening

Oh, it was good. It brought me some closure with Ken. Gave me a different way of looking at him. It's addiction.

He's choosing it over his family. I'm still cautiously optimistic about him, but I'm 100 percent for Rachel.

I'm absolutely sure she'll make it.

—Marta, March 2010.

Five years earlier, in March 2005, Marta, Ken's maternal aunt, along with Ken, his girlfriend Rachel (mother of his three children), and his drug treatment counselor at Waiawa Correctional Facility, participated in the first *Huikahi Restorative Circle*. This restorative reentry planning process developed in Hawaii was reported in the June 2006 issue of this journal (Walker, Sakai & Brady, 2006). This paper is a follow-up report on the satisfaction of Marta and other Circle participants and includes recidivism results for incarcerated people released from prison for at least two years who had participated in Circles.

It has been four years since Ken was paroled from prison, and three since his parole was revoked after he relapsed. He is now re-incarcerated at a private prison in Arizona. Marta, who raised Ken after his mother died, reflected on her experience in the 2005 Circle five years later:

The Circle addressed a lot of issues for me. I had a lot of guilt. I worried that I didn't spend enough time with him. There was a lot of self-blame. But talking in the Circle helped me deal with that. Now I realize we all have trauma and we all do the best we can. Every day I think, "I did the best job I could." He had a good upbringing. I did my best. His choices now are all his own.

Besides raising Ken, Marta spent over 25 years as a police sergeant for the Honolulu Police Department. She told Ken's Circle facilitator:

We're on the opposite sides. I arrest 'em and try and get 'em into prison, and you're trying to keep 'em out. But we're both in the same circle. We're workin' for the same thing—to keep people safe.

According to John Braithwaite, an internationally renowned expert in restorative justice, "Hawai'i is a world leader in innovation for reentry planning for prisoners because of its work on Restorative Circles. We all look forward to the next stage in this Hawaiian leadership toward a more effective way to prevent crime by reintegrating released inmates into a supportive community" (Hawai'i Legislature, 2010 p. 3).

Huikahi Restorative Circle Process & Development

The *Huikahi Restorative Circle* is a group process for reentry planning that involves the incarcerated individual, his or her family and friends, and at least one prison representative. The process was developed in 2005 in collaboration with two community-based organizations—the Hawai'i Friends of Civic & Law Related Education and the Community Alliance on Prisons—and the Waiawa Correctional Facility located on the island of O'ahu.

The process was originally called *Restorative Circles*, but was renamed *Huikahi Restorative Circles* to distinguish Hawaii's reentry planning process from other restorative processes. In Hawaiian, *hui* means group, and *kahi* means individual. Together the word *huikahi*, for purposes of this process, signifies individuals coming together to form a covenant. The addition of *Huikahi* to the name was a result of the input of a Native Hawaiian prison warden.

While the modern restorative justice movement is about 30 years old, many trace its roots back to “most of human history for perhaps all the world's peoples” (Braithwaite, 2002, p. 5). Circle processes are a fundamental practice of the restorative justice movement (Zehr, 2002), and Peter Senge, co-founder of the MIT Organizational Learning Center, believes “no indigenous culture has yet been found that does not have the practice of sitting in a circle and talking” (Isaacs, 1999, p. xvi).

Today research confirms that restorative justice is an evidence-based practice that reduces criminal recidivism (Sherman & Strang, 2007), and there is a growing movement to use restorative practices in reentry for incarcerated people returning to the community (Bazemore & Maruna, 2009).

Huikahi Circles Provide a Solution-Focused Approach

While restorative justice provides the theoretical underpinning for the Huikahi Circles, its facilitators utilize solution-focused brief therapy language during the process. Solution-focused therapy acknowledges that a therapeutic process “happens within language and language is what therapists and clients use to do therapy” (de Shazer, 1994, p. 3). In this way, language is used to help people discover their inherent strengths and establish their goals and ways to achieve them. Insoo Kim Berg, a co-founder of solution-focused brief therapy, assisted in the design of the Huikahi Circle process.

Solution-focused brief therapy is recognized as a *promising* evidence-based intervention by the federal government (OJJDP, 2009). Solution-focused approaches have been successfully used in restorative programs by courts to reduce violence (Walker & Hayashi, 2009). The *Solution-Focused Judging Bench Book* details how a solution-focused approach can assist the courts in administering justice (King, 2009).

Huikahi Circles Apply Public Health Learning Principles

Many corrections experts have called for a “public health” approach to deal with criminal behavior (Zimbardo, 2007; Schwartz, 2009), and specifically for dealing with prisoner reentry (Travis, 2005). In addition to a public health approach for traditional prevention uses, public health also offers a rich history for designing optimal learning programs.

Public health educators have worked to improve the health outcomes for populations for generations. “Modern public health practice extends far beyond the historic focus on infectious disease and environmental threats” (Novick & Morrow, 1987, p. 29). Health education is probably one of the oldest and most successful disciplines working to change the behavior of humans. “Both science and social factors form the basis for public health interventions” (Novick & Morrow, 1987, p. 4).

The World Health Organization (WHO) considered and established criteria that health educators should use in working to change behavior (WHO, 1954). The WHO specifies that learning is

more likely to occur with a focus on individuals' goals; positive motivation; group settings; and experiential activity-based processes. This is consistent with established research by Albert Bandura that *enactive learning* is the most effective learning approach (Bandura, 1997).

Huikahi Circles (like most restorative interventions) applies the criteria recommended by WHO. The Circles are based on the people's positive motivation to repair harm and to take responsibility for their futures. The Circles are group processes, self-directed, goal-oriented, and an active learning experience for participants.

Additionally, Huikahi Restorative Circles meet the "five principles of effective reentry" that corrections reentry expert Jeremy Travis advocates for in *But They All Come Back: Facing the Challenges of Prisoner Reentry* (2005).

"Each of the five principles requires action:

1. prepare for reentry;
2. build bridges between prisons and communities;
3. seize the moment of release;
4. strengthen the concentric circles of support; and
5. promote successful reintegration" (Travis, 2005, p. 324).

Huikahi Circles Provide Healing

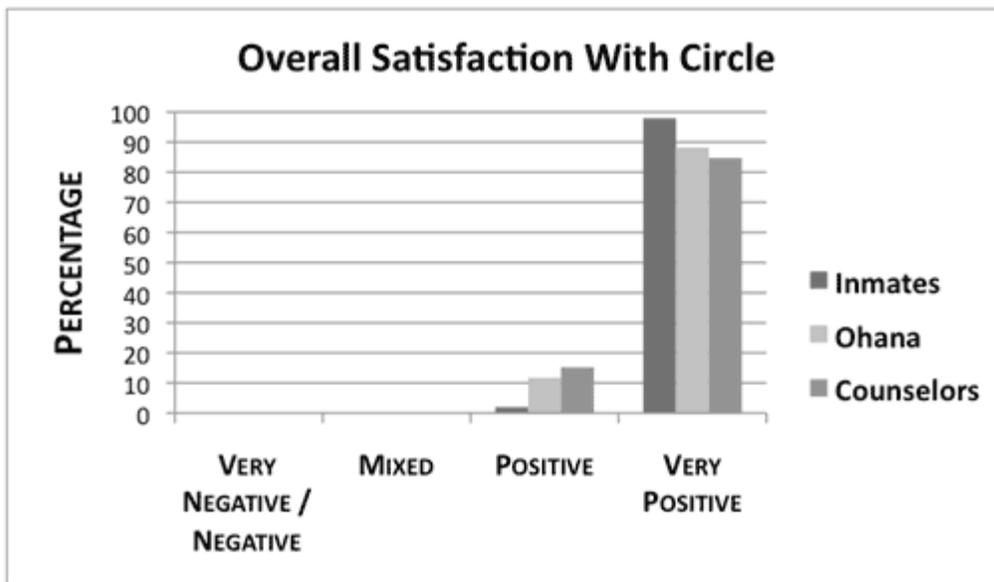
While crime prevention and decreasing recidivism are important objectives of the Huikahi Circle reentry planning process, an equally important objective is to provide healing for people harmed. Healing for people with incarcerated loved ones is vital. "The victim's physical and emotional wounds must be healed. And the social bonds that connect individuals to one another must be reestablished" (Moore, p. 241, 1995).

Even when the loved ones of imprisoned individuals are not the direct victims of the crime, they often suffer trauma as a consequence of the incarceration. Many lose a vital economic support when their partner or family member goes to prison (Travis & Waul, 2004). Children with incarcerated parents experience serious emotional and physical consequences, such as increased drug use, sleep disturbances, stress, depression, and feelings of guilt and shame (Robertson, 2007).

In addition, recent research on the mental health consequences for victims of violent crime suggests that the traditional criminal justice system's response is often a source of secondary victimization and further trauma. Restorative justice practices are advocated to avoid the detrimental mental health consequences victims experience as a result of their contact with the adversarial criminal justice system (Parsons & Bergin, 2010). The criminal justice system lacks mechanisms to address the damaging effects incarceration has on the loved ones of imprisoned people. Just as restorative alternatives are suggested for the immediate victims of violent crime, so too are they appropriate for the other victims of crime—the family and loved ones of the incarcerated individual.

Huikahi Circle Results

Since 2005 a total of 52 Huikahi Circles have been provided. Two incarcerated people had follow-up re-circles. A total of 50 incarcerated people, [45](#) 45 men and 5 women, had Circles. Altogether, 280 people (family, friends, prison staff/counselors and incarcerated individuals) participated in the Circles. Following each Circle, participants filled out surveys about their experience. One hundred percent of all participants reported that the Circle they participated in was a *very positive or positive* experience.



In addition to the full Huikahi Circles, 39 Modified Huikahi Restorative Circles, 9 for incarcerated women and 30 for men, have been provided in Hawaii. ² The Modified Circles developed as an alternative for people whose loved ones were unable or unwilling to attend a full Circle in a prison (Walker, 2009).

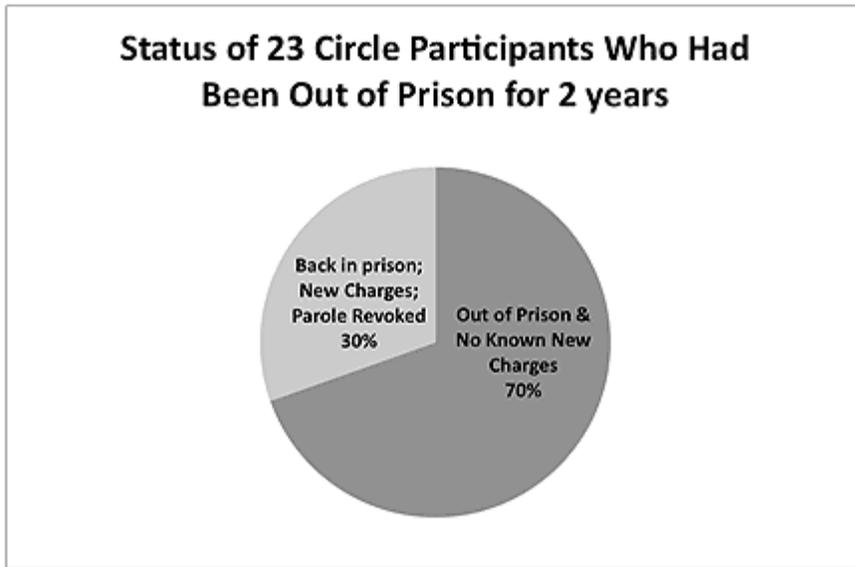
A total of 140 incarcerated people have applied for the Circles during a five-year period. They mainly learned about the process from other incarcerated people who had Circles or applied for one. To date 37 percent of the total applicants have been able to have Circles. A lack of resources and institutional support prevents delivering all the Circles requested. In addition, although all of the Circle participants requested a re-circle, to date only 2 have been provided because of a lack of funding.

Recidivism Results

Samples to date are too small to make any judgments about whether the Circle process prevents repeat crime, but the percentages are promising. A total of 23 people who had Circles have been out of prison for two years or more. Ten of the 23 have been out of prison for three years or more. Out of the 23, 16 people (14 men and 2 women) have remained out of prison without any new known charges against them. Seven men are back in prison either for new arrests, new charges, or violations of parole. Approximately 70 percent have not been in contact with the criminal justice system and the remaining 30 percent have either been charged or convicted of new crimes, or violated the terms of their parole, and are back in prison.

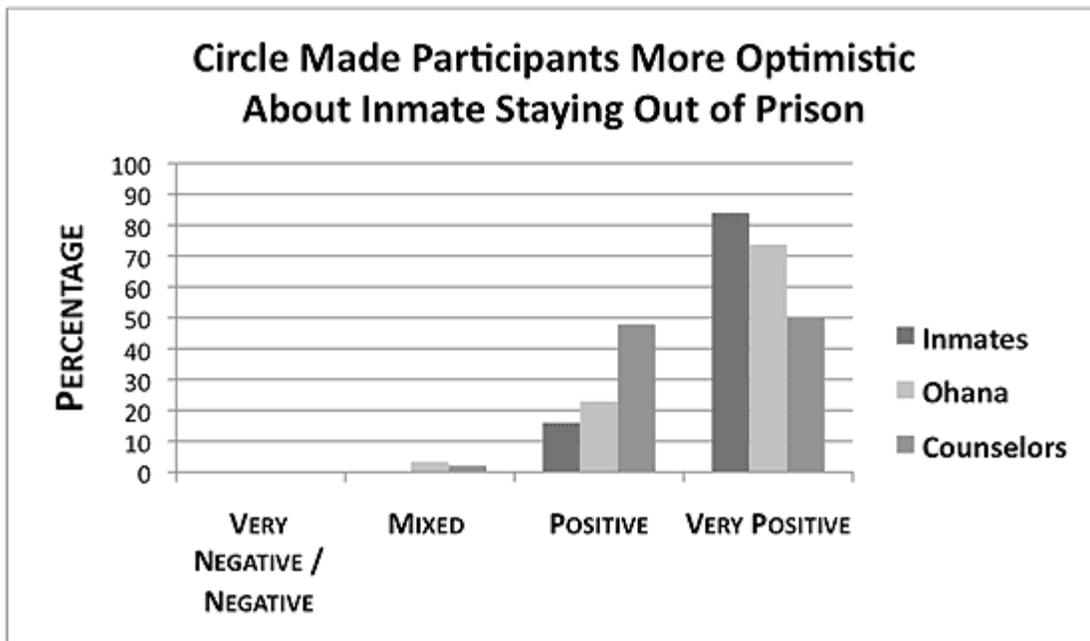
Methodology for determining recidivism rates varies. A recent study of people out of Hawaii prisons for three years revealed a 54.7 percent recidivism rate ³ (Hawai'i Interagency Council on Intermediate Sanctions, 2009).

Although the sample size of the Huikahi project is small, and reviewed subjects who were out of prison for only two years, the 30 percent recidivism rate is significantly smaller than the overall state 54.7 percent rate. Because of a lack of support from the current state executive office (Brady & Walker, 2008), this project has been unable to provide necessary follow-up contacts and re-circles. In light of the limited services provided, the project's preliminary recidivism rate remains promising, but it is inconclusive that the Circles prevent repeat crime.



Satisfaction and Healing Results

Loved ones who participated in Huikahi Circles report high levels of satisfaction with the Circle process and indicate that they have begun to heal. Out of the 169 loved ones who participated, 124 felt “very positively” and 42 felt “positively” while only 3 felt “mixed” regarding their forgiveness toward the incarcerated person. In addition, 117 felt very positively, 50 felt positively, and 5 felt mixed that the Circle helped them reconcile with the incarcerated person. Participant optimism that the incarcerated loved ones would stay out of prison as a result of the Circle was rated highly also.



A telephone survey with loved ones of the men who relapsed, were re-arrested, or are back in prison shows that the Circle process continues to be highly valued despite the recidivism.

Participant Satisfaction Results After Recidivism

The loved ones of incarcerated people who had Huikahi Circles, were released, and came back into contact with the criminal justice system, continue to believe that the Circles had healing benefits. Follow-up with family members revealed that their experiences in the Circles were not lessened by the fact that the formerly incarcerated people re-offended.

One family member said, “The Circle helped give my son the tools he now has and it taught him how to apply them.” This mother attributed her son’s re-offending to his drug addiction.

Family members in other cases reported that although their loved one had re-offended, the Circles helped bring the family closer together. “We said things in the Circle we’d never talked about before,” said one relative. In this way, family members see the Circles as a benefit not only for the incarcerated individual, but for the family dynamic as a whole. Even when family members felt that they would not participate in a Circle again, they reiterated their positive experiences with the process. Many wanted other families and incarcerated people to have the same opportunity to participate in Circles.

Additionally, the girlfriend of a man who had a Circle in 2005 but relapsed and has been in a private Arizona prison since September 2009 said:

Without a doubt the Circle helped him. It reinforced him maintaining sobriety. It *put the cards on the table* with his other friends who attended. They had no idea he was using and after the Circle we could all talk about how to help him. It helped him stay out of prison for four years . . . It absolutely helped me heal. I had things I needed to say about how I was affected. The Circle validated my feelings.

Huikahi Circles Build and Strengthen Healthy Family Connections and Support

“If we hadn’t had the Circle [in 2005] I wouldn’t have gotten to know Rachel so well,” says Marta.

The non-profit that provides the Circles paid for Rachel, who then lived in the continental United States, to come to Hawaii for Ken’s Circle. It was through that introduction that Marta came to know Rachel and develop a relationship with her. As a result Rachel and Ken’s three young children came to live with Marta. Later after his release Ken, along with Rachel, lived with Marta. Since Ken was re-incarcerated, Rachel and the children have continued to live with Marta. Because of the relationship between the two women that developed through the Circle, the three children have lived in a stable home for five years.

“She pays rent and doesn’t know it, but I’m savin’ it all up for her as a little nest egg for when they move out,” says Marta.

The Circles provide a conduit for building healthy family support between participants who are not incarcerated. Imprisonment harms families and children (Travis, et al., 2005). “Children of imprisoned parents are often described as the forgotten victims of imprisonment” (Robertson, 2007 p.7). Parental incarceration often creates immediate and long-term problems for children (Travis, et al., 2005).

As Marta and Rachel’s experience demonstrates, Huikahi Circles offer a way to develop relationships and support children hurt by incarceration. The latest research shows that 52 percent of people incarcerated in state prisons and 63 percent of the people in federal prison are parents of minor children (Glaze & Maruschak, 2008). How these children can be helped should be considered and made a vital feature of prison interventions. Focus on the individual incarcerated person is insufficient to assist families and communities.

Conclusion

Huikahi Circles provide a process for incarcerated individuals and their loved ones to find ways to heal from the harm created by crime and imprisonment. The Circle gives all parties an opportunity to give voice to their own experience while collaborating with the incarcerated individual to create a plan that meets his or her needs for a successful transition back into the community. Even when the incarcerated person is re-incarcerated after a Circle, the positive outcomes for families remain significant.

In addition to the need for reconciliation, incarcerated people have other basic needs, including developing and maintaining a support system, locating and keeping housing, and maintaining physical and emotional health, which includes staying clean and sober. How they can meet these needs is addressed during the Circle. Meeting these basic needs has been shown to shut the “revolving door” of prisons for a significant number of formerly incarcerated people (Howerton et al., 2009).

“Correctional administrators recognize that it is probation and parole failures, not new prison admissions (due to convictions) that fuel our current prison crowding crisis” (Byrne, Taxman & Young, 2002, p. 15). We need to continue with these endeavors to reintegrate formerly imprisoned people. We must find solutions and stop giving up on people. Especially disturbing is that many people who abuse substances suffer from mental health issues, and a large number of them are in prison (Mumola, 1999). Instead of treating them as people with health problems, and working toward helping them get well and dealing with their addictions, we have mainly punished and criminalized them. Sadly, and with moral disregard, it seems prison has become the mental health institution of the day in the United States.

The families portrayed in this paper, and whom we have had the honor of meeting throughout the five years of the Huikahi Circle program, continue to inspire us with their deep insight and with their unbending love and optimism for their family members, who at times seem to love drugs more than their parents and children.

“He is basically a good person. He’s just lost and keeps turning to drugs. It breaks my heart. I might have to use *tough love* with him at times, but believe me it is a well of *endless love*, and no matter what, I will never give up on him,” said Harold’s mother, two years after his Circle, his relapse, and his return to prison. This hopeful sentiment is the foundation on which to build a successful reentry program.

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The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and review is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System.

Published by the Administrative Office of the United States Courts www.uscourts.gov
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Juvenile Focus

BY ALVIN W. COHN, D.CRIM.

President, Administration of Justice Services, Inc.

National Youth Gang Survey - OJJDP has released "[Highlights of the 2008 National Youth Gang Survey.](#)" The fact sheet draws on findings from OJJDP's annual National Youth Gang Survey to provide data on gangs, gang members, and gang-related crime and violence. In 2008, approximately 774,000 gang members and 27,900 gangs were active in some 3,300 jurisdictions across the United States, estimates that remain virtually unchanged from [2007](#). See "Highlights of the 2008 National Youth Gang Survey" (NCJ 229249) available at www.ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=251276.

Print copies may be ordered online at www.ncjrs.gov/App/ShoppingCart/ShopCart.aspx?item=NCJ+229249.

To access additional gang-related information and resources, visit the National Gang Center's web site at www.nationalgangcenter.gov/

Disproportionate Minority Contact

Preparation at the Local Level (NCJ 218861) September 2009 *Bulletin*, 12 page(s) describes strategies that states and communities can use to reduce disproportionate minority contact with the juvenile justice system. This bulletin is a companion to the latest edition of OJJDP's Disproportionate Minority Contact Technical Assistance Manual. It includes useful "how to" information drawn from the manual and presents important background on the context in which local preparation takes place—media coverage and public attitudes about crime, race, and youth. [PDF](#)(911 KB)

Criminal Victimization

This report presents the annual estimates of rates and levels of personal and property victimization and describes the year-to-year change from 2007 as well as trends for the 10-year period from 1999 through 2008. The National Crime Victimization Survey (NCVS) collects information on nonfatal crimes, reported and not reported to the police, against persons ages 12 or older from a nationally representative sample of U.S. households. During 2008, NCVS interviewed 42,093 households and 77,852 individuals twice. The report includes data on violent crimes (rape/sexual assault, robbery, aggravated assault, and simple assault), property crimes (burglary, motor vehicle theft, and property theft), and personal theft (pocket picking and purse snatching), and the characteristics of victims of these crimes. The report also includes estimates of intimate partner violent crime and use of firearms and other weapons in the commission of violent crime overall.

Highlights include the following:

- The violent crime rate declined by 41percent and the property crime rate fell by 32 percent over the 10-year period.

- The violent crime rate in 2008—19.3 victimizations per 1,000 persons age 12 or older —was statistically unchanged from the previous year’s estimate of 20.7 per 1,000 persons.
- The property crime rate of 135 victimizations per 1,000 households in 2008 was lower than the rate of 147 per 1,000 households in 2007.

This publication is one in a series. More recent editions may be available. To view a list of all in the series go to the [publications page](#). NCJ 227777.

Child Maltreatment

The latest issue of the journal of The Future of Children addresses the theme "[Preventing Child Maltreatment](#)." Contributors describe research on policies and programs designed to prevent child abuse and neglect and examine the gradual shift in the field of child maltreatment toward prevention. The issue also explores how insights into risk factors can help target prevention efforts and assesses the impact of various programs on maltreatment prevention. An executive summary and related policy briefs on [social science's influence on shaping public policy](#) and [the potential of parent training to reduce child abuse and neglect](#) complement the journal. See http://www.futureofchildren.org/futureofchildren/publications/journals/journal_details/index.xml?journalid=71.

Assessment Instruments for Delinquent Girls

To guide decisions within the juvenile justice system, judges, case managers, probation staff, and related professionals often rely on standardized instruments to assess the risks and needs of youth. With the increased prevalence of girls in the juvenile justice system, some have questioned whether the instruments currently in use are appropriate for girls. However, research that has systematically examined the extent to which instruments used in the juvenile justice system are valid for girls is lacking. OJJDP’s Girls Study Group has reviewed [143 assessment instruments](#), and information about each instrument may be accessed by searching the Study Group's [online database](#). See http://girlsstudygroup.rti.org/dsp_instrument_list.cfm.

OVC National Calendar

OVC invites you to add your fall 2009 and winter 2010 commemorative events to the [OVC National Calendar of Crime Victim Assistance-Related Events](#). This resource helps you locate, plan, and promote victim assistance-related events nationwide, allowing you to connect with a larger audience and gain national exposure.

Preadolescents in Criminal Justice System

Published by the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin, the report [“From Time Out to Hard Time: Young Children in the Adult Criminal Justice System”](#) analyzes available data to provide a comprehensive look at how the nation treats preadolescent children who commit serious crimes and offers related recommendations.

Teens and Texting

A quarter of U.S. teens ages 16 to 17 who have cellphones say they text while driving and almost half of Americans ages 12 to 17 say they have been in cars with someone who texted while behind the wheel, according to the Pew Research Center’s Internet and American Life Project. Drivers younger than 20 had the highest distracted-driving fatality rate among all age groups last year, according to the National Highway Traffic Safety Administration. Drivers 20 to 29 ranked second. The administration reported that 5,870 people died and about 515,000 were injured last year in accidents attributed to distracted driving. Twice as many fatalities were attributed to drunken driving. As many as 81 percent of U.S. residents said they have used their cellphones while driving.

Children's Exposure to Violence

The Department of Justice's Office of Justice Programs today announced the availability of ["Children's](#)

[Exposure to Violence: A Comprehensive National Survey.](#)" published by OJJDP with support from the Centers for Disease Control and Prevention. The survey measured the past-year and lifetime exposure to violence for children ages 17 and younger. The major categories covered in the survey are: conventional crime, child maltreatment, victimization by peers and siblings, sexual victimization, witnessing and indirect victimization, school violence and threats, and Internet victimization.

The survey findings conclude that:

- more than 60 percent of the children surveyed were exposed to violence within the past year, either directly or indirectly.
- nearly one-half of the children and adolescents surveyed were assaulted at least once in the past year, and more than 1 in 10 were injured as a result.
- nearly one-quarter of the respondents were the victim of a robbery, vandalism, or theft.
- one-tenth of respondents were victims of child maltreatment (including physical and emotional abuse, neglect, or a family abduction), and 1 in 16 were victimized sexually.

The research reported in this bulletin suggests further avenues of study into the long-term effects of violence on youth and ways to improve policies to meet the needs of youthful victims of violence. Among the ramifications of the research are the following:

- Because the survey tracked children's lifetime exposure to violence, researchers can develop more accurate estimates of the total number of children in a certain age group who have been exposed to a particular form of violence.
- It illustrates more clearly the full extent of exposure and the cumulative effects of multiple exposures to violence and how exposure to one form of violence may make a child more vulnerable to other forms of violence.
- The findings affirm that efforts should be made to reach across disciplines to identify children who are at risk of exposure to violence, such as those witnessing domestic violence, and to coordinate the delivery of services to these children.
- The study also indicates that there is a need for screening and assessment tools to identify children who are suffering emotionally, socially, physically, and developmentally from exposure to violence and who would benefit from services and treatment.
- The research also suggests that a more comprehensive, coordinated approach is needed to address the fragmented way in which federal, state, and local authorities presently respond to children who have been exposed to violence. See ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=249751.

Tribal Youth Program

OJJDP and the American Youth Policy Forum (AYPF) hosted a [forum](#) featuring the report "[Strengthening Indian Country Through Tribal Youth Programs.](#)" Speakers included Jeff Slowikowski, Acting Administrator, OJJDP; Sarah Pearson, author, "Strengthening Indian Country Through Tribal Youth Programs;" David Fullerton, Cultural Resource Manager, Confederated Tribes of Grand Ronde; Laura Ansera, Tribal Programs Coordinator; and Patrick Dunckhorst, Program Manager, OJJDP. In describing the activities of five diverse sites, the report examines how the Tribal Youth Program is improving the lives of tribal youth and strengthening their families. See www.aypf.org/forumbriefs/2009/fb102309.htm. To access the report, visit www.aypf.org/forumbriefs/2009/documents/TYPReportfinal.pdf. *Pediatrics*.

The report on which the forum was based describes how OJJDP's Tribal Youth Program (TYP) is empowering Native American youth and reinforcing cultural connections in tribal communities. Established in 1999, the Tribal Youth Program (TYP) awards grants to Native American communities to support and enhance tribal efforts to prevent and control delinquency and improve their juvenile justice systems. For example, TYP grantees offer after-school activities for at-risk tribal youth, with a focus on strengthening family relationships; providing intervention and diversionary programs, including mental health services; preventing substance abuse; and educating youth about tribal culture. The report presents findings from TYP site visits, focus groups, and interviews with TYP staff and community members. See

Test Score Rankings

American students spend less time per day on vital subjects like math, science, and reading than their foreign counterparts, according to the Center for Universal Education. Based on reading, science, and math test scores, the following is the rankings of countries according to days spent in school:

RANK	COUNTRY	DAYS IN SCHOOL
1	Finland	187
2	South Korea	204
3	New Zealand	194
4	Australia	198
5	Japan	210
6	Germany	193
7	Czech Republic	194
8	U.S.	180

Online Training Courses

The [National Juvenile Court Services Association](#) has designed an online training curriculum to train juvenile justice managers. Sponsored by the Office of Juvenile Justice and Delinquency Prevention, the Professional Juvenile Justice Manager (PJMM) certificate program includes [a series of online courses](#). Students will spend two weeks on each course, working on basic lecture material, specialized readings, and self-assessment questions. The program is designed to train staff and to provide certification for supervisors currently in the field. Those who successfully complete the program will receive certification from the American Probation and Parole Association. To access a list of PJMM courses and register online, visit www.njsacertification.org/course/ca_tegory.php?id=29.

Sexual Victimization

OJJP's Bureau of Justice Statistics (BJS) has published "[Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-2009](#)." Part of BJS' National Prison Rape Statistics Program, the report presents data from the 2008-09 National Survey of Youth in Custody and provides national and facility-based estimates of sexual victimization in juvenile correctional facilities.

About 12 percent of youth in state juvenile facilities and large nonstate facilities reported experiencing one or more incidents of sexual victimization by facility staff or another youth in the past 12 months (or since admission, if less than 12 months). See bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2113.

Substance Use Declines

According to data from the 2009 Monitoring the Future survey, the perceived risk of using ecstasy, inhalants, and LSD continues to decline among eighth-grade students. Although 43 percent of eighth-grade pupils perceived a great risk of using ecstasy once or twice in 2004, only 26 percent perceived such a risk in 2009. The perceived risk of using inhalants declined from 46 percent in 2001 to 34 percent in 2009. The perception of a high risk from using LSD once or twice dropped significantly from 42 percent in 1993 to 21 percent in 2009. See www.cesar.umd.edu/cesar/cesarfax/vol18/18-50.pdf.

Community Corrections Guide

APPA Releases New PREA Guide for Community Corrections: [Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals](#) provides guidance to community corrections officials regarding the prevention, reduction, detection, and punishment of sexual misconduct perpetrated on those under supervision of community corrections, whether that misconduct occurs within facilities or under community supervision. The purpose of the guide is to offer information to front-line community corrections professionals about corrections-based sexual assault, the Prison Rape Elimination Act of 2003 (PREA), and the various roles those front-line

professionals play in addressing this issue.

School Crime and Safety

A new study presents data on crime and safety at school from the perspectives of students, teachers, and principals. A joint effort by the Bureau of Justice Statistics and the National Center for Education Statistics, this annual report examines crime occurring in school as well as on the way to and from school. It also provides the most current detailed statistical information on the nature of crime in schools and school environments and responses to violence and crime at school. Data are drawn from several federally funded collections, including the National Crime Victimization Survey, Youth Risk Behavior Survey, School Survey on Crime and Safety, and the Schools and Staffing Survey.

Information was gathered from an array of sources including:

- National Crime Victimization Survey (NCVS) (1992-2007)
- School Crime Supplement to the National Crime Victimization Survey (1995, 1991, 2001, 2003, 2005, and 2007)
- Youth Risk Behavior Survey (1993, 1995, 1997, 1999, 2001, 2003, 2005, and 2007)
- School Survey on Crime and Safety (1999-2000, 2003-04, 2005-06, and 2007-08)
- School and Staffing Survey (1993-94, 1999-2000, 2003-04, and 2007-08)

Highlights include the following:

- In 2007, students ages 12-18 were victims of about 1.5 million nonfatal crimes (theft plus violent crime) while they were at school, compared to about 1.1 million nonfatal crimes while they were away from school.
- In 2007, 10 percent of male students in grades 9-12 reported being threatened or injured with a weapon on school property in the past year, compared to 5 percent of female students.
- During the 2007-08 school year, a greater percentage of teachers in city schools (10 percent) reported being threatened with injury than teachers in town schools (7 percent) and suburban or rural schools.

See: <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1762>

Alcohol Use

A new report from the Organization for Economic Cooperation and Development (OECD) showed that one in five U.S. 15-year-olds reported having been drunk at least twice in their lives, proving to be one of the lowest rates in the developed world. In contrast, the highest rate was found in Denmark, where more than half of the 15-year-olds reported having been drunk at least twice in their lives. Canada fell in the middle, with more than one in three 15-year-olds reporting drunkenness at least twice in their lives.

Disparities in Juvenile Justice

The W. Haywood Burns Institute has published "[The Keeper and the Kept](#)." The Institute's second report on systemic problems involving juvenile justice systems, "The Keeper and the Kept" concerns racial and ethnic disparities in youth detention and provides recommendations for addressing them. The mission of the Burns Institute is "to protect and improve the lives of youth of color and poor children and the well-being of their communities by ensuring fairness and equity throughout all public and private youth serving systems." See www.burnsinstitute.org/downloads/BI%20Keeper%20Kept.pdf

Juvenile Residential Facilities

OJJDP has released "[Juvenile Residential Facility Census, 2006: Selected Findings](#)." The bulletin provides data from the Juvenile Residential Facility Census, which collects information about the facilities in which juvenile offenders are held. Facilities report on such characteristics as size, structure, type, ownership, and security arrangements. They also describe the range of services they provide to

youth in their care. In addition, facilities report on the number of deaths of youth in custody during the prior 12 months. According to the census, the population of juvenile offenders in custody decreased 3 percent from 2004, a trend that may be explained by the decline in juvenile arrests. See www.ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=250141.

OJP 2010 Program Plan

The U.S. Department of Justice's Office of Justice Programs (OJP) has released its [Fiscal Year \(FY\) 2010 Program Plan](#). The Plan is divided into 10 thematically organized sections, each of which cuts across OJP's bureaus and offices and represents a challenge identified by the criminal and juvenile justice fields.

1. [Preventing Crime and Empowering Communities To Address Crime](#)
2. [Breaking the Cycles of Mental Illness, Substance Abuse, and Crime](#)
3. [Preventing and Intervening in Juvenile Offending and Victimization](#)
4. [Managing Offenders To Reduce Recidivism and Promote Successful Reentry](#)
5. [Effective Interventions To Address Violence, Victimization, and Victims' Rights](#)
6. [Enhancing Law Enforcement Initiatives](#)
7. [Supporting Innovation in Adjudication](#)
8. [Countering Terrorism and Domestic Emergencies](#)
9. [Advancing Technology To Prevent and Solve Crime](#)
10. [Innovations in Justice Information Sharing](#)

See: www.ojp.usdoj.gov/ProgramPlan/index.htm.

Sexual Victimization

OJJDP has published "[Juveniles Who Commit Sex Offenses Against Minors](#)," the latest in its Crimes Against Children bulletin series. The bulletin presents population-based epidemiological information about the characteristics of juvenile offenders who commit sex offenses against minors. The authors analyze data from the FBI's National Incident-Based Reporting System to describe the characteristics of the juvenile sex offender population who have come to the attention of law enforcement. Key findings include:

- Juveniles account for more than one-third (36 percent) of those known to police to have committed
- Juveniles who commit sex offenses against other children are more likely than adult sex offenders to offend in groups, at schools, and to have more male and younger victims.

Findings may support the development of research-based interventions and policies to reduce sexual assault and child molestation as perpetrated by juvenile offenders. See www.ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=249770.

Shakespeare and At-Risk Youth

Recently, the [Coordinating Council on Juvenile Justice and Delinquency Prevention](#) provided \$125,000 to the National Endowment for the Arts through OJJDP to support a program that brings professional Shakespearian theater productions to communities across the country, targeting at-risk youth. The program, [Shakespeare in American Communities](#), stages Shakespeare productions and provides related education programs to high school and middle school students. Students can take artistic and technical workshops or attend symposiums about the productions. Over the past seven years, productions have been staged for more than 1.2 million youth. See www.juvenilecouncil.gov. To find out more about [Shakespeare in American Communities](#), visit www.shakespeareinamericancommunities.org/.

Teenagers and Cannabis

The effect of daily cannabis use on teenage brains is worse than originally thought and the long-term effects appear to be irreversible, new research from McGill University suggests, adding that daily cannabis consumption can lead to depression and anxiety. The new study, published in *Neurobiology of*

Disease, suggests that the reputed "soft" drug has an impact on serotonin and norepinephrine, compounds which help control mood and anxiety. The research team observed that 18 rats exposed to cannabis had decreased levels of serotonin, which affects mood, and higher levels of norepinephrine, which makes one more susceptible long-term to stress. While past epidemiological studies have shown how cannabis consumption can affect behavior in some teenagers, researchers said the new study demonstrates that the effects are more devastating in teens compared to adults.

BJS Launches Redesigned Web Site

The Bureau of Justice Statistics (BJS) web site has been redesigned and is now available at: <http://bjs.ojp.usdoj.gov>. Many new features and tools have been added, and the site's content has been completely reorganized to allow users to quickly find the information they're seeking. New features include enhanced search capabilities, prominent placement of new products and announcements on the homepage, RSS feeds, and more. Tutorials are available to help users become familiar with the new site and its features.

PREA Guide for Community Corrections

[Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals](#) provides guidance to community corrections officials regarding the prevention, reduction, detection, and punishment of sexual misconduct perpetrated on those under supervision of community corrections, whether that misconduct occurs within facilities or under community supervision. The purpose of the guide is to offer information to front-line community corrections professionals about corrections-based sexual assault, the Prison Rape Elimination Act of 2003 (PREA), and the various roles those front-line professionals play in addressing this issue.

Probation Data

The Bureau of Justice Statistics (BJS) released [Probation and Parole in the United States, 2008](#) on December 8, 2009. The data were collected through BJS' Annual Probation Survey and Annual Parole Survey. The 2009 surveys were fielded on December 18, 2009, and the collection period ended February 28, 2010. If you have any comments or questions about the report or the surveys, please contact Lauren Glaze (BJS) at Lauren.Glaze@usdoj.gov.

Status Offenders

Published by the American Bar Association's (ABA) Center on Children and the Law, "[Representing Juvenile Status Offenders](#)" features useful information for attorneys representing status offenders (also known as "children, persons, or families in need of services or assistance").

Chapters, written by relevant experts, address such topics as:

- using federal law to support advocacy
- understanding and using social science research to work with status offenders
- accessing intervention services
- applying pre- and post-adjudication strategies
- using special education advocacy in status offense cases
- crossing over to other family court proceedings.

"Representing Juvenile Status Offenders" is available in hard copy free of charge for a limited time. To request a copy, e-mail Jessica Kendall at kendallj@staff.abanet.org or Lisa Pilnik at pilnikl@staff.abanet.org.

“Hidden Injustice”

New report from the Equity Project--[Hidden Injustice](#) represents the first effort to examine the experiences of lesbian, gay, bisexual and transgender youth in juvenile courts across the country. The report is based on information collected from 414 surveys and 65 interviews with juvenile justice professionals, including judges, defense attorneys, prosecutors, probation officers, detention staff, and

other juvenile justice advocates; focus groups and interviews of 55 youth who possess relevant firsthand experience; and an extensive review of relevant social science and legal research findings.

Girls in Serious Fights

A report by the Substance Abuse and Mental Health Services Administration (SAMHSA) indicates that, in the past year, one quarter (26.7 percent) of adolescent girls participated in a serious fight at school or work, group-against-group fight, or an attack on others with the intent to inflict serious harm.

When combined, 2006 to 2008 data from the National Survey on Drug Use and Health (NSDUH) shows that 18.6 percent of adolescent females got into a serious fight at school or work in the past year, 14.1 percent participated in a group-against-group fight, and 5.7 percent attacked others with the intent to seriously hurt them; one quarter (26.7 percent) of adolescent females engaged in at least one of these violent behaviors in the past year. Other key findings from the NSDUH survey include:

- The prevalence of these violent acts in the past year decreased as annual family income increased. The violent behaviors were reported by 36.5 percent of adolescent females who lived in families with annual incomes of less than \$20,000, 30.5 percent of those in families with annual incomes of \$20,000-\$49,999, 22.8 percent with annual incomes of \$50,000 to \$74,999, and 20.7 percent with annual incomes of \$75,000 or more.
- In the past year, adolescent females who engaged in any of these violent behaviors were more likely than those who did not to have indicated past month binge alcohol use (15.1 vs. 6.9 percent), marijuana use (11.4 vs. 4.1 percent), and use of illicit drugs other than marijuana (9.2 vs. 3.2 percent).
- Adolescent females who were not currently enrolled or attending school were more likely than those who were in school to have engaged in one of these violent behaviors in the past year (34.3 vs. 26.7 percent). Among those who attended school in the past year, rates of violent behaviors increased as academic grades decreased.

Despite media attention on high-profile accounts of females' acts of violence, rates of these violent behaviors among adolescent females remained stable, according to the NSDUH report, when comparing combined data from 2002-2004 and 2006-2008.

Violent Behaviors among Adolescent Females is based on the responses of 33,091 female youths aged 12 to 17 participating in the 2006, 2007, and 2008 SAMHSA National Survey on Drug Use and Health (NSDUH). The full report is available online at: <http://oas.samhsa.gov/2k9/171/171FemaleViolence.cfm>. It may also be obtained by calling the SAMHSA Health Information Network at 1-877-SAMHSA-7 (1-877-726-4727) or at: <http://ncadistore.samhsa.gov/catalog/productDetails.aspx?ProductID=18242>

For related publications and information, visit <http://www.samhsa.gov/>.

Youth in Custody

OJJDP has published "[Youth's Needs and Services: Findings From the Survey of Youth in Residential Placement.](#)"

The [Survey of Youth in Residential Placement](#) is the first national study to gather information on youth in custody by surveying detained offenders. The second in a [series](#), the bulletin reports on the survey's findings on youth in custody's needs and the services they receive. See "Youth's Needs and Services: Findings From the Survey of Youth in Residential Placement" at ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=249735.

Print copies may be ordered at www.ncjrs.gov/App/ShoppingCart/ShopCart.aspx?item=NCJ+227728.

For an overview of the series, see "Introduction to the Survey of Youth in Residential Placement" at ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=240090

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Your Bookshelf on Review

Recent Offerings On Restorative Justice

Victim Offender Conferencing: Bringing Victims and Offenders Together in Dialogue.

By Lorraine Stutzman Amstutz

Good Books

\$4.95, 89 pages (2009)

Restorative Justice is Changing the World.

By Carol S. Harcarik

Hartington Press

\$14.95, 233 pages (2010)

Peacemaking Circles & Urban Youth: Bringing Justice Home.

By Carolyn Boyes-Watson

Living Justice Press

\$20.00, 304 pages (2008)

Restorative Justice in a Prison Community or Everything I Didn't Learn in Kindergarten I Learned in Prison.

By Cheryl Swanson

Lexington Books

\$70.00, 256 pages (2009)

Restorative Justice (4-volume set).

Edited by Carolyn Hoyle

Routledge

\$1,295.00, 1,778 pages (2009)

Reviewed by Russ Immarigeon
Hillsdale, New York

Several years ago, Australia-based researchers Brigitte Bouhours and Kathleen Daly wrote of the extensive number of books that had been published on the topic of restorative justice over the 10-year period 1994-2003. As the British criminologist Carolyn Hoyle observed more recently, perhaps no area of criminology has received as much attention as restorative justice. As this review will show, the amount of attention given to restorative justice continues to grow, with the valuable asset that some inadequately treated topics are now being given more careful attention.

Recently I have been piecing together some early components in the development and emergence

of restorative justice theory and practice. Restorative justice, in name or in essence, has been with us for nearly 35 years. Its roots extend even more deeply into the past, not just in indigenous practice but also in legal and theological thought. In the mid-1970s, its most prominent form was the use of reconciliation-oriented meetings between victims and offenders. Initial efforts to bring victims and offenders together often began through the auspices of reformers who had previously focused their attention largely on offender-oriented rehabilitation and diversion issues.

Probation officers have had a significant role in these efforts. In Canada, a probation officer, working with a local advocate, hatched the idea of having a particularly noteworthy offender apologize directly to those persons whose property he had destroyed during a drunken rampage; in the United States, probation officers wrestled with, or were sought out to implement, the idea of bringing victims and offenders together. At a time when the “victims’ rights movement” was just starting to take shape, practitioners and reformers were stretching, informally and often ineptly, beyond the traditional reach of their day-to-day work.

As I have suggested, the literature on restorative justice is large and unabating. This review briefly examines a handful of publications that have appeared in print over the past year or so.

Overviews

Lorraine Stutzman Amstutz has long worked with the Mennonite Central Committee, which itself has long been at the forefront of restorative justice. In *Victim Offender Conferencing*, her latest book for the “Little Book” series on restorative justice, she provides a boiled down, stirred-up case for victim offender conferencing, an expanded version of victim offender reconciliation or mediation techniques that allows family and community members to be included. Built upon New Zealand’s model of Family Group Conferencing, victim offender conferencing generally consists of eight steps: referral, screening and case management, first contact, initial meetings, support people, the conference, reporting and monitoring, and closing the conference. Stutzman Amstutz compares victim offender conferencing with other models of restorative justice, such as Family Group Conferences, sentencing circles, and Family Group Decision Making.

In this book, Stutzman Amstutz describes those values underlying this process: interconnectedness, respect, transparency, accountability, self-determination, spirituality, and truth. She notes people’s motives for participating in these processes (to learn more about the crime, to receive restitution, to reestablish a sense of power and respect, to help themselves move forward) and key issues important for the design and development of these programs (criteria for cases, the nature of voluntary participation, organizational base and oversight, facilitator training and supervision, co-facilitation and confidentiality). She examines the use of victim offender conferencing in cases of serious violence, with an emphasis on models that stress a therapeutic approach, storytelling, or empowerment. She assesses the benefits and risks of victim offender conferencing and places it within the larger context of restorative justice. Finally, she raises some critical issues, including offender-driven programs, offender voluntariness, involvement with the criminal justice system, and cultural biases.

Overall, Stutzman Amstutz compresses much information from years of research and practice into a compelling account that is substantive, yet simply told and accessible to a wide audience. For newcomers, and even those who may resist restorative justice, this is a good book to read. It can be done quickly, and much can be learned from it. Other books in this series, which now runs to 14 volumes, include those covering restorative justice, conflict transformation, family group conferences, circle processes, restorative discipline in schools, and restorative justice for people in prison.

While a large portion of the restorative justice literature comes from academic sources – and even many governmental reports are contracted out to academics of various stripes – perhaps the most enthusiastic literature arises from community members (novices if you will) who come to restorative justice because they have been victimized or because they are simply excited about the ideals inherent in restorative justice. From an academic standpoint, these books are often

sloppily researched, but this misses the point that it is these authors, and their audiences, that have probably been as effective as anyone else in starting up restorative justice initiatives, especially in areas where local or state governments have not provided for such programming.

Carol S. Harcarik, an independent writer, initially wanted to write a book about first-time offenders, but when a friend referred her to a nearby Barron County, Wisconsin restorative justice program, she was hooked. She spent six months reading about restorative justice and then started visiting the Barron County and other programs. In *Restorative Justice is Changing the World*, Harcarik covers a broad range of innovative programming, including victim impact panels, sentencing circles, community justice centers, and specialty courts, under the rubric of restorative justice. In separate sections, she reports the use of restorative justice in serious case studies involving rape, drunken driving, murder, and substance abuse; the use of restorative justice in New Zealand (family group conferences) and in the conflict between Israel and Palestine; the use of restorative justice to counter violence (an assessment of Lonnie Athens' "violentization" process); and descriptive overviews of model programs in Barron County, Wisconsin and in the Red Hook section of Brooklyn, New York.

Peacemaking and Sentencing Circles

Restorative justice practices involve a broad array of participants, purposes, and projects. Victim-offender meetings, or even family group conferences, are perhaps the best known forms of restorative justice, but peacemaking and sentencing circles are receiving increasingly focused attention. In *Peacemaking Circles & Urban Youth*, Carolyn Boyes-Watson provides a telling narrative that offers readers a descriptive overview of the minutia and "miracles" of such a program in action. In this story, Boyes-Watson, a sociologist who heads Suffolk University's Center for Restorative Justice, paints a lively picture of local community groups and their members working together to break down organizational as well as individual barriers between them.

At the center of *Peacemaking Circles & Urban Youth* is an innovative restorative justice-oriented community-based youth organization, Roca (Spanish for "rock"), that serves the communities of Chelsea, Revere, and East Boston, Massachusetts. A key component of Roca's interventions with local young people is the use of circles of accountability, or peacemaking circles. For this study, Boyes-Watson interviewed 43 people, including young people, agency staff, and various community partners. Many of the staff members, themselves in their late teens or early twenties, originally came to the program as "gang-involved, immigrant, or street-wise teens." Boyes-Watson also participated in or observed many Roca peacemaking circles, trainings, and meetings over a multi-year period.

Roca's mission is to promote opportunities for youth to live safe, self-sufficient lives.

Peacemaking Circles & Urban Youth opens with an overview of the everyday challenges confronting urban youth, including discrimination and neglect, violence and abuse, poverty, addiction, and incarceration. Subsequent chapters describe Roca's model for positive youth development and the ways peacemaking circles help create meaningful opportunities, space, emotional awareness and healing, and responsive organizations for young people confronting these "modern monsters." In the final chapter, Boyes-Watson concludes that "injustices within our society rarely find remedy within the narrow confines of our legal system. Indeed, the young people at Roca are quite cynical about the meaning of justice within our society. They are not cynical, however, about peacemaking circles. Quite the opposite, they intuit a deep connection between their experience within circles and a very different meaning of justice that emerges for themselves and their communities as a result."

The simplicity of circles is one of their main, and perhaps most amazing, attributes. Consider the following: In one example, Boyes-Watson reports that a youth detention administrator who attended a Roca training session refused to abide by the confidentiality central to circle practice. In the world of youth detention administrators, there are obligations to report certain activities. But the Roca youth responded, not surprisingly, that they could not trust a process that was not confidential. As a feather was passed from one person to another around the circle, young

people, the administrator, and others put forth their stances, their backgrounds, their concerns. In the end, in this case, the confidentiality issue was not fully resolved. However, the various parties learned more than otherwise about each other, and they even budged some from their original positions.

Cheryl Swanson's *Restorative Justice in a Prison Community* explores the use of circles at the other end of the correctional spectrum. Swanson, an associate professor of criminal justice and legal studies at the University of West Florida, was given access to a faith-based restorative justice honor dorm at the W.C. Holman Correctional Facility, a maximum-security prison in southwest Alabama. "The organizational hierarchy of the dorm facilitates responsibility," observes Swanson. "It gives inmates an opportunity to learn skills such as supervision, report writing, program implementation, rule application, data entry, and working with others. Some components of the dorm focus more directly on restorative philosophy emphasizing peaceful conflict resolution, inclusiveness, accountability, respect, and integrity. These include circles, education, and mentoring."

Swanson collected data for her book through direct observation and prisoner and prison staff surveys. In November 2006, for example, she interviewed 63 corrections officers and their supervisors (about two-thirds the prison's staff). These officers reported mixed feelings about the use of restorative justice. Officers raised concerns about conflicts between rule enforcement and restorative justice (mirroring the concerns of the youth detention administrator), about the quality of screening devices used for identifying particular prisoner participants, and about security sentiments (some officers felt too many life-without-parole prisoners were allowed in the program). More favorably, officers liked the improved opportunities such programming gave prisoners to change and accept responsibility for their behavior. They also appreciated how the program seemed to enhance prisoner cooperation and respect and reduce the number of rule violations. In particular, officers saw that the program improved self-governance in the dorm and that the general atmosphere of the facility was clean, quiet, and orderly.

Key Readings

Emphasizing the girth and richness of theoretical and practice-oriented approaches to restorative justice, Carolyn Hoyle of the Center for Criminological Research at Oxford University has compiled *Restorative Justice*, a succinctly-titled four-volume set of key restorative justice readings for Routledge's Major Works series, Critical Concepts in Criminology. "It is certainly the case," Hoyle observes in a helpful introduction to these volumes, "that over the past two decades there has been more written about restorative justice than almost any other criminological topic. Much of this work has been evangelical, rather than academic or critical. Quantity rather than quality has prevailed. There have, however, been sufficient notable exceptions to draw together a collection of the most provocative, theoretically sophisticated and empirically sound writings on the subject from internationally recognized scholars of law, sociology, psychology, and criminology."

Hoyle, who has written widely on the impact of restorative justice practices, divides this "authoritative reference work" into four parts that address the rise (or origins) of restorative justice, international aspects of restorative justice, the promise of restorative justice, and "stumbling blocks" that confront restorative justice as it expands its presence and influence in criminal justice systems around the world. The field of restorative justice does not fall short on authoritative reference works – consider, for example, Mark Umbreit's *The Handbook of Victim Offender Mediation: An Essential Guide to Practice and Research* (Jossey-Bass, 2001), Dennis Sullivan and Larry Tift's *Handbook of Restorative Justice: A Global Perspective* (Routledge, 2006), and Gerry Johnstone and Daniel W. Van Ness' *Handbook of Restorative Justice* (Willan Publishing, 2007). Still, this collection merits a place on agency, researcher, and practitioner bookshelves.

Restorative Justice contains 79 articles and book chapters. The 13 entries in *Volume I: The Rise of Restorative Justice* include articles from Nils Christie, Randy Barnett, Howard Zehr, Dan Van Ness and others on early dimensions of the theoretical debate on restorative justice. Other

articles focus on the evolution of restorative justice practices in Australia, Canada, Great Britain, New Zealand, and the United States. The 20 articles in *Volume II: Restorative Justice on the International Stage* cover the use of restorative justice in juvenile and criminal justice systems and the use of restorative justice techniques in cases that involve family violence, homicide, sexual violence, and crimes against humanity. The 21 articles in *Volume III: The Promise of Restorative Justice* focus on the use of restorative justice in businesses, schools, child welfare systems, and police agencies to restore victims and rebuild communities. These articles address topics such as diversion, rehabilitation, and desistance, as well as recidivism, prison population reduction, and punishment. The 25 articles in *Volume IV: Stumbling Blocks on the Road to a Restorative Jurisprudence* address such matters as procedural fairness, ethics, accountability, shame, proportionality, and indigenous justice. This last volume ends with an essay from John Braithwaite, who offers some cautions about restorative justice.

Contributors consist of an international cast, with heaviest participation from U.K.-based authors. American contributors make up one-fourth of the volumes' articles. Issues discussed in these articles are generally more universal than jurisdictional. Overall, *Restorative Justice* provides readers with sufficient material to assess competing definitions of restorative justice, to develop a critical distinction between punishment and restorative justice, to understand the emergence and growth of restorative justice, to acknowledge the achievements and effectiveness of restorative justice, to appreciate conceptual aspects of restorative justice, and to gain a sense of the future for restorative justice on diverse matters that are adjudicated in different legal systems. In the process, this set of resources will not only ground newcomers in the field, but also expand the visions of those who have practiced or have otherwise been involved with restorative justice.

Violent Places, Violent People

The Culture of Prison Violence by James M. Byrne, Don Hummer, and Faye S. Taxman, Pearson Education, Inc., Boston, 2008, pp. 219 (paperback).

Reviewed by Donald G. Evans
Toronto, Ontario

With society's continuing reliance on incarceration as the primary weapon against criminal behavior, it is important to assess what exactly happens in prison environments. In his forward to this book, Todd Clear notes that the authors are concerned "with the problem posed by the contemporary prison: too violent, too likely to lead to failure." For him this book is an attempt "to change practice, to make prisons different." The authors have brought together a number of studies from researchers in the United States and the United Kingdom to address the issue of violent places creating violent people. There is a need for serious examination of the culture of prisons and the role that organizational culture plays in the regimes that are created to maintain control and manage the prison population. This look at the connection between offender, staff, and management culture; prison and community culture; and violence is the focus and intent of the editors.

The book consists of 10 chapters covering various aspects of the problem of culture, violence, and what works to reduce violence in prisons and to change the behavior of the offender while in prison, but especially when released to the community. In the first chapter the editors provide an overview that includes a brief revisionist history of prison reform, a summary of the chapters that follow, and comments on an agenda for change. For them this agenda includes a demand for transparency, use of evidence-based practices, and measuring the moral performance of the prison.

In chapter one Byrne and Hummer address the nature and extent of prison violence. This is not a pretty picture, and is complicated by the lack of a standardized data collection system. There will continue to be arguments and disagreements about the nature and extent of prison violence and disorder until such a system is in place.

Chapter two by Stowell and Byrne explores the reciprocal relationship between the community and prison culture. They comment on the differing definitions of culture and present a new cultural paradigm that they feel has promise: the “culture in action” typology. They conclude that “it appears that prison culture and community culture are linked in ways that are important to understand” if we hope to address the revolving door issue of our prison systems. According to the authors, there will be a need for further examination of the reciprocal relationship between prison and community cultures before we can consider the policy implications of the “culture in action” paradigm.

In chapter three Byrne and Hummer examine the impact of institutional culture on prison violence and disorder and provide an overview of potential solutions. Appendix A of this chapter is an especially useful compilation of recent research on prison culture and institutional violence and disorder.

Chapters four, five, six, and nine present studies from the United Kingdom and cover the following topics: legitimacy and imprisonment, why prison staff culture matters, culture, performance, and disorder, and the cultural roots in England’s prisons.

In chapter seven the editors report on the National Institute of Corrections’ institutional culture change initiative, a multisite evaluation. Unfortunately the external evaluation of this initiative was discontinued and all we have are preliminary results.

Chapter eight explores prison culture and the treatment and control of mentally ill offenders and is a particularly timely issue given the current interest in mental illness in our prison systems. Lurigio and Snowden conclude their review by noting that “the current culture of the prison does little to alleviate prisoners’ mental health problems and may actually aggravate them.”

The final chapter by Byrne, Hummer, and Stowell reviews prison violence, prison culture, and offender change and point to new directions for researchers, policy makers, and practitioners. The agenda for research would include a focus on prison violence, examination of prison performance, and movement toward an evidence-based corrections system. The authors suggest there is a need to pay attention to the emerging perspective on the social ecology of violence if we are to gain a better understanding of the person-environment interaction. In addition, developing the role of culture in explaining violence in both institutional and community settings and further inquiry into the “culture in action” paradigm would be useful theoretical explorations. Finally, the authors conclude that new directions in policy and practice will involve inmate, staff, and management-focused change strategies.

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*a journal of correctional
philosophy and practice*

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PUBLISHED BY

The Administrative Office of the United States Courts

James C. Duff, *Director*

John M. Hughes, *Assistant Director*
Office of Probation and Pretrial Services

Federal Probation ISSN 0014-9128 is dedicated to informing its readers about current thought, research, and practice in corrections and criminal justice. The journal welcomes the contributions of persons who work with or study defendants and offenders and invites authors to submit articles describing experience or significant findings regarding the prevention and control of crime and delinquency. A style sheet is available from the editor.

Federal Probation is published three times yearly—in June, September (on a special topic), and December. Permission to quote is granted on the condition that appropriate credit is given the author and *Federal Probation*. For information about reprinting articles, please contact the editor.

Subscriptions to *Federal Probation* are available from the Superintendent of Documents at an annual rate of \$16.50 (\$22.40 foreign). Please see the subscription order form on the last page of this issue for more information.

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[The Creation and Validation of the Ohio Risk Assessment System \(ORAS\)](#)

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Program Design, Implementation, and Evaluation in “Real World” Community Supervision

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The Creation and Validation of the Ohio Risk Assessment System (ORAS)

¹ For more details on the Pretrial instrument see: Lowenkamp, C. T., Lemke, R. and Latessa, E. (2008). *Federal Probation* 72(3)2-9.

² The responsivity principle touches on two related aspects of responsivity—specific and general. This article, and assessment in general, usually focuses on assessing specific responsivity.

³ Space constraints limit a full presentation of the methodology involved in the validation and construction of ORAS; for a full review see Latessa et al. (2009).

⁴ Due to the high volume of offenders on community supervision, an abbreviated version of the CST was developed as a screening tool to identify moderate and high risk cases for the full assessment. Latessa et al. (2009) provides a detailed description of the Community Supervision Screening Tool.

⁵ Due to differences in access, interview availability, due process issues, and ethical considerations, pretrial defendants were assessed using different interview protocols and data collection tools. See Latessa et al 2009 for a further explanation of the differences in data

collection between the pretrial instrument and other assessment instruments.

⁶ Unlike the other assessment tools, the outcome used in the construction of the Pretrial Assessment Tool was either a new arrest or failure-to-appear. Failure-to-appear was included as an outcome because one of the major goals of the pretrial tool was to assist court actors in the decision to release or hold the defendant prior trial. A major concern of court actors in making this decision involves both the potential for new criminal activity and the likelihood that the defendant will appear at court date.

⁷ The number of cases excluded for each tool because they have more than four items missing were:

pretrial sample = 0, community supervision sample = 3, prison intake sample = 10, reentry sample = 2.

⁸ Latessa et al. (2009) provides a thorough description of the priorities in cases management, included analyses for each instrument that provide the likelihood of recidivism for each domain.

⁹ Latessa et al. (2009) provides the scoring sheets that list all items for each assessment instrument.

¹⁰ r values are reported here to indicate the predictive validity of each assessment instrument because they are widely understood and easy to interpret. Receiver Operating Characteristics (ROC) analyses were also performed to gauge the predictive validity. The Area Under the Curve (AUC) values that resulted from these analysis are as follows: Pretrial Assessment Tool AUC=.65, $p<.00$; Community Supervision Tool male AUC=.71, $p<.00$; Community Supervision Tool female AUC=.69, $p<.00$; Prison Intake Tool male AUC=.67, $p<.00$; Prison Intake Tool female AUC=.69, $p<.00$; Reentry Tool male AUC=.65, $p<.00$, Reentry Tool female AUC=.77, $p<.00$.

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¹ Two men who applied for Circles in prison were out when they had theirs. One was held at his mother's home and one at a church.

² An additional Modified Huikahi Restorative Circle was provided to an incarcerated woman in a California jail as part of a training program for probation officers. The woman, four of her incarcerated friends, and two support people who worked in the jail participated, and all reported the process was very positive. The city in California is working with a community-based organization to replicate the Circle program. A non-profit in upstate New York is also working to replicate it.

³ This average rate includes people on parole and probation and those who were released directly out of prison without parole or probation (“maxed out”). The recidivism rate for people who maxed out was markedly higher at 61.5 percent.

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Federal Probation's publication of the articles and review is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System.

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