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Federal PROBATION

*a journal of correctional
philosophy and practice*

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Accountability and Collaboration: Strengthening Our System Through Office Reviews

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The Federal Probation and Pretrial Services System Since 1975: An Era of Growth and Change

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THIS ISSUE IN BRIEF

Inroads to Reducing Federal Recidivism

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Information in this article demonstrates that, controlling for risk of the population, both rearrest and revocation rates are decreasing for the federal post-conviction supervision system as a whole. This suggests that despite the increase in risk of the federal post-conviction supervision population, probation officers are improving their abilities to manage risk and provide rehabilitative interventions.

By Laura M. Baber

Accountability and Collaboration: Strengthening Our System Through Office Reviews

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The authors provide a detailed discussion of the development of a new process for conducting cyclical district office reviews in the federal probation and pretrial services system. They highlight the reasoning behind the changes adopted, share feedback from chiefs of probation and pretrial services who have participated in the new process, and provide a summary of major findings from reviews conducted in fiscal year 2015.

By Jay Whetzel, Janette Sheil

A Quasi-Experimental Evaluation of a Model of Community Supervision

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During the last decade, several formalized approaches have been developed to improve the effectiveness of probation and parole by implementing evidence-based research into community supervision practices. In support of these new models, there are now some studies indicating that these strategies are capable of reducing offender recidivism and tentative evidence to suggest that even greater reductions may be achieved when motivational interviewing techniques are implemented in conjunction with them. In this study the authors provide a first attempt at quantifying officer fidelity in these two areas in order to determine if skill competency has an effect on recidivism.

By Ryan M. Labrecque, Paula Smith, Jennifer D. Luther

Probation Officer Roles: A Statutory Analysis

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There are a limited number of studies that explore the legally prescribed roles of probation officers. To address this, the current study employed a statutory analysis to examine how probation officer roles have changed over the past 30 years, identifying which tasks and roles are statutorily mandated for probation officers. Findings indicate that there is an emergence of a “case manager” approach in the legally prescribed roles for probation officers in many states, even though law enforcement-oriented tasks are slightly more prescribed by law than rehabilitation-oriented tasks.

By Ming-Li Hsieh, Moana Hafoka, Youngki Woo, Jacqueline van Wormer, Mary K. Stohr, Craig Hemmens

Using Organizational Strategies to Improve Substance Abuse Treatment for Probationers: A Case Study in Delaware

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Many people under community supervision and addicted to opioids or alcohol could benefit from substance abuse treatment that includes medication-assisted treatments. However, conflicting attitudes toward MATs and competing organizational priorities in many jurisdictions complicate the inter-organizational strategy used to arrange this treatment. The authors study the effectiveness of an Organizational Linkage Intervention to bridge existing treatment gaps and mediate conflicts between community corrections and treatment agencies. The results of their study show accomplishments in improving communication between probation and treatment agencies and potential barriers that may persist.

By Laura Monico, Sami Abdel-Salam, Daniel O’Connell, Christy A. Visher, Steven Martin

Methodological Challenges to the Study and Understanding of Solitary Confinement

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The use of solitary confinement in the United States has come under increased scrutiny and calls for reduction or abolition of its use. However, there has been little empirical examination of the use of solitary confinement in settings other than supermax-style confinement. In this article the author reviews types of solitary confinement and methodological challenges when researching solitary confinement.

By Michael P. Harrington

Reprint in Honor of the 90th Anniversary of the Federal Probation System
The Federal Probation and Pretrial Services System Since 1975: An Era of Growth and Change 48

In this 1997 article, reprinted as the last in this year's series of reprinted historical articles marking the federal probation system's 90th anniversary, the authors trace trends and changes in the federal probation and pretrial services system since 1975. They then provide a year-by-year account of internal events in the time frame and also external events, such as legislation and the actions of the Sentencing Commission and the Federal Judicial Center, that affected the federal system.

By John M. Hughes, Karen S. Henkel

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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 reviews 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.

Inroads to Reducing Federal Recidivism

Laura M. Baber

Chief, National Program Development Division
 Probation and Pretrial Services Office
 Administrative Office of the U.S. Courts

While I hope you enjoy all the interesting articles in this edition of *Federal Probation*, I think the lead article authored by my colleague Laura Baber is of particular significance. It's not a routine report on recidivism by persons under federal post-conviction supervision: It's a report that tracks what is probably the largest cohort ever studied, hundreds of thousands of people spread out in every state in the union. They have been followed for years, during and after supervision, and the concept of recidivism was looked at from a variety of perspectives: felony rearrest, nature of rearrest, revocation, and "total failure." For the first time, we are also able to compare outcomes for different subcohorts, reliably controlling for changing risk levels and criminogenic profiles over time. Empirical data allow us to project future recidivism rates and then study causes if actual results vary.

Another interesting aspect of the article is that it reveals that recidivism, again controlling for the

nature of the supervision population, is actually declining. For someone who began his career in community corrections in the 1980s, I can't tell you how amazing that is. While the decline is probably influenced by many factors, it has coincided with the federal probation and pretrial services system's implementation of advanced actuarial assessment devices to help officers stratify their caseloads and prioritize issues within cases. Simultaneously, the system has expanded its training programs pertaining to evidence-based supervision practices. And the system has begun re-examining its key policies using the scientific method. For more information on these initiatives, please read earlier editions of *Federal Probation*, including the special issues discussing PTR, PCRA, STARR, and the system's Early Termination Policy.

Perhaps most exciting of all is that this may be just the beginning. The system's greatest asset, its talented and experienced staff, remains intact. The federal judiciary, with

funding support from Congress, plans to enhance its risk assessment devices, expand its training programs, and increase other useful resources for officers. The Judicial Conference of the United States' Committee on Criminal Law, which is essentially the system's Board of Directors, remains committed to the system becoming as empirical and outcome-based as possible—this while the system gears up for a new strategic plan, building on the success of the last one discussed in the September 2015 issue of *Federal Probation*. With this kind of effort, and a little luck, recidivism will decline further, noncompliance—when it does occur—will be dealt with even more quickly and more effectively, and the community and the interests of justice will be served better still.

Matthew Rowland, Chief, Probation and
 Pretrial Services Office
 Administrative Office of the U.S. Courts

INTEGRAL TO THE to the federal probation and pretrial services system's long-term strategic commitment to be results-driven, the Probation and Pretrial Services Office (PPSO) of the Administrative Office of the U.S. Courts (AO) continues its pursuit of understanding how well it is meeting its mission of protection of the community in the context of post-conviction supervision. Studies conducted over the past decade suggest that federal probation is indeed making inroads toward one of the federal criminal justice system's most intractable problems: return to crime (what we in the community corrections field refer to broadly as "recidivism") by those who have served

a term of supervised release¹ or probation.² Measurable decreases in federal recidivism coincide with concerted efforts to bring to life state-of-the-art evidence-based supervision

¹ Under 18 USC 3583, supervised release is a sentence to a term of community supervision to follow a period of imprisonment. It is available for all offenders who committed their crimes on or after November 1, 1987, the effective date of the Sentencing Reform Act.

² Authorized under 18 USC § 3561. The Sentencing Reform Act, applicable to offenders who committed their offenses on or after November 1, 1987, made probation a sentence in its own right rather than the means by which the imposition or execution of a sentence to imprisonment is suspended.

practices into the federal system, including the development and wide-scale implementation of a dynamic risk assessment instrument, emphasis on targeting person-specific criminogenic needs and barriers to success, and training on core correctional practices.

This results-based focus is framed within the Judiciary's broad-scale system-wide objective articulated by the leaders of the court system at the beginning of the most recent century. During key strategic planning sessions, leaders of our system reached widespread consensus that Congress and the public will hold the federal justice system increasingly accountable for outcomes, and that we must

rise to that challenge by clearly articulating desired outcomes, rigorously measuring progress, and communicating results with fidelity. Since then, the system has articulated the system's goals in national policies, promoted a common understanding of those goals, operationalized measures that speak directly to those goals, and built an infrastructure that promotes systematic measurement of results (Hughes, 2008).

By 2010, we had laid a foundation for independently measuring the system's most salient outcome—protection of the community through reduced recidivism by those clients our officers supervise on post-conviction supervision. We were able to learn definitively for the first time the extent to which persons under federal supervision are arrested for new criminal activity, both while on supervision and for a follow-up period after supervision ended.

In formal consultation with experts in criminology, PPSO adopted rearrest as a primary outcome measure because (1) unlike convictions, arrests are more available in automated criminal history records; and (2) unlike revocations, arrests are not subject to court culture and probation officer influence, and as such, are a more independent measure (Hughes, 2008). This is significant because it allows us to measure outcomes using data obtained from official records that are not subject to interpretation or bias that may be inherent in self-reported data. Furthermore, these independently-derived data permit outside entities to reproduce findings (assuming those entities have obtained criminal history data in accordance with the requirements of Title 28 of the Code of Federal Regulations (CFR) Part 22).

A secondary measure, revocation of supervision, measures the extent to which post-conviction supervision is meeting another of its stated goals: successful completion of supervision for all offenders.³ It is important to point out that while successful completion is a goal in all cases, frequently this goal is eclipsed by federal probation's statutory duty to protect the community. When officers detect evidence of behavior that, if left unchecked, may result in harm to the community, they must report such behavior to the judicial officer, who, depending on the totality of the circumstances, may revoke the supervisee's term of supervision. Later in this article, we discuss a newly constructed measure of "total failure," which comprises (mutually

exclusively) both rearrests and revocations. We use the term "failure" with a recognition that revocations themselves may not be a failure—in the truest sense of the word—at all.

In the formative stages of this effort, the AO, in partnership with Abt Associates, Inc., developed a method for assembling and matching criminal rap-sheet data to clients' records to measure the rate at which supervisees were rearrested for new criminal activity. In 2010, the AO released the results of a study that examined recidivism using the system's agreed-upon definition—rearrest for new criminal activity (Baber, 2010). In this study, the AO learned that about 23 percent of persons under supervision for three years between the years October 1, 2004, and August 13, 2009, were rearrested for a new criminal offense, and about 18 percent were rearrested within three years of supervision ending (Baber, 2010).

Since that time, the AO has generated annual recidivism reports for each district and posts those statistics on its Decision Support System (DSS) so that they are viewable by probation office staff at all levels. Each fiscal year, the received cohort for that year is added and rearrests that have occurred from the prior year are included. Those reports display for each district annual three-year rearrest and revocation rates for each available entry cohort beginning in fiscal year 2005.

Additionally, the percentage of arrests is categorized into broad offense types: violence, property, drugs, immigration, escape/obstruction, firearms, sex offenses, and public order.⁴ For context, individual district metrics are displayed in conjunction with national and circuit-level statistics. At each level, changes over time in recidivism rates for each entry cohort are displayed, along with the rates for each risk level, as measured by federal probation's Post Conviction Risk Assessment (PCRA). The PCRA classifies persons into four risk categories: Low, Low/Moderate, Moderate, and High.⁵

Recidivism Statistics Including the FY 2014 Received Cohort

More recently, in addition to the incorporation of during and post-supervision recidivism statistics for the most recent cohort of persons received (fiscal year 2014), we made other material improvements that advance our knowledge about the nature and timing of recidivism in the federal system. These improvements include: (1) rearrest and revocation rates that are adjusted for inherent risk of the offender population; (2) statistics that report total failure rate for persons under supervision, i.e., one that combines arrest and revocation rates; (3) those same statistics at additional follow-up intervals, and (4) an additional statistic that reports recidivism measures expressed as a percentage of cases under supervision for the fiscal year. Rates that are adjusted for risk of the population are particularly important because they demonstrate that, despite a steady increase in supervisee risk profile, recidivism defined by rearrest, revocation, or a combination of the two measures, is decreasing. This result is highly encouraging for stakeholders and policymakers alike, as it suggests that recent advances in federal supervision practices are producing more favorable outcomes. These improved outcomes persist despite austere budget climates for some of the years examined in this study.

This article, based on information provided by Abt Associates under contract with the AO, describes the advances in recidivism knowledge and recent rearrest data.

Data

The study cohort includes a total of 454,223 persons serving active supervision terms of probation (19 percent) and supervised release (81 percent) that commenced between October 1, 2004, and September 30, 2014. A term consists of a continuous period of supervision, including transfers of supervision (with or without jurisdiction) from one judicial district to another. Data were drawn from the Probation and Pretrial Services Automated Case Tracking System (PACTS) of December 1, 2014. Sixty-seven percent of the supervision terms were closed as of this date.

Supervision data were merged with arrest data for each supervisee in the analysis. Arrest data were drawn using an automated process that feeds en masse the identifiers for the persons supervised and retrieves "rap sheets" from the judiciary's ACCESS to Law Enforcement System (ATLAS). Rap sheets from ATLAS were parsed and converted

³ The Guide to Judiciary Policies, Part E: Supervision of Federal Offenders (Monograph 109).

⁴ Arrest strings are extracted from rap sheets and converted into the National Crime Information Center (NCIC) codes. The NCIC codes were then collapsed into the broader offense categories used by the AOUSC.

⁵ An Overview of the Federal Post Conviction Risk Assessment, September 2011, pg. 9. <http://www.uscourts.gov/statistics-reports/publications/post-conviction-risk-assessment>

TABLE 1.
Number of Offenders in Analysis by Statistic Produced

Duration	Rearrests During Supervision	Rearrests Post-Supervision	Revocations	Failures for Any Reason
3	447,269		447,291	447,291
6	431,227		431,295	431,295
12	375,298	193,134	375,390	375,390
18	333,293		331,511	333,511
24	296,415	158,860	296,756	296,756
36	195,405	126,833	195,974	195,974
48	64,307		64,611	64,611
60	35,112		35,372	35,372

TABLE 2.
Arrest Rates for Serious Offenses While On Supervision, by Duration

Duration (in Months)	N	Percent Arrested
3	447,269	2.8%
6	431,227	5.2%
12	375,298	9.3%
18	333,293	12.7%
24	296,415	15.6%
36	195,405	20.8%
48	64,307	24.5%
60	35,112	27.7%

to the following offense categories: violent, property, drug, sex offense, firearms, escape/obstruction, public order, immigration, and other offenses (Baber, 2010). For purposes of this study, arrests are defined as the first arrest for a serious offense⁶ that occurs for a supervisee. Minor offenses are excluded from the statistics, because there exists a great deal of variance among states in reporting these offenses to state repositories. Consequently, offenses against public peace, invasion of privacy and prostitution, obstruction of justice, liquor law violations, and traffic offenses were excluded. Restricting the statistics to major offenses mitigates the possibility that differences in reporting practices by states or over time influence the arrest rates. Exclusion of minor offenses does not materially under-report arrest rates (Baber, 2010).

Table 1 shows that the persons entering into the underlying calculations differ across time. For example, when estimating a twelve-month arrest rate, a total of 375,298 persons enter the calculations, but when estimating

⁶ Major offenses are felony offenses or felony-equivalent offenses. Where the arrest data did not classify the level of offense, imputations were made based on the offense as categorized. Offenses that were classified as felonies 75 percent or more of the time are considered felonies.

a thirty-six-month arrest rate, only 195,405 persons enter the calculations.

An Increasingly Risky Federal Supervision Population

Using the Post Conviction Risk Assessment instrument as its measure, we can see that the persons who enter federal supervision each year are at increased risk to recidivate. Between FY 2005 and FY 2011, the average PCRA score of a newly-received supervisee rose from 5.09 to 6.55, an increase of 1.46 points. Other data support that the federal supervision population is increasing in risk, due certainly in part to more extensive criminal histories of those convicted of federal crimes. As illustration, the criminal history score⁷ of defendants who

⁷ According to the Sentencing Guidelines promulgated by the United States Sentencing Commission, criminal history forms the horizontal axis of the sentencing table. The table divides criminal history into categories I (the lowest) to VI (the highest). The appropriate category is determined by assigning points to prior sentences and juvenile adjudications based on the guidelines and commentary in Chapter Four, Part A. The guidelines in Chapter Four, Part 21 A, translate the defendant's prior record into one of these categories by assigning points for prior sentences and juvenile adjudications.

began supervision in FY 2005 increased from 4.61 to 5.62 in FY 2015.⁸

Rearrests During Supervision

This study examines the first arrest for a serious criminal offense during the period of supervision. Arrest rates are provided for supervisees within 3 months, 6 months, 12 months, 18 months, 24 months, 36 months, 48 months, and 60 months of starting active supervision. To be included in the tabulations for each of these follow-up periods, they had to be sentenced to supervision for at least that time period before the last date they are observed in the data (December 1, 2014). For example, to be in a three-month arrest rate calculation, a supervisee would have had to have completed at least three months of supervision before the last date he or she was observed in the data according to the supervision sentence imposed by the courts, although the supervisee may have been on supervision for less than three months because of a new arrest or revocation. Similarly, to be included in the six-month rates, they would have had to have completed at least six months of supervision before the last date they were observed in the data, except for the occurrence of a new arrest or revocation, and so on. Arrests are cumulative over the follow-up periods. For example, a supervisee was sentenced to six months of supervision and he was arrested after three months. His arrest is included in both the three-month and six-month arrest statistics. If another supervisee was ordered to three months of supervision and was arrested after one-month, her arrest is only included in the three-month arrest statistics but not in the six-month arrest statistic.

Few persons were rearrested for a serious offense within the first six months of starting supervision (about 5 percent within six months and 3 percent within three months); less than 10 percent were rearrested within a year; 21 percent were rearrested within three years; and less than 30 percent have a rearrest within five years (27.7 percent). Table 2 shows the rearrest rates for each of the time periods.

Rearrests Post Supervision

We also examine post supervision recidivism, which we define as the first arrest for a major offense following the successful completion of supervision, i.e., their term expired or the supervision term ended because the court granted early termination.

⁸ The AOUSC's Probation and Pretrial Services Decision Support System.

TABLE 3.*Arrest Rates for Serious Offenses Post Supervision, by Duration*

Duration (in Months)	N	Percent Arrested
12	193,134	6.5%
24	158,860	11.4%
36	126,833	15.0%

TABLE 4.*Revocation Rates While On Supervision, by Duration*

Duration (months)	N	All	New Crime	Technical
3	447,291	1.0%	1.0%	0.9%
6	431,295	3.7%	0.8%	2.9%
12	375,390	8.7%	2.8%	5.9%
18	333,511	13.1%	5.1%	8.0%
24	296,756	16.9%	7.3%	9.6%
36	195,974	21.9%	11.1%	10.8%
48	64,611	23.0%	12.5%	10.5%
60	35,372	26.0%	14.8%	11.2%

TABLE 5.*Total Failures (Rearrests and Revocations) While On Supervision, by Duration*

Duration (in Months)	N	Percentage
3	447,291	3.9%
6	431,295	8.6%
12	375,390	16.2%
18	333,511	22.1%
24	296,756	26.9%
36	195,974	33.7%
48	64,611	37.1%
60	35,372	41.1%

Forty nine percent of persons in the analysis cohort completed their supervision terms successfully. Twenty-one percent had their supervision terms revoked, 27 percent are still under supervision, and the remaining 3 percent ended supervision due to death or other miscellaneous reasons. (Data not shown in tables.) Of those who successfully completed supervision, the length of time at risk to recidivate varies, ranging from less than a month for some persons to over 10 years for others (i.e., the earliest successful completion of supervision was late October 2004). The statistics include only persons for whom we are able to observe arrest outcomes for at least one year post supervision (i.e., those received into supervision during the FY2014 cohort completed supervision before December 1, 2014).

We provide separate tabulations for persons for whom supervision was completed such that a supervisee had at least one, two, and three years of post supervision follow up. Arrests are cumulative over the one, two, and three years of follow up. Rearrest rates are based on the three years of post supervision follow up.

As Table 3 depicts, within the first year after supervision ends, only 6.5 percent of supervisees are rearrested for a major offense. By the second year, the rate nearly doubles to 11.4 percent, and by the end of the third year, 15 percent of persons had incurred a new major arrest. It is important to note that these statistics presumably reflect the group of persons who had successfully completed their term of supervision, and thereby were not serving terms of incarceration due to revocation, and

thus are the most likely to remain arrest-free after the term of supervision.

Revocation of Supervision

Persons may have their supervision terms revoked on the basis of new criminal conduct or for a technical violation of the conditions of supervision, or both. (PACTS data entry procedures instruct users to code the revocation as new criminal conduct when this scenario occurs.) In this article, we examine overall revocation rates, i.e., revocations for any reason, and revocation rates separately for new criminal behavior and technical violations. It is important to remember that in cases where violation of the conditions of supervision is the basis for revocation, often multiple violations and corrective attempts by officers have led to that point. In other words, revocation, while short of the stated aspirational goal of supervision, is often the final effort by the court to disrupt a supervisee's escalating noncompliant behavior that will lead to crime and more harm to the community (Rowland, September 2013).

Similar to tabulations on rearrests during supervision, the revocation rates are provided for persons within 3 months, 6 months, 12 months, 18 months, 24 months, 36 months, 48 months, and 60 months of commencing supervision. Rules for inclusion in the tabulations for each time period are identical to those for rearrests.

Table 4 shows the percentage of supervision terms revoked during each interval and the percentage of revocations that were for new criminal behavior and technical violations. The data reveal that few supervisees (4.7 percent) are revoked within the first six months of supervision and that a greater percentage of those revocations are for technical violations. However, by 12 months of supervision, rates nearly doubled (7.7 percent) compared to those in the first 6 months. For subsequent time intervals of 36 months and beyond, overall revocation rates appear to stabilize. By the 36th month of supervision, revocations for new crimes exceed those for technical violations. Within five years, almost 15 percent of supervisees are revoked for new criminal behavior, while 11 percent are revoked for technical violations.

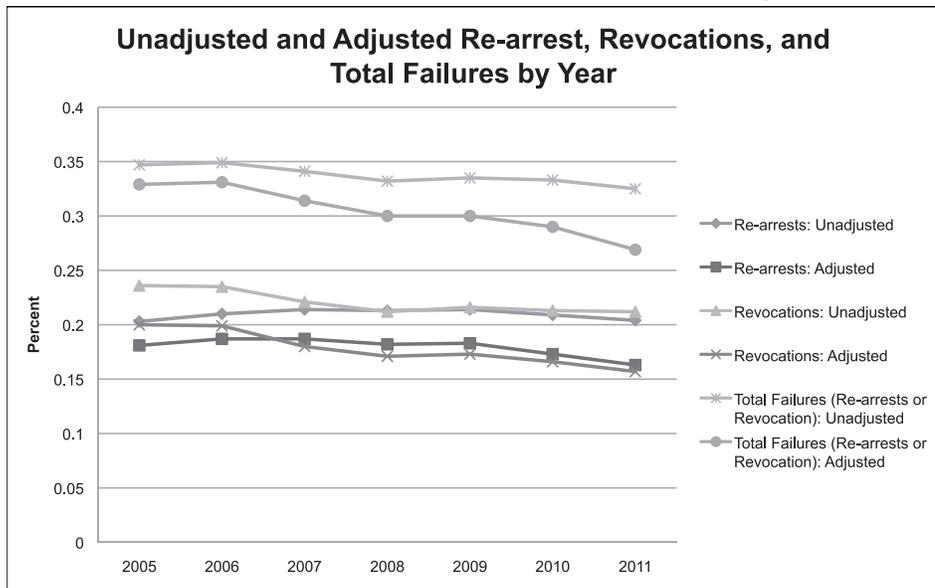
Failures for Any Reason

An enhancement of our recidivism tracking is the construction of a measure that reflects a "total failure" defined as either an arrest or revocation of supervision. Because

TABLE 6.
Unadjusted and Adjusted Rearrests, Revocations, and Total Failures by Year

Fiscal Year	Rearrests		Revocations		Total Failures (Rearrests or Revocation)	
	Unadjusted	Adjusted	Unadjusted	Adjusted	Unadjusted	Adjusted
2005	20.3%	18.1%	23.6%	20.0%	34.7%	32.9%
2006	21.0%	18.7%	23.5%	19.9%	34.9%	33.1%
2007	21.4%	18.7%	22.1%	18.0%	34.1%	31.4%
2008	21.3%	18.2%	21.2%	17.1%	33.2%	30.0%
2009	21.4%	18.3%	21.6%	17.3%	33.5%	30.0%
2010	20.9%	17.3%	21.3%	16.6%	33.3%	29.0%
2011	20.4%	16.3%	21.2%	15.7%	32.5%	26.9%

GRAPH 1.
Unadjusted and Adjusted Rearrest, Revocation, and Total Failures by Year



a supervisee can be both rearrested and later revoked for new criminal behavior or for violations of supervision conditions, rearrest rates and revocation rates cannot be summed together. Instead these events must be combined into a single measure: failure for any reason. This is an important advance in outcome tracking for post-conviction supervision, as this measure captures the totality of failures on supervision.

We defined failure for any reason as a failure under supervision for either a rearrest for a major offense or a revocation, whichever occurs first. Time until failure is defined as the time from the start of supervision to the first rearrest or revocation of supervision, whichever occurs first.

As Table 5 shows, for all persons in the cohort, approximately one-third (33.7 percent) will be arrested or revoked within three years of commencing supervision, and

approximately two-fifths (41.1 percent) are arrested or revoked within five years of commencing supervision.

Adjusted Recidivism Measures

Another significant improvement to our recidivism tracking is the adjustment for the changing composition of supervisees, thus making the analysis of changes over time and district-by-district comparisons more meaningful.

Compared to persons who began their supervision terms a decade ago, the federal offender begins his supervision term at increased risk to recidivate. Over time, this change has caused gradual upward pressure on rearrest and revocation rates. Statistics that are adjusted for risk provide standardized comparisons over time and among districts. Using non-linear logistic regression techniques, the study team estimates and reports adjusted rates that control for person-level

characteristics, including age, race, sex, risk level, and instant offense type.

Unadjusted Recidivism Measures

Table 6 depicts three-year rearrest, revocation, and total failure rates for fiscal years 2005 to 2011, the most recent year in which it is possible to chart three years of observation. The table presents both unadjusted and adjusted rates. The table clearly indicates that adjusted for risk and changing population, recidivism—by all measures—is declining. Unadjusted, rearrest rates have remained steady at 20.3 percent and 20.4 percent respectively; revocation rates have declined from 23.6 percent to 21.2 percent, and total failures have declined from 34.7 percent to 32.5 percent for persons entering supervision from 2005 compared to 2011.

Adjusted Recidivism Measures

More compelling, however, is an examination of these rates in their adjusted form. As such, rearrest rates have declined nearly 2 percentage points, from 18.1 percent to 16.3 percent respectively. Adjusted revocation rates show a sharper decline of 4.3 percentage points, from 20.0 percent to 15.7 percent respectively.

The combined measure of recidivism, one that depicts the total failure rates by tabulating the first of revocation or rearrest, illustrates the downward trend most dramatically. From cohorts entering supervision in 2005 compared to those entering in 2011, the adjusted failure rates have decreased 6 percentage points, an 18 percent reduction. For the 2005 cohort, total adjusted failure rates were 32.9 percent; for 2011, the rates were 26.9 percent. Figure 1 displays a graph of adjusted and unadjusted rates over time.

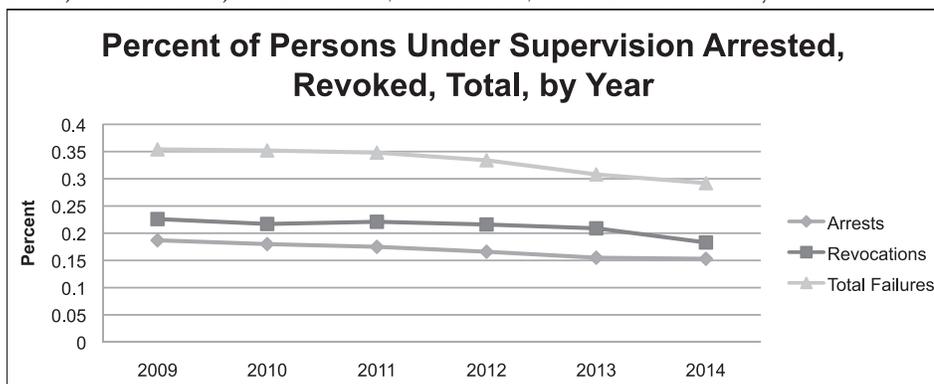
Stock Measure of Recidivism

Construction of additional measures of recidivism represents yet another step in further refining our results-based framework for post-conviction supervision. These new measures represent the percentage of persons under supervision at any time during the fiscal year who were rearrested, revoked, or who failed (either revoked or rearrested) respectively. We call these “stock” measures, as they indicate recidivism rates expressed as a percentage of persons under supervision during the time frame. This measure was constructed as a more straightforward presentation for stakeholders to understand how outcomes are trending over time for the entire supervision population, regardless of when the person

TABLE 7.
Percentage of Persons Under Supervision Arrested by Year

Fiscal Year	Arrests	Revocations	Total Failures
2009	18.7%	22.6%	35.4%
2010	18.0%	21.7%	35.2%
2011	17.5%	22.1%	34.8%
2012	16.6%	21.6%	33.4%
2013	15.5%	20.9%	30.8%
2014	15.3%	18.3%	29.2%

GRAPH 2.
Unadjusted and Adjusted Rearrest, Revocation, and Total Failures by Year



entered or exited supervision. Rates of entry and exit are important because persons in the early years of their supervision terms are more likely to fail than those who have survived to the latter years. For illustration, as Table 5 indicates, more than half of the five-year total failures (41.1 percent) have occurred within the first 18 months of supervision (22.1 percent). The stock measure adjusts for the time under supervision, as well as the change in risk profile (using the same methodology as the adjusted rearrest, revocation, and total failure rates reported here). Because the entire study cohort (fiscal years 2005 to 2014) is

constructed based on the year in which the person began supervision, we had an insufficient complement of “under supervision” persons for the early years. Therefore, we begin presenting statistics for persons under supervision beginning in 2009.

These statistics, shown in Table 7, show a pattern similar to the ones exhibited by measures stratified by the years of entry onto supervision that were discussed earlier in this article. For example in 2009, 18.7 percent of persons under supervision that year were rearrested for a major offense. By 2014, the latest year on which we have data, that rate had

dropped to 15.3 percent. Similarly, in 2014, 18.3 percent of persons were revoked during the year, down from 22.6 percent in 2009. Total failures that occurred during those time frames show a sharp decline similar to the entry cohort statistics. The percentage of persons arrested or revoked in 2009 was at 35.4 percent, which is 6 percentage points higher than in fiscal year 2014. Graph 2 shows these statistics charted over the time periods.

Conclusion

The information presented in this article demonstrates that, controlling for risk of the population, both rearrest and revocation rates are decreasing for the system as a whole. This is very good news indeed, as it suggests that despite the increase in risk of the post-conviction supervision population and several years of austere budgets, probation officers are improving their abilities to manage risk and provide rehabilitative interventions. As a system we have made considerable investment in evidence-based supervision practices (EBP) through training and reinforcement of the Risk-Need-Responsivity (RNR) principles of EBP. These results suggest that those investments may be beginning to reap dividends in terms of community safety.

As a system, we have also made substantial progress in our ability to measure and report our outcomes. To date, with over 450,000 persons in our recidivism data file, we have amassed the largest-known recidivism data file in existence. But we have only scratched the proverbial surface. As a system, we must sustain for the long haul commitment to our mission and carefully watch our progress. Careful watching entails that we continue to build upon our results-based framework.

Accountability and Collaboration— Strengthening Our System Through Office Reviews

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THE PROBATION AND PRETRIAL Services Office (PPSO) within the Administrative Office of the U.S. Courts (AOUSC) has a long history of providing oversight of the work of the United States courts. This function fulfills the statutory requirement of the director of the AOUSC, or his authorized agent, to investigate the work of the probation officers and promote the efficient administration of the probation system (18 § U.S.C. 3672). Similar authorization to investigate the work of federal pretrial services rests under U.S.C. § 3153(c)(2).¹ For several years, there had been discussions within the PPSO that improvements to the review process were warranted, including concerns that the review process did not do enough to support the system's efforts to reduce offender and defendant risk in the community or advance evidence-based practices. With these two goals in mind, the entire review process was revised to better focus on risk and outcomes. Changes to the process included the incorporation of operational metrics, a greater emphasis on the supervision of higher-risk defendants and offenders, a more iterative and collaborative process between PPSO and the districts being reviewed, and a higher level of

program accountability. This article provides a detailed discussion of the development of the new process, highlighting the reasoning behind the changes that were adopted. It also shares feedback from several chiefs who have participated in the new process in fiscal year 2015. Last, this article invites a broader conversation regarding PPSO's commitment to improve collaboration and to enhance system accountability, both of which are essential to enhance the quality of federal community corrections and improve community safety.

Background

In order to meet its statutory responsibilities, PPSO has relied in large part on office reviews, which are on-site, broad examinations of an office's operations.² The reviews are conducted on a cyclical basis with sufficient advance notice to the district. The review team randomly selects offenders' and defendants' electronic case files for examination, with team members having direct access to the office's automated case management system and unfettered access to supporting documentation. Typically reviews assess pretrial services investigations and supervision, post-conviction supervision, low-risk supervision, as well as the district's location monitoring, treatment, and firearms and safety programs. In addition to reviewing files, team members interview officers and executive stakeholders

and examine local policy requirements. On average, districts are reviewed every five years, with the frequency influenced by funding and staffing levels at PPSO and in the courts. All reviews result in a written report filed with the chief judge of the district and copied to the chief probation or pretrial services officer. The report includes findings and recommendations based on national policies and procedures.

During a review, any deficiencies uncovered—referred to as Findings—are always tied to national policy requirements.³ However, one question that was asked was, "Are all findings equal?" Is an officer's failing to have a certain form signed as critical to community safety as her promptly responding to a location monitoring alert? The potential impacts of such failures are clearly not equivalent. PPSO needed to refocus office reviews on the supervision of higher-risk defendants and offenders and the most critical policy requirements. This posed a challenge to current practice, for there are sentence and statutory requirements that must be met and therefore verified through a review, even as those requirements may or may not have any definitive causal link to community

¹ U.S.C. § 3153(c)(2) states that the Director of the Administrative Office of the United States Courts is authorized to issue regulations governing the release of information made confidential by 18 U.S.C. § 3153(c)(1), enacted by the Pretrial Services Act of 1982. Within these regulations, pretrial services information shall be available to the staff of the AOUSC for reviews, technical assistance, or other research related to the administration of justice.

² In contrast, case reviews are conducted on an ad hoc basis, usually looking into the supervision of an individual defendant or offender implicated in new serious criminal conduct, such as a murder or rape.

³ The risk principle indicates that offenders should be provided with supervision and treatment levels that are commensurate with their risk levels. Lowenkamp, C. T., Latessa, E. J. (2004). Understanding the risk principle: How and why correctional interventions can harm low-risk offenders, Topics in Community Corrections, 3-8.

safety.⁴ Other areas of a PPSO review, such as procurement and firearms, arguably have no direct link to reducing offender rearrest, although their relevance to abiding by contracting regulations and maintaining officer safety, respectively, are undeniable.

Another PPSO concern was the lack of program metrics to gauge district effectiveness. As probation and pretrial services have moved to become more data driven, the traditional review process clearly was not leveraging improvements in data collection and analysis. Changes were imminent.

An Opportunity to Innovate

PPSO's move to identify and adopt evidence-based practices nationally paralleled and largely informed its reassessment of the review process. In order to assess first-hand how recently adopted practices such as the Post Conviction Risk Assessment (PCRA)⁵ and Staff Training Aimed at Reducing Rearrest (STARR)⁶ were being applied operationally, during the summer of 2013 six chiefs agreed to let PPSO add several new elements to the traditional review protocol,⁷ including:

- **Post-Conviction Metrics**—In advance of each review, team leaders examined key district post-conviction metrics, mostly drawn from the Decision Support Systems (DSS), and discussed these data with the chief. These data included the offender population profile (e.g., offense of convictions), PCRA risk level and risk factor distribution, rearrest and revocation rates, and rates of supervision level adjustment.

⁴ For example, reviews document an officer's requirement to ensure that all offenders provide three mandatory urine tests (18 U.S.C. 3563(5)), the first being within 15 days of release, unless waived by the court. Arguably this provision intends to provide blanket assurances that offenders do not use illegal drugs while on supervision, absent any actuarial indication that such a need is present.

⁵ The PCRA is the actuarial risk prediction tool that officers conduct on all post-conviction offenders. It includes both an officer-scored section and an offender-scored section. Offenders are identified as being low risk, low-moderate, moderate, or high.

⁶ STARR is the federal probation system's version of training in core correctional practices and cognitive restructuring.

⁷ PPSO identified six districts (California Southern, Arizona, Iowa Southern, South Dakota, Nevada, and North Dakota) based upon their level of involvement in EBP initiatives. Given that the case file instrument included elements which were not yet formally established in national policy, PPSO advised the chiefs that the resulting report would be provided only to the chief, who would then have the option of sharing the report with their chief judge.

The data provided the review team with greater context within which to assess the implementation of evidence-based practices. The data were also included in the final report that was provided to each chief.

- **Weighted Case Samples**—The national distribution of offender risk based upon PCRA is approximately 40 percent Lows, 40 Low-Moderates, 15 percent Moderates, and 5 percent Highs. Traditionally PPSO randomly identified a 3 percent sample of all offenders for the case file review process. For the pilot, in order to increase the number of higher-risk cases, the case review samples were created to include 10 percent Low, 30 percent Low Moderates, 30 percent Moderates, and 30 percent High risk post-conviction cases. Additionally, the sample was also created to include closed cases, providing the review team with a greater opportunity to see how officers address serious noncompliance with the higher-risk offenders and defendant.
- **Modified Post Conviction Case File Review Instrument**—At the core of the review process is the review of various case files. A modified post-conviction review instrument was created that included new questions, e.g., Was the risk assessment tool accurately calculated?, Were STARR skills being used and documented?
- **Officer Focus Groups**—In order to engage staff in a broader conversation about the adoption of evidence-based practices, PPSO asked chiefs to identify up to 10 officers to participate in a focus group facilitated by the PPSO team during the review. The focus group discussions were to provide an open forum with line officers about the implementation of EBP in their district.
- **Direct Officer-Offender Observation**—In several of the reviews, team members accompanied officers in the field. The team members assessed how officers engaged with offenders in the community, including their incorporation of STARR skills and the degree to which the use of the skills was subsequently documented in the chronological record.

During and after the six reviews, PPSO examined the value in using each of these new elements. The use of metrics was very helpful to both PPSO and the district, but should be expanded to other operational areas as well. The use of the weighted case sample and reviewing closed cases also worked well and served to shift the focus of the reviews more toward risk to the community. However, an

even greater percentage of high-risk cases could be reviewed in the future. Finally, the direct officer and offender contact observations proved valuable in providing context for the review of written materials and should be expanded to pretrial supervision.

The officer focus groups were less effective because some officers did not feel free to express their thoughts. PPSO decided that a better way to solicit information would be to continue with and enhance the one-on-one officer interviews. PPSO quickly realized that while most of the new questions in the revised post-conviction case file instrument showed promise, some questions, especially related to newer evidence-based innovations, were not fair to ask because they were not yet tied to existing policy and the districts have not had time to universally implement the practices.

Interviews with Chiefs

Chiefs and chief judges are the primary customers in the review process. As PPSO considered how to improve the process, we reached out and interviewed approximately 20 chiefs whose districts had been reviewed during the previous two years. Their feedback was generally positive. A few of their comments are paraphrased and provided below:

PPSO reviews do a good job of finding deficiencies, but the report commentary is too limited. Rather reports need to be more specific and educational about what could help.

PPSO should provide a tool kit of better practices.

There is a need to focus on "system critical areas" or "non-negotiables."

Districts could do more peer review/self-assessments themselves.⁸

It is always good for chiefs to get outside feedback on their operations.

Reviews could be an opportunity to help educate the court about EBP and the national direction.

PPSO should help districts prioritize findings and follow up in developing a road map for implementing changes.

One chief noted that PPSO does not need to "throw a blanket over the whole organization" but rather focus on the critical areas.

⁸ Some districts have long used PPSO instruments to review their case files in advance of a review.

Given their bottom-line responsibility to ensure quality control over community corrections, chiefs have a tremendous stake in maximizing the review process. These and other comments have been very helpful as PPSO sought to improve its ability to add value and assist the courts.⁹

The District Action Plan

Chiefs are highly cooperative with the review process and are typically responsive to recommendations made in review reports. However, during recent years, several incidents have occurred of defendants and offenders committing acts of violence that have gained national media attention.¹⁰ Those cases have prompted recommendations that the courts do more to formally correct deficiencies found during reviews and that PPSO be more independent in its review. Based on input from the AOUSC's Chiefs Advisory Group and other chief probation and pretrial services officers, PPSO proposed to incorporate a formal action plan and annual follow-up process to the office review protocol. In December 2013, the Judicial Conference's Committee on Criminal Law (CLC) endorsed the need for districts to submit a written action plan and annual progress report to respond to all findings related to community supervision that were identified in the final office review report. The action plan should be developed by the chief in consultation with the AO, other chiefs, and other available resources and filed with the chief judge and the AO within a certain time frame. The plan should include time lines, detailed action steps, assigned staff, and empirical measures to gauge success of the plan. As a part of this change, PPSO staff will regularly provide the Director of the AOUSC and the CLC updates on program and case review findings and trends, and report on the impact of the proposed changes designed to demonstrate greater independent review of probation

and pretrial services work and follow-up on office review findings.

The action plan and follow-up process was implemented for any office being reviewed after January 1, 2014. Of the offices reviewed since that date, seven have reached the annual progress report due date and have submitted their reports to the chief judge and to the AOUSC. Joe McNamara, chief in the District of Vermont, commented on the process:

I thought the annual follow-up progress report was very helpful in addressing the findings the review team made during our 2014 evaluation. Although we knew we needed work in those specific areas, the progress report motivated us to start an internal evaluation on our progress immediately. Having a date certain for a follow-up report to the AO and the Chief Judge forced us to start with the end in mind—progress on each of the findings that resulted in 80 percent or greater proficiency—and then develop a process for instituting and measuring the progress we were making.

Likewise, Rossana Villagomez-Aguon, chief in the Districts of Guam and the Northern Mariana Islands, shared her experience:

The new process provides structure and accountability to making the required improvements. It also provides continued support and assistance if needed for making these improvements within the required year.

The addition of the action plan and follow-up process was the first change of many in updating the entire office review process.

The Revised Office Review

Evaluating lessons learned from the six 2013 reviews, the feedback from chiefs, as well as the Criminal Law Committee's call for action plans and follow-up, PPSO put the new office review design in motion. The following explains the major changes and innovations.

Strengthening the Review Team—Standardized Training

The foot soldiers of the review process have always been volunteer officers, the subject matter experts from courts throughout the country. They objectively review each district's casework and programming and share their expertise. To ensure qualified team members, PPSO elevated the qualifications reviewers must meet in each subject matter area to

participate in reviews. At the same time, PPSO created a standardized training delivered by distance web-learning. The training modules cover the structure and purpose of the review process, a close examination of the revised case file review instruments, how to conduct interviews and observations, and professional expectations. The team member candidates are then required to review a practice case file online, after which they get feedback. These training elements prepare the team member to take a final exam, which if passed will result in team member certification. The certification will need to be updated every two years to keep review skills fresh and ensure that team members are aware of any updates to the review process.

A More Collaborative Process—Discussing Purpose, Local Policy, and Metrics

Administrators now engage with chief probation and pretrial services officers earlier and more substantively, particularly regarding the purpose and benefits of the review, local policy requirements and any local constraints, and the district statistics or metrics.¹¹ The district metrics provide an overview of major process and outcome measures that are related to effective supervision, e.g., staffing defendant or offender case plans, defendant and offender employment rates, pretrial services interview rates. These may flesh out concerns that are later associated with findings and help the chief communicate to the officers the importance of reviewing data related to their everyday work.

The completion of a new policy/program questionnaire in advance of the on-site portion of the review may also identify where there will likely be findings (due to inconsistencies with national policy) months in advance and help the team members navigate the district's policy documents. This front-end work is intended to show a district's leadership that the focus of the review is not about highlighting officer deficiencies so much as it is about improving general operational processes and increasing policy adherence in order to improve outcomes. Likewise, the review process also allows PPSO and team members to provide positive feedback to the district and to identify local innovations to potentially share with the rest of the country.

⁹ The Chiefs Advisory Group was briefed on the chief interviews and proposed office review process changes.

¹⁰ While referring to custodial corrections, consider the following from NIC: as George Beto, former director of the Texas Department of Corrections expressed it, "no other institution has shown a greater reluctance to measure the effectiveness of its varied programs than has corrections" (Jackson, 1971). Self-examination typically resulted from scandal, riot, or notorious change in administration. Cohen (1987:4) explains that corrections only examines itself "as a result of dramatic events and external pressures rather than as a result of introspection and internal examination."

¹¹ PPSO has prepared A Guide to District Metrics to help explain to chiefs and other senior managers which metrics PPSO has focused on and why.

The following quote from Chief Paula Pramuk in the Northern District of Indiana conveyed her view:

As a new Acting Chief, I found the office review process to be invaluable ... the team leader did a great job of informing me of the upcoming process. She was there to answer any of my questions. Once our review was completed, the team did a nice job of not just notifying us of our findings, but they made a point of telling us what we are doing correctly. I thought that was critical in the process so that officers did not feel "beat down" by this process.

And from the Southern District of Ohio, Chief Pretrial Services Officer Melanie Furrie noted:

The review process was significantly different than the review that occurred years prior. From the beginning, communication with the team lead was the key. There is a tremendous amount of work completed prior to anyone actually stepping foot in district. Time frames were determined from the start to ensure everyone stayed on task, and the team lead was transparent during all stages of the review. Overall, our agency found the review beneficial. The review process validated for us the areas in which we knew we excelled, while also providing suggestions for improvement. I particularly like that each section of the review tool provides a citation in the Guide for reference. This eliminated a team member's reviewing based on how his/her district operates, and instead placed the criteria directly on national standards.

Owning Supervision Quality— District Self-Assessment and In-house Observations

PPSO strongly encourages probation and pretrial services office chiefs to conduct self-assessments using PPSO instruments several months in advance of the review. This is intended to foster a culture of continual self-assessment within the district, and to enable the chief to know in advance where there will likely be findings when the onsite review occurs. The self-assessment serves to provide greater transparency and credibility to the review process. Chiefs are able to assess their operations, focusing on the policy requirements highlighted in the review process, and are free to begin addressing any shortcomings months before the formal review is conducted. When the review findings match what

had been shown in the self-assessment, the legitimacy of the entire process is enhanced. This should assist chiefs in developing action plans that respond to the formal findings and meet the expectations of the Committee on Criminal Law.

PPSO also strongly encourages chiefs to conduct internal defendant/offender and officer contact observations before the on-site review, using the office review observation tools. This process offers the district with another purposeful way for supervisors to engage in the supervision process, providing officers with valuable feedback to help reduce risk and increase public safety.

Consider the feedback from Chief Jeff Thompson, the District of Idaho, regarding the self-assessment process:

In preparation for the review, we undertook a number of steps to demonstrate our commitment to our strategic plan. First, we hired two temporary staff to conduct all of the data collection required for the self-assessment portion of the review. We selected two recent college graduates and gave them the most current review tools available. We then posted the findings of the previous review on our internal website so that all new staff could see how a review was conducted, including our response. We also posted all of the instrument review tools and all the documents associated with the review process and began discussing various elements within unit meetings well before the scheduled review date. Once the self-assessment was under way, we selected one year's worth of data from both open and closed cases to form our sample.¹²

At the conclusion of our self-assessment process, we had a pretty clear picture of what we needed to improve in providing supervision and location monitoring services to offenders and defendants. It also enabled us to start developing reports addressing the deficient areas. This gave our supervisors the reports they needed to address both the areas in which we needed improvement, as well as continue our level of performance in areas we judged were within acceptable limits. Once the review team arrived, there were no major surprises.

This is just one example of how a district may conduct the self-assessment. The obvious point is that the district, not PPSO, owns the

quality control over the services it provides to the court and the community. A diligent self-examination of higher-risk cases will always provide chiefs with insight on district operations. This will reveal areas of strength as well as some areas that have perhaps not received adequate attention. The ultimate goal shared by the district and PPSO is to improve community safety by adhering to national policy.

Revised Instruments—Improved Consistency and Accountability

The case file review instruments are the primary tools used by review team members to assess whether officers are abiding by national supervision policies. PPSO staff reexamined all the review questions and added new questions with a goal of lifting up those elements clearly tied to community safety and outcomes. For example, in the area of post-conviction supervision more emphasis was needed on (1) reentry planning and risk assessment, (2) the use of supervision strategies for higher-risk offenders, and (3) swift and certain response to noncompliance.

PPSO also removed any compound or "double-barreled" questions, unless both elements had to be met, and clarified or removed any ambiguous or imprecise terms. It was also important to tie each question directly to policy and cite that policy. With additional input from subject-matter experts in the probation and pretrial services system, PPSO revised every case file review instrument, created a new low-risk supervision instrument, and designed new interview and observation forms that would provide a better picture of the district's work in assisting the federal courts in the fair administration of justice, protecting the community, and bringing about long-term positive change in individuals under supervision.

Weighted Caseload Samples—Applying the Risk Principle

To assure a focus on higher-risk defendants and offenders, the cases pulled for review consist of 70 percent moderate and high-risk offenders, based upon the assigned PCRA risk level. The risk principle rests on the need to engage with individuals who present the greatest risk of reoffending. What officers can achieve with higher-risk defendants and offenders, by correcting and/or controlling strategies, is what will make a difference in improving community safety.

PPSO also created a new case file review instrument for low-risk post-conviction

¹² Districts can access the same reports that PPSO uses for random weighted case selection to use in their self-assessments.

supervision offenders. This instrument, like the low-risk policy itself, seeks to ensure that officers are not investing precious time engaging unnecessarily with offenders who pose a very low probability of reoffending.¹³

Direct Officer and Defendant-Offender Contact Observation

PPSO's earlier experimentation with officer contact observations proved valuable to the review process. This has been adopted as a standard practice in the new review process. The goal is to gain a qualitative sense of officer's engagement with an offender or defendant. Not surprisingly, much of an officer's true skill set is very often not reflected in a written record and would not otherwise be observable to a review team. The evidence-based practices literature makes clear that officers must first establish a positive rapport with offenders and defendants. Offenders who perceive their officers as firm but fair have better supervision outcomes than those who do not.¹⁴ Additionally, as probation officers increasingly make use of core correctional practices and cognitive restructuring; direct observation of the officer-offender interaction is essential.

Fine Tuning—Piloting the New Office Review Process

During the summer of 2014, three districts agreed to allow PPSO to conduct their scheduled review using the new protocol and case file review instruments.¹⁵ Before, during, and after the on-site reviews, the pilot districts and the team members on those reviews provided very specific and invaluable feedback concerning their experience and their findings. This helped make the process both fairer and more transparent. The most substantive changes were in fine-tuning the review instruments to help the team members and the districts understand the intent of the questions. In some cases, entire policy requirements were dropped from the instruments, as it was determined that the case file

¹³ Lowenkamp, C. T., & Latessa, E. J. (2004). Understanding the risk principle: How and why correctional interventions can harm low-risk offenders, *Topics in Community Corrections*, 3-8.

¹⁴ Paparozzi, M. (1994). Doctoral dissertation.

¹⁵ Special thanks to chiefs Ricky Long (Georgia Southern) and Chris Maloney (Massachusetts) and former chief Ron DeCastro (Pennsylvania Eastern) for their flexibility and patience as PPSO worked out some of the challenges in the new process.

review process was not the most objective way to determine policy compliance. Additionally, while every effort is made to reduce subjectivity, subjectivity was inevitably inherent in some questions due to the nature of pretrial and probation supervision. In those few situations, PPSO and the office being reviewed have to rely on the professional judgment of the qualified, well-trained, and experienced team reviewers, remembering the intent of the preview process. PPSO worked to ensure that its understanding of policy application was realistic and fair, as the objective is not to find fault but rather to increase policy adherence in order to improve outcomes and safety.

The new review protocol and instruments were adopted for all reviews in Fiscal Year 2015. During that year, additional minor updates were made to further clarify the instruments and the final report based on the input of chiefs and a few chief judges. The office of Chief Tony Castellano from the Northern District of Florida was one of the first to be reviewed under the new protocol; he provided these comments:

Our approach as a district was to welcome the review team and assist in ensuring they capture the data they need to provide meaningful feedback. Through the new review process, we received an objective review of what we do well and areas we need to improve. The areas the review team identified as requiring improvement were discussed, and the review team provided helpful tips to address these areas. The key piece to the review is ensuring we as a district hold ourselves accountable and correct the necessary changes.

PPSO and the offices reviewed found that the new review protocol sets a very high bar and a new baseline for the number of findings per probation and pretrial services office.

Going Forward—Upcoming Developments in the Office Review Process

In the coming year, PPSO will continue to improve the office review process. Below are several of the efforts underway:

- The current process for hand-scoring and tallying file review instruments is time consuming and has the potential for errors. The AO is developing an automated system to capture review instrument data. This will increase efficiencies related to accuracy, reporting, and trend analysis.

- Training for team members is continually being updated to automate the team member certification process, including numerous video tutorials, practice exercises, and tests. Team members will be required to pass an overall certification exam every two years to participate in office reviews.
- PPSO is systematically reviewing the recommendations that are provided in each report as well as what chiefs place in their action plans and follow-up reports. These will then be integrated and used to develop a resource page for districts to see what their peers are doing to address any deficiencies.
- PPSO is developing quality control tools to survey districts and team members following reviews. The information will be used to evaluate the process and make potential improvements.
- Eventually, PPSO will examine if there is any correlation between formal findings from an office review and a district's recidivism rate. If indeed a district's close adherence to national policy improves offender behavior change and reduces rearrest, there should be an identifiable correlation.

Conclusion

During the past two years, PPSO has worked closely with the courts to develop an office review process that both increases adherence to national policies—particularly those focused on recidivism reduction and community safety—and enhances the collaborative relationship between PPSO and the courts.

While providing oversight as required by statute, PPSO also hopes to inculcate a culture of self-assessment among probation and pretrial services offices. In a system as decentralized as the federal judiciary—and arguably in any community corrections system—quality control improves community safety. This has to be front and center in the minds of all supervisory staff in our system, and a comprehensive approach at the district level is essential. Clearly it cannot be ensured from Washington D.C. Nevertheless, the recent revisions to the national probation and pretrial services office review protocol should help us all move forward as a research-based, data-driven, and outcome-focused community corrections system that is fair, efficient, and effective.

A Quasi-Experimental Evaluation of a Model of Community Supervision

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PRESENTLY, THERE ARE approximately five million criminal offenders under some form of community supervision in the United States (Maruschak & Bonczar, 2013). From a policy evaluation standpoint, it is imperative to determine whether the correctional strategies used with these offenders are capable of achieving the goal of reducing crime. Unfortunately, two recent evaluations have cast some serious doubts on the abilities of traditional probation and parole agencies in meeting this objective (Bonta, Rugge, Scott, Bourgon, & Yessine, 2008; Solomon, 2006). To illustrate, Bonta et al. (2008) conducted a meta-analysis of 15 studies and reported that probation was associated with only a 2 percent reduction in general recidivism, and had no impact on violent recidivism. Similarly, Solomon (2006) found prisoners released without parole performed about as well as those released with mandatory or discretionary parole requirements. A potential reason for these pessimistic results may be that many community supervision agencies have remained focused on compliance monitoring and other law enforcement aspects of offender supervision (Taxman, 2002), despite the fact that it has been well documented that sanctions (e.g., intensive supervision, electronic monitoring) are not effective in reducing crime (MacKenzie, 2006; Petersilia & Turner, 1993; Sherman, Gottfredson, MacKenzie, Eck, Reuter, & Bushway, 1997).

In response to these findings, there has been a growing effort for correctional agencies

to use evidence-based practices (Burrell, 2012), and more specifically to expand the focus of probation and parole from compliance monitoring to include treatment services (Bourgon, Gutierrez, & Ashton, 2012). In order to facilitate this transformation, several initiatives have been undertaken to apply the principles of effective intervention (for a review see Andrews & Bonta, 2010) into these community supervision settings (Bonta, Bourgon, Rugge, Scott, Yessine, Gutierrez, & Li, 2011; Robinson, Lowenkamp, Holsinger, VanBenschoten, Alexander, & Oleson, 2012; Smith, Schweitzer, Labrecque, & Latessa, 2012). These new models include, but are not limited to, the Strategic Training Initiative in Community Supervision (STICS) model, which was developed by the Canadian Department of Public Safety (Bonta et al., 2011); the Effective Practices in Community Supervision (EPICS) model, which was developed at the University of Cincinnati (Smith et al., 2012); and the Staff Training Aimed at Reducing Rearrest (STARR), which was developed by the U.S. Federal Probation and Pretrial Services System (Robinson et al., 2012).¹ Each of these new supervision strategies (e.g., STICS, EPICS, STARR) seeks to teach probation and parole officers how to apply

¹ Other models include Taxman's (2008) Proactive Community Supervision; Trotter's (1996) supervision practices in Australia; Pearson, McDougall, Kanaan, Bowles, and Torgerson's (2011) evidence-based supervision process in the United Kingdom; and Raynor, Ugwu-dike, and Vanstone's (2014) Jersey supervision study.

the principles of risk, need, and responsivity (RNR) within the context of the individual case management meetings with offenders. More specifically, these models emphasize the importance of using a cognitive-behavioral approach (general responsivity principle) to target the criminogenic needs (need principle) of the highest-risk offenders (risk principle) in a manner that is conducive to the individual learning style, motivation, abilities, and strengths of the offender (specific responsivity principle; Andrews & Bonta, 2010).

These new initiatives also seek to improve officers' use of core correctional skills (Andrews & Kiessling, 1980). These intervention skills, otherwise known as core correctional practices (CCPs), are a result of an evolution of ongoing meta-analytic investigations (Andrews, & Carvell, 1998; Dowden & Andrews, 2004). There are currently eight CCPs that have been shown to increase the therapeutic potential of correctional programs: anticriminal modeling, effective reinforcement, effective disapproval, effective use of authority, structured learning, problem solving, cognitive restructuring, and relationship skills (for a thorough review, please see Gendreau, Andrews, & Theriault, 2010). Inherent in all of these initiatives is the idea that training on the CCPs will influence the skills used by officers during their routine contact sessions with offenders (Taxman, 2008).

The goal of this study is to determine whether or not, and under what conditions, these new models of supervision reduce recidivism. The evaluations of these initiatives to

date—which come from several jurisdictions in the United States, Canada, the United Kingdom, and Australia—indicate a wide range of positive outcomes (for a recent review of the empirical literature, see Trotter, 2013). To summarize, collectively, these models have been found to increase the number of criminogenic needs addressed (Bonta et al., 2011; Bourgon, Bonta, Rugge, & Gutierrez, 2010; Bourgon, Bonta, Rugge, Scott, & Yessine, 2010; Smith et al., 2012); increase officer use of CCPs (Bonta et al., 2011; Bourgon et al., 2010; Bourgon & Gutierrez, 2012; Labrecque, Schweitzer, & Smith, 2013; 2014; Latessa, Smith, Schweitzer, & Labrecque, 2012; Lowenkamp, Holsinger, Robinson, & Alexander, 2014; Lowenkamp, Robinson, VanBenschoten, & Alexander, 2011; Robinson et al., 2012; Robinson, VanBenschoten, Alexander, & Lowenkamp, 2011; Smith et al., 2012), decrease offender antisocial attitudes (Labrecque, Smith, Schweitzer, & Thompson, 2013), and reduce recidivism (Bonta et al., 2011; Bourgon et al., 2010; Bourgon & Gutierrez, 2012; Latessa et al., 2012; Lowenkamp, Holsinger, et al., 2014; Lowenkamp, Robinson, et al., 2011; Robinson, Lowenkamp, et al., 2012; Robinson, VanBenschoten, et al., 2011).

It has also become increasingly more common for probation and parole agencies to train officers in motivational interviewing (MI). Motivational interviewing is a person-centered counseling style that is designed to strengthen an individual's motivation for and movement toward a specific goal by eliciting and exploring the person's own reasons for change within an atmosphere of acceptance and compassion (Miller & Rollnick, 2012). Studies on MI indicate that the practice can be used to improve offender retention in treatment, enhance motivation to change, and reduce criminal offending (McMurrin, 2009).

Motivational interviewing was developed to be a brief intervention that would help people resolve ambivalence and move toward change. However, MI is not meant to be a stand-alone treatment (Miller & Rollnick, 2009). For some individuals, once a decision is made to change, they make progress with little to no help from practitioners (Miller & Rollnick, 2012). However, for other individuals with limited problem solving, decision-making, and social skills, a combination of MI techniques and CBT interventions (e.g., cognitive restructuring, cost benefit analysis) is likely to produce the most effective results (Tafra & Luther, 2014).

There is tentative evidence to suggest that officer training in these new supervision models, coupled with training in MI, may provide an even more pronounced effect on recidivism (see Lowenkamp et al., 2014). However, the effectiveness of this combination of services has yet to be adequately empirically tested.

Current Study

The objective of this study is to provide preliminary quasi-experimental evaluation of a model of community supervision to assess how CBT and MI converge to influence recidivism. Many of the evaluations conducted to date in this area have unfortunately been limited to examinations of offender outcomes between trained and untrained groups of officers (e.g., Lowenkamp et al., 2014; Robinson et al., 2012). Such a research design does little to inform whether or not skill usage, or what level of skill proficiency, is needed to effectively reduce recidivism. From both a theoretical and practical standpoint, this is a much more important question. Therefore, this study uses standardized evaluation instruments to measure officer use of CBT skills and MI techniques in order to determine if skill competency has an effect on recidivism. Policy implications and recommendations for future research will also be discussed.

Method

Participants

The participants in this study were 10 randomly selected officers from an adult probation department in a Midwestern state. All of the officers were white and seven were female. These officers had approximately nine years of experience in the field of corrections (range = 5 to 17 years) and all had previously attended a MI workshop training. Officers participated in a three-day training on the EPICS model, which was facilitated by staff from the University of Cincinnati Corrections Institute (UCCI). Following the training, officers also engaged in monthly coaching sessions with the UCCI staff for two years. During this time, officers were instructed to enlist moderate- and high-risk offenders from their caseloads into the study and to begin using EPICS skills with them during contact sessions. There were a total of 102 probationers enrolled in the study, with an average of 10 offenders per officer (range = 8 to 12 offenders). The probationers were predominately male (87%) and non-white (63%), with a mean age of 32 years old (sd = 9.5 years). Fifty-two percent of the offenders

were rated as high-risk and 48% were rated as moderate-risk, according to the Ohio Risk Assessment System-Community Supervision Tool (ORAS-CST; Latessa, Lemke, Makarios, Smith, & Lowenkamp, 2010).

Officer Skill Profile

As a part of this project, officers were required to record and submit at least one audiotape of the interactions with an offender per month. There were a total of 214 audiotapes received, with an average of 2.1 audiotapes submitted per offender (range = 1 to 3 audiotapes per offender). The average length of the audio recordings was 24 minutes (sd = 11 minutes). In order to measure officer skill competency in the areas of CBT and MI, UCCI staff evaluated these audio-recordings using two standardized evaluation forms: the EPICS Officer Rating Form (Smith et al., 2012) and the Motivational Interviewing Treatment Integrity (MITI) 3.1 instrument (Moyers, Martin, Manuel, Miller, & Ernst, 2010).

CBT Fidelity

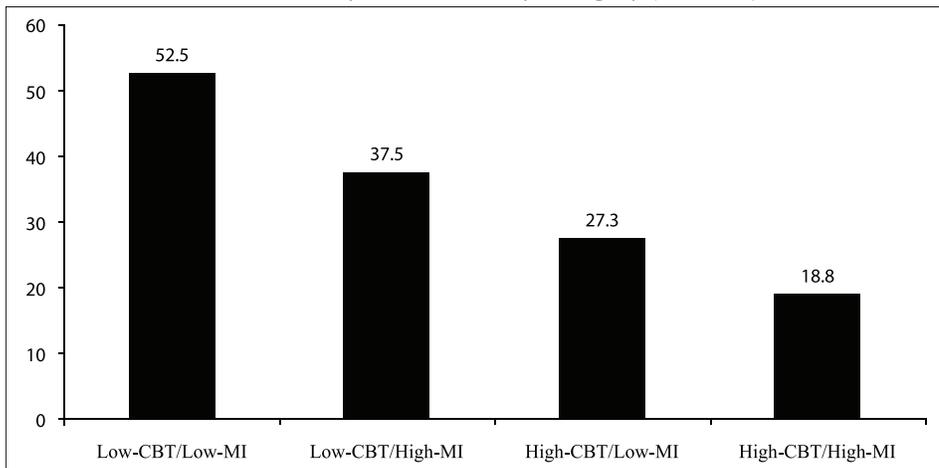
The EPICS Officer Rating Form was used to quantify officer fidelity to the CBT model. The EPICS rating form consists of 33 items that measure eight CCP areas, including anticriminal modeling, effective reinforcement, effective disapproval, problem solving, structured learning, effective use of authority, cognitive restructuring, and relationship skills. Only the items where there was an opportunity for the officer to use the skill in the session were used in the calculation of the adherence score. Specifically, items were scored as 0.0 = if the officer had the opportunity to use skill, but did not, 0.5 = if the officer used skill, but missed some major steps, and 1.0 = if the officer proficiently used the skill. Yes or no items were scored as 0 = no and 1 = yes. The scores were then standardized by dividing the total score by the number of included items, which produced a range of potential values from 0% to 100%. In order to obtain one overall score for each officer, all of the scores derived from each officer were summed and divided by the total number of tapes he/she submitted. This score was used to classify officers into one of two categories: the high-fidelity CBT group (overall scores \geq 63%) and the low-fidelity CBT group (overall scores < 63%). The mean CBT score for the 10 officers was 66 percent, with a standard deviation of 8 percent. According to the cut-off scores described here, five officers were

TABLE 1.
Offender Recidivism by Officer Fidelity Category (N = 102)

	Low-MI		High-MI	
	%	n	%	n
Low-CBT	52.5	21	37.5	3
High-CBT	27.3	6	18.8	6

Note: $\chi^2 = 9.66$, $df = 3$, $p = .022$

FIGURE 1.
Percent Offender Recidivism by Officer Fidelity Category (N = 102)



classified as high fidelity (High-CBT) and five were classified as low fidelity (Low-CBT).

MI Fidelity

The MITI 3.1 was used to quantify how well the probation officers used the MI techniques in the interactions with offenders. The MITI consists of 25 items that measure five global dimensions, including evocation, collaboration, autonomy/support, direction, and empathy. All of the MITI items are rated on a Likert-scale ranging from 1 (lowest value) to 5 (highest value). These items were then summed and multiplied by four, which produced a range of values from 0 percent to 100 percent. For this measure, three audiotapes were randomly selected for each officer to be scored. In order to produce one overall score for each officer, the scores for each officer were summed and divided by three. This score was used to classify officers into one of two categories: the high-fidelity MI group (overall scores ≥ 80 percent) and the low-fidelity MI group (overall scores < 80 percent). The mean MITI score for the 10 officers was 69 percent, with a standard deviation of 16 percent. According to the cut-off scores described here, five officers were classified as high fidelity (High-MI) and five were classified as low-fidelity (Low-MI).

Recidivism

The dependent variable of interest in this study is offender recidivism. This variable was operationalized as any arrest for a new crime (0 = no and 1 = yes) that occurred between the offender’s enrollment date and one year after the completion of the officer coaching sessions. This measure excluded arrests for probation violations. The mean length of follow-up was 379 days, with a standard deviation of 141 days. Thirty-six of the offenders in this study were arrested during the follow-up time period ($\approx 35\%$ of the sample).

Results

We anticipated that officers would be more likely to either be rated as high fidelity or low fidelity in both CBT and MI, rather than be rated as high fidelity in one area and low-fidelity in the other. This hypothesis was confirmed. According to the skill competency classification scheme described here, there were four officers in the low-CBT/low-MI group, one in the low-CBT/High-MI group, two in the High-CBT/Low-MI group, and three in the High-CBT/High-MI group. Further, the magnitude of the correlation between the CBT and MITI fidelity scores was large ($r = .58$, $p = .078$), according to Cohen’s (1988) guidelines.

Table 1 presents the frequency and percentage of offender recidivists separated by their supervising officers’ fidelity category placement (i.e., low-CBT/low-MI, low-CBT/high-MI, high-CBT/low-MI, high-CBT/high-MI). Figure 1 also graphically displays the percentage of recidivists per officer category.

Offenders supervised by officers who were rated as low fidelity in both areas were the most likely to recidivate during follow-up (52.5 percent) and offenders supervised by officers who were rated as high fidelity were the least likely (18.8 percent). Offenders supervised by officers who were rated as high fidelity in CBT and low fidelity in MI were more than 10 percent less likely to recidivate during follow-up (27.3 percent) compared to the offenders supervised by officers who were rated as low fidelity in CBT and high fidelity in MI (37.5 percent). The differences in offender recidivism between officer group categories were significant ($p < .05$).

Table 2 presents the frequency and percentage of offender recidivists separated by their supervising officers’ fidelity category placement for just the high-risk offenders (N = 53). Figure 2 also graphically displays the percentage of high-risk recidivists per officer category.

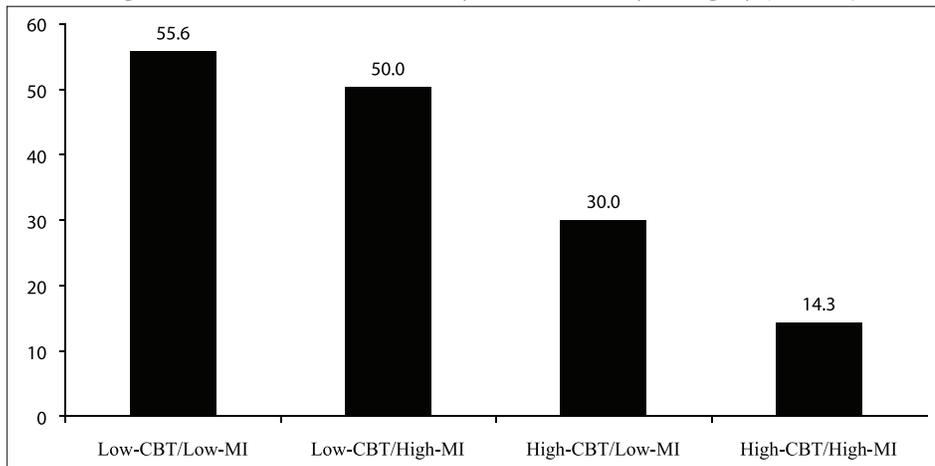
High-risk offenders supervised by officers who were rated as low fidelity in both areas were the most likely to recidivate during follow-up (55.6 percent) and high-risk offenders supervised by officers who were rated as high fidelity were the least likely (14.3 percent). High-risk offenders supervised by officers who were rated as high fidelity in CBT and low fidelity in MI were 20 percent less likely to recidivate during follow-up (30.0 percent) compared to the high-risk offenders supervised by officers who were rated as low fidelity in CBT and high fidelity in MI (50.0 percent). The differences in high-risk offender recidivism between officer group categories were significant ($p < .10$).

Table 3 presents the frequency and percentage of offender recidivists separated by their supervising officers’ fidelity category placement for just the moderate-risk offenders (N = 49). Figure 3 also graphically displays the percentage of moderate-risk recidivists per officer category.

Moderate-risk offenders supervised by officers who were rated as low fidelity in both areas were the most likely to recidivate during follow-up (46.2 percent) and moderate-risk offenders supervised by officers who were rated as high fidelity were the least likely (22.2 percent). Moderate-risk offenders supervised

TABLE 2.*High-Risk Offender Recidivism by Officer Fidelity Category (N = 53)*

	Low-MI		High-MI	
	%	n	%	n
Low-CBT	55.6	15	50.0	1
High-CBT	30.0	3	14.3	2

Note: $\chi^2 = 7.01$, $df = 3$, $p = .069$ **FIGURE 2.***Percent High-Risk Offender Recidivism by Officer Fidelity Category (N = 53)*

by officers who were rated as high fidelity in CBT and low fidelity in MI were more than 8 percent less likely to recidivate during follow-up (25.0 percent) compared to the moderate-risk offenders supervised by officers who were rated as low fidelity in CBT and high fidelity in MI (33.3 percent). Although the differences in moderate-risk offender recidivism between officer group categories were not significant ($p > .10$), the results are in the same direction as the high-risk group.

Discussion

There have been several initiatives undertaken recently that have sought to better incorporate the principles of effective intervention into community supervision settings (e.g., STICS, EPICS, STARR). This study adds to the growing number of evaluations that find this new style of supervision effective at reducing recidivism (Trotter, 2013). In particular, it finds support for the EPICS model, especially when officers use skills with high fidelity. This study also adds to the growing body of works indicating that MI is effective with criminal offenders (Tafate & Luther, 2014). This study is most important, however, because it is the first empirical recidivism evaluation to quantify officer fidelity to a CBT model and use of MI techniques. The implications of this work will now be discussed.

The Advantages of Quantifying Skills

Prior research has demonstrated that when EPICS is delivered with fidelity it produces reductions in recidivism (Latessa et al., 2012). This study affirms that conclusion. However, for correctional agencies to make use of this information, they must first be able to measure fidelity. One way that this is possible is to examine the recorded interactions between officers and offenders. Recall that as a part of the EPICS training process, the UCCI requires participating officers to submit audio recordings of their interactions with offenders. Other community supervision models have similar procedures (e.g., STICS, STARR). In the United Kingdom, officers involved in the Jersey Study were even required to submit videotaped interactions with offenders (Ugwudike, Raynor, & Vanstone, 2014). It is also common for these new supervision strategies to use coding forms to identify if specific skills/concepts were used. However, to date the extent to which this information has been used has primarily been limited to individual and group coaching purposes, rather than to serve as a mechanism for establishing benchmarks for success.

Latessa et al. (2012) and Labrecque et al. (2013) showed that the EPICS coding form could be quantified to identify how adherent an officer was to the fidelity of the model (0

percent to 100 percent). Further, the current study revealed that the officer use of both CBT skills and MI techniques could effectively be quantified. This is potentially useful for at least two very important reasons. First, this information could be used to determine the minimum level of proficiency needed in these areas to effectively reduce recidivism. This study found that the best results were achieved from officers who scored at least 63 percent on the EPICS Officer Rating Form and at least 80 percent on the MITI. Second, Labrecque and Smith (forthcoming) found that training in monthly coaching in EPICS was an effective means to increase officer use of CCP skills. Therefore, officers could undergo training and coaching to refine their use of skills until they were able to effectively demonstrate high fidelity in both areas.

The Role of Motivational Interviewing in Community Models of Supervision

The findings of this study also underscore the importance of both CBT and MI as important CCPs, especially when delivered with high fidelity together. It is important to emphasize that offenders supervised by officers who were rated as low fidelity in CBT and MI in this study were 33.7 percent more likely to recidivate compared to those supervised by officers who were rated as high fidelity in these two areas. This finding was even more pronounced when only the high-risk cases were examined, where offenders supervised by the low fidelity officers were 41.3 percent more likely to recidivate compared to those supervised by high fidelity officers. Such reductions in recidivism are certainly cause for optimism about the role that probation officers can play as agents of change when these strategies are used effectively.

This work suggests that models of community supervision may benefit from the inclusion of MI techniques (and vice versa). It is important to note that a revised version of EPICS is now available that more directly integrates MI techniques around the relationship skills cited in the CCPs. It is expected that the results forthcoming from the revised model will produce even better effects (e.g., reduced recidivism).

Conclusion

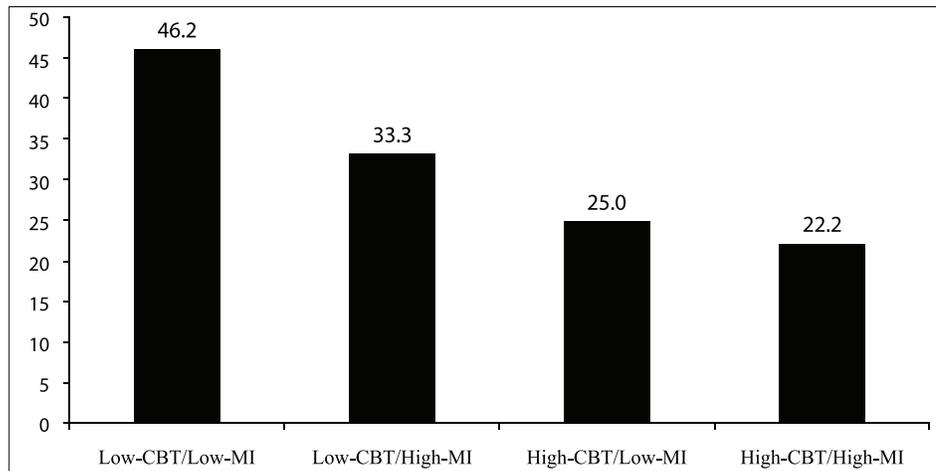
This study represents part of a broader movement to encourage correctional officials to base policy decisions on the results of well-informed scientific evidence (Latessa, Cullen, & Gendreau, 2002). Accordingly, we suggest here that agencies implementing EPICS and

TABLE 3.
Moderate-Risk Offender Recidivism by Officer Fidelity Category (N = 49)

	Low-MI		High-MI	
	%	n	%	n
Low-CBT	46.2	6	33.3	2
High-CBT	25.0	3	22.2	4

Note: $\chi^2 = 2.27$, $df = 3$, $p = .518$

FIGURE 3.
Percent Moderate-Risk Offender Recidivism by Officer Fidelity Category (N = 49)



other like models of community supervision should take the time to record and code officer use of skills on an ongoing basis. Agencies should also use this information to identify low-skilled officers and give them the opportunity to improve their skills through training and coaching. Such a process is likely to both increase officer use of skills and decrease offender recidivism.

Finally, this work is important not only for its findings, but also for how it may help lead to improvements in the type and quality of studies that are conducted in this area in the future. Future research in this area should continue to examine the influence of fidelity to CCPs rather than focusing on training alone. Research should continue to assess for the moderating effect of offender risk level and other responsivity considerations (e.g., gender, age, education). Such research is bound to be fruitful and may lead to the development of more informed policies and practices.

References

- Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct* (5th ed.). Newark, NJ: LexisNexis.
- Andrews, D. A., & Carvell, C. (1998). *Core correctional training-core correctional supervision and counseling: Theory, research, assessment and practice*. Unpublished training manual, Carleton University, Ottawa, Canada.
- Andrews, D. A., & Kiessling, J. J. (1980). Program structure and effective correctional practices: A summary of the CaVic research. In R. R. Ross & P. Gendreau (Eds.), *Effective correctional treatment* (pp. 441-463). Toronto, Canada: Butterworths.
- Bonta, J., Bourgon, G., Rugge, T., Scott, T., Yessine, A. K., Gutierrez, L., & Li, J. (2011). An experimental demonstration of training probation officers in evidence-based community supervision. *Criminal Justice and Behavior*, 38(11), 1127-1148.
- Bonta, J., Rugge, T., Scott, T., Bourgon, G., & Yessine, A. K. (2008). Exploring the black box of community supervision. *Journal of Offender Rehabilitation*, 47(3), 248-270.
- Bourgon, G., Bonta, J., Rugge, T., & Gutierrez, L. (2010). Technology transfer: The importance of ongoing clinical supervision in translating 'what works' to everyday community supervision. In F. McNeill, P. Raynor, & C. Trotter (Eds.), *Offender supervision: New directions in theory, research and practice* (pp. 91-112). New York, NY: Willan Publishing.
- Bourgon, G., Bonta, J., Rugge, T., Scott, T., & Yessine, A. K. (2010). The role of program design, implementation, and evaluation in evidence-based "real world" community supervision. *Federal Probation*, 74(1), 2-15.
- Bourgon, G., & Gutierrez, L. (2012). The general responsivity principle in community supervision: The importance of probation officers using cognitive intervention techniques and its influence on recidivism. *Journal of Crime and Justice*, 35(2), 149-166.
- Bourgon, G., Gutierrez, L., & Ashton, J. (2012). The evolution of community supervision practice: The transformation from case manager to change agent. *Federal Probation*, 76(2), 27-35.
- Burrell, W. D. (2012). *Community Corrections Management: Issues and Strategies*. Kingston, NJ: Civic Research Institute.
- Cohen, J. (1988). *Statistical power and analysis for the behavioral sciences* (2nd ed.). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Dowden, C., & Andrews, D. A. (2004). The importance of staff practice in delivering correctional treatment: A meta-analytic review. *International Journal of Offender Therapy and Comparative Criminology*, 48(2), 203-214.
- Gendreau, P., Andrews, D. A., & Theriault, Y. (2010). *Correctional Program Assessment Inventory-2010 (CPAI-2100)*. Saint John, Canada: University of New Brunswick.
- Labrecque, R. M., Schweitzer, M., & Smith, P. (2013). Probation and parole officer adherence to the core correctional practices: An evaluation of 755 offender-officer interactions. *Advancing Practices*, 3, 20-23.
- Labrecque, R. M., Schweitzer, M., & Smith, P. (2014). Exploring the perceptions of the offender-officer relationship in a community supervision setting. *Journal of International Criminal Justice Research*, 1, 31-46.
- Labrecque, R. M., & Smith, P. (2015). Does training and coaching matter?: An 18-month evaluation of a community supervision model. *Victims and Offenders*. Advance on-line publication.
- Labrecque, R. M., Smith, P., Schweitzer, M., & Thompson, C. (2013). Targeting antisocial attitudes in community supervision using the EPICS model: An examination of change scores on the Criminal Sentiment Scale. *Federal Probation*, 77(3), 15-20.
- Latessa, E. J., Cullen, F. T., & Gendreau, P. (2002). Beyond correctional quackery: Professionalism and the possibility of effective treatment. *Federal Probation*, 66(2), 43-49.
- Latessa, E. J., Smith, P., Schweitzer, M., & Labrecque, R. M. (2012). *Evaluation of the Effective Practices in Community Supervision Model (EPICS) in Ohio*. Cincinnati, OH: University of Cincinnati.
- Latessa, E. J., Lemke, R., Makarios, M., Smith, P., & Lowenkamp, C. T. (2010). Creation and validation of the Ohio Risk Assessment System (ORAS). *Federal Probation*, 74(1), 16-22.
- Lowenkamp, C. T., Holsinger, A. M., Robinson, C. R., & Alexander, M. (2014). Diminishing or durable treatment effects of STARR? A research note on 24-month rearrest rates. *Journal of Crime and Justice*, 37(2), 275-283.
- Lowenkamp, C. T., Robinson, C. R., VanBenschoten, S. W., & Alexander, M. (2011). Initial STARR results: A positive step forward. *News & Views: A Biweekly Newsletter of the United States Probation and Pretrial Services System*, 36(8), 3-4.

- MacKenzie, D. L. (2006). *What works in corrections: Reducing the criminal activities of offenders and delinquents*. New York, NY: Cambridge University Press.
- Maruschak, L. M., & Bonczar, T. P. (2013). *Probation and Parole in the United States*, 2012. Washington, DC: Bureau of Justice Statistics.
- McMurran, M. (2009). Motivational interviewing with offenders: A systematic review. *Law and Criminological Psychology*, 14, 83-109.
- Miller, W. R., & Rollnick, S. (2009). Ten things that Motivational Interviewing is not. *Behavioural and Cognitive Psychotherapy*, 37(2), 129-140.
- Miller, W. R., & Rollnick, S. (2012). *Motivational interviewing: Helping people change* (3rd ed.). New York, NY: The Guilford Press.
- Moyers, T. B., Martin, T., Manuel, J. K., Miller, W. R., & Ernst, D. (2010). Revised global scales: Motivational interviewing treatment integrity 3.1 (MITI 3.1). Unpublished manuscript. Albuquerque, NM: University of New Mexico.
- Pearson, D., McDougall, C., Kanaan, M., Bowles, A., & Torgerson, D. (2011). Reducing criminal recidivism: Evaluation of citizenship, an evidence-based probation supervision process. *Journal of Experimental Criminology*, 7, 73-102.
- Petersilia, J., & Turner, S. (1993). Intensive probation and parole. In M. Tonry (Ed.), *Crime and Justice: A review of research* (Vol. 17, pp. 281-335). Chicago, IL: University of Chicago Press.
- Raynor, P., Ugwudike, P., & Vanstone, M. (2014). The impact of skills in probation work: A reconviction study. *Criminology and Criminal Justice*, 14(2), 235-249.
- Robinson, C. R., Lowenkamp, C. T., Holsinger, A. M., VanBenschoten, S. W., Alexander, M., & Oleson, J. C. (2012). A random study of Staff Training Aimed at Reducing Rearrest (STARR): Using core correctional practices in probation interactions. *Journal of Crime and Justice*, 35(2), 167-188.
- Robinson, C. R., VanBenschoten, S., Alexander, M., & Lowenkamp, C. T. (2011). A random (almost) study of staff training aimed at reducing rearrest (STARR): Reducing recidivism through intentional design. *Federal Probation*, 75(2), 57-63.
- Shadish, W. R., Cook, T. D., & Campbell, D. T. (2002). *Experimental and quasi-experimental designs for generalized causal inference*. Boston, MA: Houghton Mifflin Company.
- Sherman, L. W., Gottfredson, D., MacKenzie, D. L., Eck, J., Reuter, P., & Bushway, S. (1997). *Preventing Crime: What works, what doesn't, what's promising*. Washington, DC: National Institute of Justice.
- Smith, P., Schweitzer, M., Labrecque, R. M., & Latessa, E. J. (2012). Improving probation officers' supervision skills: An evaluation of the EPICS model. *Journal of Crime and Justice*, 35(2), 189-199.
- Solomon, A. L. (2006, Spring). Does parole supervision work? Research findings and policy opportunities. *Perspectives*, 26-37.
- Tafate, R. C., & Luther, J. D. (2014). Integrating Motivational Interviewing with forensic CBT: Promoting treatment engagement and behavior change with justice-involved clients. In R. C. Tafate & D. Mitchell (Eds.), *Forensic CBT: A handbook for clinical practice* (pp. 411-435). Oxford, UK: John Wiley & Sons.
- Taxman, F. S. (2002). Supervision—exploring the dimensions of effectiveness. *Federal Probation*, 66(2), 14-27.
- Taxman, F. S. (2008). No illusion, offender and organizational change in Maryland's Proactive Community Supervision Model. *Criminology and Public Policy*, 7(2), 275-302.
- Trotter, C. (1996). The impact of different supervision practices in community corrections. *Australian and New Zealand Journal of Criminology*, 29(1), 29-46.
- Trotter, C. (2013). Reducing recidivism through probation supervision: What we know and don't know from four decades of research. *Federal Probation*, 77(2), 43-48.
- Ugwudike, P., Raynor, P., & Vanstone, M. (2014). Supervision skills and practices: The Jersey study. In I. Durnescu and F. McNeill (Eds.), *Understanding penal practice* (pp. 255-270). New York: Routledge.

Probation Officer Roles: A Statutory Analysis

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PROBATION OFFICERS HAVE long faced enormous challenges in their work, including large caseloads, limited resources, offender management difficulties, and criticism of high recidivism rates and the related threat to public safety (Lutze, 2014; Lynch, 2001; Simon, 1993). The latter two issues—offender management and recidivism—were highlighted during the 1970s and 1980s as public support for rehabilitation as the primary goal of corrections was waning and the “get tough” approach gained prominence (Gleicher, Manchak, & Cullen, 2013; Lutze, 2014). The result was an increased emphasis on law enforcement at the expense of offender rehabilitation in the latter part of the twentieth century. By the early 2000s, however, the pendulum had begun to shift somewhat, as researchers, the public, and legislators bemoaned the costs, both social and financial, of the “get tough” approach. Numerous studies have found that retributive strategies and intensive supervision probation have not achieved reductions in recidivism (Gendreau, Goggin, Cullen, & Andres, 2000; Hyatt & Barnes, 2014; Lowenkamp, Flores, Holsinger, Makarios, & Latessa, 2010; MacKenzie, 2000; Petersilia & Turner, 1993).

At the same time, rehabilitation programming has experienced a renaissance as researchers have uncovered treatment approaches and protocols that when combined with risk assessment and case management,

are related to lower rates of recidivism (Andrews & Bonta, 2010a; Taxman, 2002). Nevertheless, as recently as 2008, Skeem and Manchak (2008, p. 221) noted that this retributive doctrine which utilizes control-oriented “surveillance has been the dominant model of probation supervision,” whereas the “treatment model is difficult to find” in practice in institutions and agencies across the states. According to Taxman (2008), the role of probation officer has been in a stage of metamorphosis, where it has been recalibrated to combine rehabilitation and law enforcement roles in recognition of the need to both control and treat and as a means of handling large-scale community corrections populations. Recent figures indicate that around 4.8 million out of the 7 million people in the criminal justice system in the United States were under community supervision in 2012 (Glaze & Herberman, 2013). Probation officers who balanced the law enforcement and rehabilitation roles have been found to improve the effectiveness of supervision, reduce recidivism, and provide a promising prosocial life for offenders that includes sound coping mechanisms even under a complicated workload (Whetzel, Pappozzi, Alexander, & Lowenkamp, 2011). Such a “balanced” approach is now acknowledged by scholars as a contemporary goal for probation officers (Lutze, 2014; Miller, 2015; Skeem & Manchak, 2008; Whetzel et al., 2011).

Historically, given the variation in policies across agencies and jurisdictions, probation officers have adjusted their “images” from time to time in their search for the “best” practices in community corrections among these goals: social worker (addressing client needs and assisting in rehabilitation) (Andrews, Zinger, Hoge, Bonta, Gendreau, & Cullen, 1990), peace officer (enforcing laws and rules and working with court orders) (Benekos, 1990), and “synthetic” officer (combining both) (Miller, 2015). Besides practitioners’ endorsements and scholars’ recognition of types of supervision philosophies and practices, little is known about these role differences from a legal perspective. This is unfortunate, as statutes potentially guide probation officer performance and highlight the functions of officer-offender interactions.

It is important to understand the statutorily mandated roles of probation officers because such awareness would further inform legislators and policymakers about the potential disjunction between the “ideology” of the law and the “reality” of the practice. To fill this gap in the literature, the current study employs a statutory analysis to examine the roles of probation officers. We identify which probation roles are statutorily mandated today and whether such requirements fit the trend of the “balanced” approach as identified by Taxman (2008).

Goals and Functions of Probation

How an offender receives probation varies slightly by state, but generally probation occurs in lieu of serving time in jail or prison, or a combination of a limited jail sentence and community supervision. Offenders serve their “term” on probation under the supervision of an assigned probation officer, generally employed by the state, county, or municipality. Probation, also referred to as community supervision, was first created in the late 1800s and spread to all states by 1956 (Petersilia, 1997). In the following decades, probation goals and functions have fluctuated between the rehabilitation model and the law enforcement model; however, as noted above, there has been a trend towards convergence of these models in the late twentieth century (Lutze, 2014; Taxman, 2008). In fact, some scholars argue that though not always acknowledged, the balanced approach describes what officers really do when supervising clients. A detailed exploration of the various roles is provided in the section that follows to create a framework for use in the statutory analysis.

Social Worker: Focusing on Rehabilitation

At its inception the primary role for probation was as a form of social work that focused on rehabilitation and securing a job and housing. The probation officer also aimed to keep offenders away from deviant others with the goal of impacting criminal behaviors. Correctional institutions aimed to rehabilitate offenders and improve their “welfare ... as a condition achieved by helping him in his individual adjustment” to prevent future confinement by the criminal justice system (Ohlin, Piven, & Pappenfort, 1956, p. 215). In contrast, the Supreme Court described the role of probation as:

... to provide a period of grace in order to aid the rehabilitation of a penitent offender; to take advantage of an opportunity for reformation which actual service of the suspended sentence might make less probable (Burns v. United States, 1932, p. 220).

In order to be successfully rehabilitated, probationers needed to receive continuous attention, counseling, programming, and the assistance provided by probation officials. The Supreme Court also depicted the rehabilitation model as a way

... to provide an individualized program offering a young or unhardened offender

an opportunity to rehabilitate himself without institutional confinement under the tutelage of a probation official and under the continuing power of the court to impose institutional punishment for his original offense in the event that he abuse this opportunity. (Roberts v. United States, 1943, p. 272)

Probation officers, however, have historically embraced the doctrine of treatment utility. Whitehead and Lindquist (1992) examined probation officers’ professional orientations by using the Klofas-Toch Professional Orientation scales. This study revealed that officers were more in favor of rehabilitation and were less in favor of a punitive philosophy in community corrections. The officers reported that corrections should provide various counseling services for probationers, and believed that treatment programs are worthy of time and money rather than spending on expanded imprisonment and harsh sanctions.

Despite the fact that officers and offenders might focus differently on the rehabilitative values of both personal goals (e.g., keeping out of trouble, having a place to stay) and social goals (e.g., building social skills, enhancing positive relationships) empirically (see Shihadeh, 1979), the criminal justice system was in favor of rehabilitation-oriented probation before Martinson’s (1974) “nothing works” challenges. In fact, not only do criminal justice institutions support rehabilitation-oriented functions, some scholars have found that the public supports rehabilitation and believes correctional treatment lessens the likelihood of future offending (Applegate, Cullen, & Fisher, 1997). The importance of rehabilitative goals during probation may not just be because treatment can be an effective behavior modifier, but also because probation practices seem to strengthen ties among the offender, the family, and the community in a healthy social network (Bhutta, Mahmood, & Akram, 2014).

Peace Officer: Emphasizing Law Enforcement Practices

In the mid-1970s, treatment-focused strategies were challenged on their therapeutic effectiveness and received a surge of criticism over the failure to reduce recidivism (Martinson, 1974). The ideology of a “get tough” approach in terms of retribution, incapacitation, deterrence, intensive surveillance, and monitoring rapidly replaced the rehabilitative model as the mainstream approach for criminal

justice institutions and agencies. Probation officers found themselves immersed in a role of “threats and punishment” and as “punitive officers” as first identified by Ohlin and colleagues decades before (Lindner, 1994; Ohlin et al., 1956, p. 215).

As Lindner (1994) notes, probation agencies had moved definitively towards a law enforcement-oriented model with more punitive approaches than ever before for supervision. This “control” model was embraced throughout probation agencies for many reasons, including: (1) conservative political and policy changes that swept the country; (2) the search for more effective ways to target higher-risk probation populations; and (3) as a response to escalating caseloads, especially as probation served as a spillway for prison overcrowding (Lindner, 1994).

In the 1990s Burton and associates (1992) addressed the law enforcement role of probation officers by examining the statutory requirements within the 50 states. The study identified the legally prescribed functions of probation tasks and found only 4 out of 22 statutory tasks were treatment-orientated functions. In terms of rehabilitative service, they were surprised to find that few states mandated counseling services in general (15 states), provided referral services for medical or social needs (7 states) or assisted probationers in obtaining employment (2 states). The authors concluded that most state statutes prescribed enforcement-oriented tasks and expected officers to be “enabling arrest, investigation, enforcing criminal laws and working with law enforcement agencies” and maintaining contact with courts (p. 280).

A majority of probation officers at this time appeared to embrace the enforcement model and utilize an intensive supervision approach along with other retributive strategies (Skeem & Manchak, 2008; Steiner, Travis, Makarios, & Brickley, 2011). Steiner and colleagues (2004) found that probation officers in 45 states were twice as likely to practice law enforcement-oriented tasks (e.g., surveillance, investigation, arrest, assisting law enforcement agencies and legal authorities, enforcing criminal laws) compared to rehabilitative tasks (e.g., assisting in rehabilitation, providing counseling, helping to find a job, establishing community relationships) prescribed by statutory procedures. Probation officers who reported that offender punishment and monitoring and community safety were more important goals within probation functions were more likely to work closely with the

court or releasing authority assigning sanctions than officers who believed reintegration and therapy were more important functions of their work (Payne & DeMichele, 2011).

Case Manager: Considering Risk Assessment and Individual Needs

The rise of the new penology in the early 1990s (see Feeley & Simon, 1992) has created a stronger focus on maximizing safety and minimizing dangerousness through managing offenders' needs and risks. In order to meet the goals of managing risk, Lutze (2014) indicates that there has been a shift from the dichotomous roles of probation officers towards a "case manager," who functions somewhere between social work and law enforcement. These positions are also known as "boundary spanners" (see Lutze, 2014). Depending on the circumstances, probation officers undertaking this role employ fluid treatment and surveillance strategies, dependent on a number of factors, to identify individual needs and manage their risk.

Andrews and Bonta (2010a) further indicated that correctional staff could adjust programming and case management to meet institutional goals for each individual by adopting the risk-need-responsivity (RNR) principles through applying risk assessment instruments and carefully matched intervention programs. Prior studies have demonstrated that effective probation reduces recidivism when risk and need principles are closely followed in supervision and treatment (Andrews & Bonta, 2010a; Andrews, Bonta, & Hoge, 1990; Andrews, Bonta, & Wormith, 2011; Lutze, 2014). In other words, intensive supervision and services are provided to high-risk offenders while minimal supervision and intervention are provided to low-risk offenders.

Payne and DeMichele (2011) examined the relationship between probation philosophies and their work activities by utilizing a survey conducted by the American Probation and Parole Association (APPA). They determined that risk assessment and needs assessment were the most important strategies utilized, regardless of whether probation officers were more law enforcement-oriented or rehabilitation-oriented in their roles. Furthermore, the researchers found that risk and needs assessment were significant elements of even broader probation philosophies related to community safety, victim protection, reintegration, and individual character reformation. This is true despite the fact that these are less often discussed as outcomes than traditional

law enforcement and rehabilitation model results (see Payne & DeMichele, 2011) and despite greater political movement toward punitiveness (Lutze, 2014).

Synthetic Officer: Balancing Treatment and Surveillance

In the late twentieth century, the field of community corrections has moved to providing more integrated treatment approaches, while continuing to utilize law enforcement practices (Taxman, 2008). This has been done to ease occupational dilemmas and role conflicts among correctional officials (see Ohlin et al., 1956) and as a means of implementing evidence-based practices for effective supervision outcomes (Skeem & Manchak, 2008). Purkiss and associates (2003) found support for the emergence of this "balanced" trend in their analysis of the statutory definitions of probation officer functions in all 50 states and the District of Columbia. Although "probation officers are more likely to be statutorily mandated to perform law enforcement tasks rather rehabilitative tasks ... it seems that a more balanced approach to probation" has gradually increased in many states (p. 23).

The effects on offenders of officers balancing treatment and surveillance were noted by Klockars (1972: 552): "synthetic" style officers would have positive outcomes with respect to reducing the likelihood of revocation when they practice "the active task of combining the paternal, authoritarian, and judgmental with the therapeutic" rather than solely playing a role of social worker or law enforcement agent. In concert with supervision, all were synthetic strategies. He found little to no evidence that officers emphasized only rehabilitative or law enforcement models, but rather that their roles had intertwined. Reconciling the two roles as a balanced practice is a promising approach not only to eliminate role conflicts (Miller, 2015; Sigler, 1988) but also to respond to the contemporary community supervision environment regarding targeting high-risk offenders (Gleicher et al., 2013; Skeem & Manchak, 2008; Taxman, 2008).

Paparozi and Gendreau (2005) examined the relationship between correctional officers' practice orientation and recidivism outcomes in the New Jersey Intensive Surveillance and Supervision Program (NJISSP). This study found that high-risk/high-needs offenders who were assigned to law enforcement practice-oriented officers received more technical violations and were associated with poorer outcomes compared to those offenders who

were assigned to social work practice-oriented officers. In fact, Paparozi and Gendreau (2005) further revealed that high-risk/high-needs offenders who were supervised by "balanced" approach officers were associated with significantly less revocation for new convictions or any revocation than the other two practices.

In sum, the roles of probation officers have been observed by practitioners as: (1) shifting between conventional dichotomous roles of social workers or peace officers; (2) having a tendency towards case managers who have recognized the need to address both risk and needs in order to reduce future offending; and (3) gradually moving to synthetic officers who have balanced the two conventional narrative roles (Miller, 2015). In the meantime, a neo-synthetic officer role operated in conjunction with the RNR principles has emerged, with supervision officers expected to serve as "behavior change agents" (Gleicher et al., 2013; Skeem & Manchak, 2008; Smith, Schweitzer, Labrecque, & Latessa, 2012; Taxman, 2008). Miller (2015) indicated that even though there is a trend suggesting a balanced approach, this does not mean the rehabilitation model and the law enforcement model no longer exist in community supervision. That is, roles still vary depending on agencies and jurisdictions. The current study aims to identify which probation goals are statutorily mandated today and whether the mandates fit the trend of "balanced" as in Taxman's (2008) depiction. This study employs a statutory analysis to examine how the role of the probation officer has changed over the past 30 years. We hypothesize that the statutory prescriptions for the probation officer role are currently less law enforcement-oriented than they were when analyzed by Burton and associates (1992). Instead, we expect that the findings by Purkiss and colleagues (2003) almost 12 years ago, showing that state statutes were reflecting a more balanced approach role for probation officers, will be even more pronounced given continued innovations in community supervision, including the movement of states towards the adoption of standardized RNR tools and coordinated case management (Blasko, Friedmann, Rhodes, & Taxman, 2015; Taxman & Belenko, 2012; Taxman, Henderson, Young, & Farrell, 2014; Viglione, Rudes, & Taxman, 2015).

Methods

This study analyzed state statutory definitions of adult probation officer functions and roles

from 1992 to 2015 for all 50 states and the District of Columbia. Several procedures were employed to facilitate this task. First, to compile 30 years of data, we used two studies to represent prior legally subscribed functions in 1992 and 2002: Burton and colleagues (1992) and Purkiss and colleagues (2003), respectively.

Second, for this study we collected all legally mandated duties and tasks for adult probation officers in 2015. For the sake of consistency we used parallel data collection procedures with these two studies in the current analysis. We also replicated the data collection process described in prior studies by clarifying ambiguous statute definitions, interpreting the legal language that varies by state, and classifying different legal terminology and wording on duties (see Burton et al., 1992; Purkiss et al., 2003; Steiner et al., 2004).

Third, we sorted the prescribed tasks into three main categories: rehabilitation, law enforcement, and case management. Identifying the roles that have changed in these categories could further our understanding of how trends may potentially change in probation functions in the future (Purkiss et al., 2003; Steiner et al., 2004).

Measures

Three types of measures were adopted in the current study. These were based on the orientation of statutorily prescribed tasks: whether tasks per se had a tendency to be rehabilitation-oriented, law enforcement-oriented, or case manager-oriented functions.

Rehabilitation-Oriented Tasks. This is a social work task style (Ohlin et al., 1956) with a focus on rehabilitation functions. Briefly, the duties within a rehabilitation-oriented system were designed to assist with the offender needs, help them better adjust after release, and eliminate problems (e.g., social, psychological) and obstacles that prevent them from reintegrating in the community and society. Prescribed tasks included placement in and completion of community service programs, aid in diverse rehabilitation approaches, counseling, employment training and location, writing presentence investigation (PSI) reports.

Law Enforcement-Oriented Tasks. The role of law enforcement-oriented tasks includes an emphasis on control, enforcement, and work with courts as a peace officer to ensure public safety (Ohlin et al., 1956). Prescribed tasks include case investigation, offender scrutiny, home and work visitation, surveillance, supervision, arrest, serving warrants, collecting restitution, making referrals, keeping records,

probation condition development and discussion, sentence recommendation, performing duties and assignments required by courts, assisting law enforcement agencies, enforcing criminal laws, assisting courts in transferring cases, and issuing revocation citations.

Case Manager-Oriented Tasks. Besides the above-listed tasks of rehabilitation and law enforcement-oriented techniques, case manager-oriented probation officers are involved in prescribed tasks that are related to risk assessment, identification and assessment of criminogenic needs, and individual case adjustment and management.

Analytic Plan

A “tallied” method (see Purkiss et al., 2003) was employed in this study. If the totals of rehabilitative-oriented tasks outnumbered the totals of law enforcement-oriented tasks in a given state without involving any case manager-oriented tasks, then the state was labeled as reflecting a rehabilitation-oriented role for probation officers, and vice versa. If the prescribed tasks involved some RNR principles but still presented unequal scores between law enforcement-oriented and rehabilitation-oriented tasks in a given state, this state would be labeled as a case manager-oriented state. If the totals of both types of tasks received equal scores in a given state but without any RNR principles tasks, then the state was labeled as possessing balanced or dual roles for probation officers. However, if the totals of both types of tasks received equal scores in a given state and with any RNR principles tasks, then the state was labeled as a neo-balanced state for probation officers.

Results

This study aims to explore how the roles of probation officers have changed over the past 30 years. As the results of statutory analysis presented in Table 1 show, the total numbers of the legally subscribed tasks of adult probation officers have increased over time from 22 to 23 to 26, in 1992, 2002, and 2015, respectively. Three new tasks for contemporary probation officers were identified in this study: welfare/social worker, risk/needs assessment, and individual case adjustment/care management. The increased roles demonstrate the mixed probation philosophy, the demands of multi-tasks, and expectations of what community probation could accomplish in providing service based on individual characteristics and needs.

In 2015, there are five states and the District of Columbia that did not increase total numbers of mandated tasks when compared to the year 2002. Of these, Utah held five identical functions as primary practices for probation officers (i.e., supervision, surveillance, investigate cases, arrest, perform other court duties) in both 2002 and 2015.

Even though the total number of tasks remained in the other states and the District of Columbia, they did amend functions for probation officers. The District of Columbia, for example, retained three out of four tasks and replaced writing PSI with supervision in 2015. In contrast, the other four states, Alabama, Maine, Maryland, and New Hampshire, reduced numbers of prescribed tasks. For instance, probation officers in the state of Maryland are required to practice two tasks, the investigation of cases and writing PSIs.

The majority of states (42 states) had more prescribed functions in 2015 than in 2002. Among the 50 states, probation officers in North Carolina and Arizona are charged with practicing 19 tasks (North Carolina) and 16 tasks (Arizona) in 2015, up from 8 tasks and 10 tasks in 2002, respectively. Arkansas has increased the number of prescribed duties at an astonishing rate (from 3 to 16) in the last 10 years. Similarly, Florida has also remarkably expanded the roles of probation officers in corrections (from 2 to 10). Officers moved from two focuses, supervision and surveillance, to complex dimensions in service that relate to rehabilitation, community service programs development, arrest, case investigation, sentence recommendations, maintaining contacts with courts, risk assessment, and others.

In fact, among these expanded probation officer functions, we found that 28 states enhance the case management dimension as statutory service. In other words, these states have at least one out of two case manager-oriented functions (e.g., risk/needs assessment, and individual case adjustment) as mandatory tasks of their probation officers. Among 28 states, 11 have required full case management functions. These results are consistent with those of prior studies (Blasko et al., 2015; Lutze, 2014; Taxman & Belenko, 2012; Taxman et al., 2014) showing that states continue to move towards the adoption of standardized risk assessment tools and coordinated case management and individual needs.

Table 2 revealed legally prescribed functions of probation officers by task orientations. Three rehabilitation-oriented tasks (i.e., developing community service programs, locating

employment, writing PSIs) slightly increased since 2002, while counseling decreased from 19 states in 2002 to 9 in 2015. The statutes of almost half of states, however, include language supporting the position that assisting offenders in rehabilitation is an important task for probation officers. In 2015, a total of 6 states acknowledge probation work as involving welfare preservation and playing a role as a social worker.

In terms of law enforcement-oriented functions, we identified 18 specific responsibilities in the current study that exactly matched Purkiss and associates' (2003) statutory analysis. Contemporarily, all 50 states reported supervision as a necessary task that must be practiced by probation officers, followed in frequency by case investigations (39), arrest (34), keeping records (32), probation condition development and discussions (31), restitution collections (23), serving warrants (23), sentence recommendations (21), and performing court-related duties (20). In addition, we found that in the past 30 years most states had enhanced law enforcement-oriented functions; as of 2015, 22 states even identified the roles of their probation officers as compared to law enforcement officers who enforce the laws.

The important change that we identified in the state statutes is a shift to identifying more legally prescribed case manager-oriented functions. Risk and needs assessment is a prevalent task for probation officers in the statutes of 25 states. According to this analysis, 28 percent of states focus on individual case adjustment and tailor case plans for offenders' needs.

Overall, the major escalating trend in statutory requirements that we observed is in law enforcement-oriented functions, even though there are also marginal increases in rehabilitation-oriented functions from 1992 to 2015. The elevated trends in both rehabilitative and law enforcement-oriented functions, however, are in concert with Lutze's (2014) study, which found a shift from the dichotomous roles of probation officers towards a mixed working philosophy. This finding also implies that in the late twentieth century, the field of community corrections has integrated treatment approaches into law enforcement practices more than before (Taxman, 2008).

Table 3 breaks down the three task orientations by state. We found that no state's statute fit our classification category for the role of probation officers as purely rehabilitation-oriented or purely dual-role in 2015. However, Maryland is the only state we classified as

balanced, because it truly places equal weight on the two functions of rehabilitation and law enforcement within probation tasks. Outside of Maryland, the statutes of 21 states and the District of Columbia identified them as law enforcement-oriented states that focused less on rehabilitative tasks without considering any risk assessment functions. In terms of law enforcement-oriented states, probation services in Idaho, Massachusetts, New Jersey, North Dakota, Pennsylvania, and Utah operate without any statutory prescribed rehabilitation functions, and all legally mandated tasks fall under law enforcement-oriented functions.

Fifty-seven percent of states were identified as case manager-oriented in 2015. These states have both law enforcement and rehabilitation orientations, yet also either include risk assessment tasks or consider individual case management in order to address offender needs. Among case manager-oriented states, the statutes of Rhode Island and Wisconsin both place a focus on risk and needs assessment and individual case planning, and both states were more likely to associate law enforcement-oriented functions with community protection rather than associating rehabilitation-oriented functions with community protection. This finding confirmed our hypothesis that the probation officer's role is currently less law enforcement-oriented than it was 20 years ago when analyzed by Burton and associates (1992).

Discussion and Conclusion

The purpose of this present study was to build on past efforts in classifying changes in empirical probation supervision through a statutory analysis. Results from numerous studies have argued that the role of probation officers and the duties that they must perform have changed as correctional ideology has shifted over the past two decades. As we found through this analysis, the statutorily mandated roles of probation officers have converged its "ideology" of the law with the "reality" of the practice over the past 30 years. From 2002 to 2015, a total of 26 percent of state legislatures have increased both rehabilitation- and law enforcement-oriented functions prescribed by law, and 24 states and 37 states have increased rehabilitative and law enforcement practices, respectively. Even though state legislatures mandated probation officers to perform more peace officer tasks (18) than social worker (6) tasks, very few states define probation functions dichotomously, as either strictly a therapeutic agent or law enforcers.

This movement we uncovered is in line with Klockars' (1992) theory of the synthetic working philosophy. Frontline probation officers function as a supervision triad (see Klockars, 1972; Skeem & Manchak, 2008) and combine authoritarian, paternal, judgmental, therapeutic, and other tasks to handle probationers. This finding supports the effective supervision practice doctrine, especially when probation officers engage in a hybrid practitioner philosophy in terms of family, community, and police orientations (Miller, 2015). We maintain that rather than forcing probation officers toward one strategy or method of supervision, such a mixed-methods approach can enhance positive officer-offender interactions and result in potential better outcomes.

Moreover, the statutorily mandated functions found in the current study are consistent with empirical opportunity-focused supervision (OFS) practices identified by Miller (2014, 2015) that officers would apply in their attempts to reduce recidivism in community corrections. Officers under this mandate would not only routinely practice conventional tasks such as surveillance, monitoring, community-offender relationships development, rehabilitation, and consulting service, but would also focus on OFS practices such as individual case management plans (Miller, 2014).

In fact, we revealed that 28 states have legally prescribed case manager-oriented functions (i.e., risk and needs assessment, individual case management, and adjustment) and integrated them along with either rehabilitation- or law enforcement-oriented tasks as a new probation role in 2015. This is a considerable finding that has never been identified in the past two decades. This finding echoed Skeem and Manchak's (2008) study, which found that the models of probation supervision were no longer conventional mixed or bridged philosophies or merely seeking effective practice¹; rather, the models of probation supervision move toward evidence-based practice (EBP) to ensure public health and safety and manage risk (Taxman, 2008).

The first step of integrating EBP into community supervision, Latessa and Lovins (2010) explained, is to take actuarial risk assessment into account in improving probation work. As this analysis has shown, state statutes reflect this recent focus on risk awareness, risk identification, risk assessment,

¹ Effective practices and research-based programs may not necessarily meet the evidence-based practices criteria with a methodological rigor and have been tested in heterogeneous populations (See Drake, 2013).

and case management planning as a trend towards a neo-balanced approach in community corrections. It appears that there is a trend among legislative bodies to support empirical probation officers' work in conjunction with the administration of RNR instruments and a tailored individual case management plan to target criminogenic needs (Blasko et al., 2015; Gleicher et al., 2013; Taxman & Belenko, 2012; Taxman et al., 2014; Viglione et al., 2015). Although the majority of states still favor law enforcement-oriented tasks within statutes, and tasks relating to such methods outweigh the number of case manager-oriented functions, our findings further confirm the movement from the new penology and its focus on actuarial justice across criminal justice institutions or penal harm (Feeley & Simon, 1992) to something akin to "penal help" (Stohr, Jonson, & Cullen, 2014). As conceived by Stohr and her colleagues, this emerging paradigm for corrections, termed penal help, focuses on rehabilitation, restorative justice, and reentry programming (the three Rs). To the extent that these state statutes have either moved away from a purely law enforcement model for community corrections and have increasingly turned to these three Rs, we may be witnessing the emergence of a penal help perspective for community corrections along with, or in concert with, a complementary managerial approach.

The benefit of the case-management-oriented role is that it supports the RNR principle, while offering more appropriately matched interventions, treatment, and programming (penal help), which has been shown in numerous studies to reduce recidivism. Even though recidivism reduction rates may vary within states where this strategy is adopted, Andrews and Bonta (2010b) indicated that programs and services that adhere closely to the RNR model could reduce the reoffending rate by up to 35 percent. Moreover, effective classification, through case-management functions, provides optimal outcomes for offenders and probation staff in terms of successful reentry, reducing caseload and positive offender-officer interaction. Such methods also benefit correctional institutions and communities at macro levels with respect to resources allocation, maximize cost-effectiveness, and minimize dangerousness and potential harm to society in the future (Latessa & Lovins, 2010; Lutz, 2014).

With the advent of actuarial justice and EBP across criminal justice institutions (Feeley & Simon, 1992), contemporary probation supervision has gradually shifted into

case management-oriented functions. In this sense, we expect that more states, with the support of legislators, will recalibrate their law enforcement-oriented attention toward case management-oriented principles that administrate EBP for both rehabilitation and crime control in the near future. This is not to suggest that the rehabilitation model and the law enforcement model no longer exist or are less effective in community supervision. Instead, evidence continues to grow that a more balanced approach synthesized with the risk assessment model will continue to yield more positive outcomes than those recorded 20 years ago in community corrections.

As mentioned in the foregoing, the elevated trends in both rehabilitative and law enforcement-oriented functions are consistent with Lutz's 2014 study, which found a shift from the dichotomous roles of probation officers towards a mixed working philosophy. This finding also implies that in the early twenty-first century, state legislatures and governors have integrated community corrections treatment approaches into law enforcement practices more than before (Taxman, 2008); in so doing, they have affirmatively embraced a penal help perspective for corrections (Stohr et al., 2014).

Doing a statute analysis on any topic has its drawbacks. Statutes are merely representative of what governmental branches conceive of as best practice. They often embody compromises between parties and actors on the political stage. Actual practice, however, does not always reflect policy as prescribed by these statutes (Lipsky, 1980). The street-level bureaucrats, or probation officers in this case, who meet with clients, manage caseloads, and effectively put policy into practice, can and often do behave differently than the statute mandates.

Moreover, though a particular policy might be enacted into statute, that does not always mean it will be funded sufficiently to become practice. For example, though a state statute may require more of a treatment focus with more programming for probationers, if the funding is not allocated for new staff to work the programs or for staff to be trained in the program philosophy or for new programs to be funded generally, then the new statute is just words on paper and does not truly represent actual probation practice in a given state. Therefore, statute analysis is a useful exercise in determining what the state legislatures and governors' offices valued at a given time; however, because of funding and other political and bureaucratic considerations, the statutes governing probation work do not always reflect the practice of it.

References

- Andrews, D. A., & Bonta, J. (2010a). *The psychology of criminal conduct* (5th ed.). New Providence, NJ: LexisNexis Group.
- Andrews, D. A., & Bonta, J. (2010b). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy and Law*, 16(1), 39-55.
- Andrews, D. A., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior*, 17, 19-52.
- Andrews, D. A., Bonta, J., & Wormith, J. S. (2011). The Risk-Need-Responsivity (RNR) model: Does adding the good lives model contribute to effective crime prevention? *Criminal Justice and Behavior*, 38(7), 735-755.
- Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology*, 28(3), 369-404.
- Applegate, B. K., Cullen, F. T., & Fisher, B. S. (1997). Public support for correctional treatment: The continuing appeal of the rehabilitative ideal. *Prison Journal*, 77(3), 237-258.
- Benekos, P. J. (1990). Beyond reintegration: Community corrections in a retributive era. *Federal Probation*, 54(1), 52-56.
- Bhutta, M. H., Mahmood, Q. K., & Akram, M. B. (2014). Assessment of the role of probation officers in social rehabilitation of low risk offenders in Lahore-Pakistan. *Middle-East Journal of Scientific Research*, 21(10), 1764-1770.
- Blasko, B. L., Friedmann, P. D., Rhodes, A. G., & Taxman, F. S. (2015). The parolee-parole officer relationship as a mediator of criminal justice outcomes. *Criminal Justice and Behavior*, 1-19. doi: 10.1177/0093854814562642
- Burton, V. S., Jr., Latessa, E. J., & Barker, T. (1992). The role of probation officers: An examination of statutory requirements. *Journal of Contemporary Criminal Justice*, 8(4), 273-282.
- Drake, E. K. (2013). *Inventory of evidence-based and research-based programs for adult corrections* (Document No. 13-12-1901). Olympia, WA: Washington State Institute for Public Policy.
- Feeley, M. M., & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology*, 30(4), 449-474.
- Gendreau, P., Goggin, C., Cullen, F. T., & Andrews, D. A. (2000). The effects of community sanctions and incarceration on recidivism. *Forum on Corrections Research*, 12(2), 10-13.

TABLE 1.
Legally Prescribed Functions of Probation Officers From 1992–2015

Functions	DC			AL			AK			AZ			AR			CA		
	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015
Supervision		X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Surveillance				X	X		X			X	X	X	X		X			X
Investigate Cases	X	X		X	X	X				X	X	X			X	X	X	X
Assist in Rehabilitation				X	X							X	X		X			
Develop/Discuss Probation Conditions				X	X	X			X	X					X		X	X
Counsel															X			
Visit Home/Work				X	X	X					X				X			
Arrest				X	X	X		X	X	X	X	X						
Make Referrals													X					
Write P.S.I.	X			X	X	X	X		X	X	X	X	X		X	X	X	X
Keep Records				X	X				X	X	X	X	X		X		X	X
Perform Other Court Duties									X		X	X	X		X		X	
Collect Restitution						X			X			X						X
Serve Warrants				X	X			X	X	X	X	X		X	X			
Maintain Contact With Court	X	X		X	X			X	X	X	X		X	X	X	X		
Recommend Sentences	X	X															X	X
Develop Community Service Program												X						
Assist Law Enforcement Agencies						X												
Assist Court in Transferring Cases												X						
Enforce Criminal Laws										X		X						
Locate Employment						X									X			
Initiate Revocations									X	X								
Law Enforcement/Peace Officer							X	X			X					X	X	
Welfare/Social Worker								X										
Risk/Needs Assessment								X			X			X				X
Individual Case Adjustment/Case Management								X			X			X				
TOTALS	0	4	4	11	11	9	3	5	14	11	10	16	8	3	16	5	6	10

Note: ^a = 2013; ^b = 2014

TABLE 1.*Legally Prescribed Functions of Probation Officers From 1992–2015 (Cont.)*

Functions	CO ^b			CT ^b			DE			FL			GA ^b			HI ^b		
	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015
Supervision	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Surveillance	X	X	X	X	X			X		X	X	X				X	X	
Investigate Cases	X	X	X	X	X	X	X	X				X	X	X	X	X	X	X
Assist in Rehabilitation	X	X		X	X	X		X	X								X	X
Develop/Discuss Probation Conditions	X	X	X	X	X	X		X	X			X				X	X	X
Counsel				X	X			X		X						X	X	
Visit Home/Work																		
Arrest		X	X						X			X						
Make Referrals		X	X										X					
Write P.S.I.			X	X	X	X	X	X		X			X	X	X	X		
Keep Records	X	X	X	X	X			X	X						X	X	X	X
Perform Other Court Duties	X	X	X					X							X	X	X	X
Collect Restitution	X	X		X	X			X	X						X			
Serve Warrants			X			X		X	X			X						
Maintain Contact With Court		X	X			X										X	X	X
Recommend Sentences			X			X						X	X	X				
Develop Community Service Program												X						
Assist Law Enforcement Agencies						X		X	X									
Assist Court in Transferring Cases																		
Enforce Criminal Laws						X			X					X				
Locate Employment								X	X									
Initiate Revocations		X	X			X			X									X
Law Enforcement/Peace Officer			X					X	X					X		X	X	
Welfare/Social Worker																		X
Risk/Needs Assessment			X			X			X			X			X			X
Individual Case Adjustment/Case Management									X									X
TOTALS	8	12	15	9	9	12	3	14	14	4	2	9	5	6	7	9	10	12

Note: ^a = 2013; ^b = 2014

TABLE 1.*Legally Prescribed Functions of Probation Officers From 1992–2015 (Cont.)*

Functions	ID			IL ^b			IN ^b			IA ^a			KS ^a			KY ^b		
	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015
Supervision	X		X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Surveillance				X	X	X					X		X	X	X	X	X	X
Investigate Cases	X	X	X	X	X	X	X	X	X		X	X	X	X		X	X	X
Assist in Rehabilitation						X					X			X	X			
Develop/Discuss Probation Conditions				X		X	X	X	X	X	X	X		X			X	X
Counsel							X	X				X	X	X	X	X	X	
Visit Home/Work									X						X			X
Arrest	X		X			X						X			X			
Make Referrals							X	X			X		X	X		X	X	
Write P.S.I.	X	X		X	X		X	X	X	X			X		X	X		X
Keep Records				X	X	X	X	X	X		X	X	X	X	X	X	X	X
Perform Other Court Duties				X	X		X	X	X				X	X	X			
Collect Restitution							X	X	X			X					X	X
Serve Warrants												X						
Maintain Contact With Court	X								X									X
Recommend Sentences	X						X	X							X			
Develop Community Service Program				X	X	X						X			X			
Assist Law Enforcement Agencies								X	X									
Assist Court in Transferring Cases					X		X	X	X									
Enforce Criminal Laws						X												
Locate Employment															X			
Initiate Revocations	X																	
Law Enforcement/Peace Officer									X		X	X						
Welfare/Social Worker																		X
Risk/Needs Assessment						X									X			X
Individual Case Adjustment/Case Management						X									X			
TOTALS	7	2	3	8	8	11	11	12	12	3	8	10	8	9	14	6	8	11

Note: ^a = 2013; ^b = 2014

TABLE 1.*Legally Prescribed Functions of Probation Officers From 1992–2015 (Cont.)*

Functions	LA			ME ^b			MD ^b			MA			MI			MN			
	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	
Supervision		X	X	X	X	X	X	X				X	X	X	X			X	X
Surveillance	X			X	X	X		X											
Investigate Cases			X	X	X		X		X	X	X		X	X	X		X	X	X
Assist in Rehabilitation			X		X	X		X									X	X	X
Develop/Discuss Probation Conditions										X	X	X					X		
Counsel				X	X									X					
Visit Home/Work		X						X											
Arrest	X	X	X	X	X	X		X				X		X	X		X	X	
Make Referrals		X															X	X	
Write P.S.I.	X	X		X			X		X	X				X	X		X		X
Keep Records				X	X				X	X	X		X		X		X	X	X
Perform Other Court Duties										X	X	X			X				X
Collect Restitution	X			X	X	X				X		X		X		X			
Serve Warrants			X					X				X		X	X				
Maintain Contact With Court							X							X					X
Recommend Sentences										X	X	X		X	X				X
Develop Community Service Program			X														X	X	
Assist Law Enforcement Agencies																	X	X	X
Assist Court in Transferring Cases																			
Enforce Criminal Laws	X	X	X																
Locate Employment																			
Initiate Revocations			X			X													X
Law Enforcement/Peace Officer		X	X					X										X	X
Welfare/Social Worker																			X
Risk/Needs Assessment						X													
Individual Case Adjustment/Case Management															X				
TOTALS	4	8	9	8	8	7	4	7	2	7	6	9	5	7	11	9	9	12	

Note: ^a = 2013; ^b = 2014

TABLE 1.*Legally Prescribed Functions of Probation Officers From 1992–2015 (Cont.)*

Functions	MS ^b			MO ^b			MT ^a			NE ^b			NV ^b			NH		
	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015
Supervision	X	X	X	X	X	X		X	X		X	X		X	X	X	X	X
Surveillance	X	X		X	X					X				X	X	X	X	X
Investigate Cases	X	X	X	X	X	X	X	X	X	X	X		X		X	X	X	X
Assist in Rehabilitation		X	X	X		X	X	X	X						X	X	X	X
Develop/Discuss Probation Conditions	X	X	X		X	X	X	X	X	X	X	X	X		X			X
Counsel	X	X		X	X		X	X	X			X	X	X				
Visit Home/Work						X										X	X	
Arrest	X	X	X				X	X			X	X		X	X	X	X	X
Make Referrals							X		X									
Write P.S.I.	X	X	X	X	X	X	X			X	X	X	X			X	X	X
Keep Records	X	X	X	X	X		X	X	X	X	X	X	X		X			
Perform Other Court Duties					X						X	X						
Collect Restitution								X							X	X	X	X
Serve Warrants		X	X			X									X		X	
Maintain Contact With Court		X	X				X	X		X	X						X	X
Recommend Sentences						X	X	X	X			X				X	X	X
Develop Community Service Program									X			X						
Assist Law Enforcement Agencies						X												
Assist Court in Transferring Cases																		
Enforce Criminal Laws									X								X	X
Locate Employment																		
Initiate Revocations									X									
Law Enforcement/Peace Officer		X	X												X			
Welfare/Social Worker																		
Risk/Needs Assessment			X									X						
Individual Case Adjustment/Case Management									X									
TOTALS	8	12	11	7	8	9	10	10	12	6	8	10	5	4	10	9	12	9

Note: ^a = 2013; ^b = 2014

TABLE 1.
Legally Prescribed Functions of Probation Officers From 1992–2015 (Cont.)

Functions	NJ			NM ^b			NY ^b			NC ^b			ND ^b			OH				
	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015		
Supervision	X	X	X	X		X		X	X	X	X	X	X	X	X			X	X	
Surveillance				X				X		X	X	X						X		
Investigate Cases	X	X	X							X	X	X	X						X	
Assist in Rehabilitation				X		X	X	X		X	X	X						X		
Develop/Discuss Probation Conditions	X	X	X			X	X	X	X			X						X	X	
Counsel		X					X	X	X			X						X		
Visit Home/Work								X		X	X	X			X					
Arrest			X			X			X	X	X	X		X				X	X	
Make Referrals																				
Write P.S.I.	X					X	X			X		X	X	X				X	X	
Keep Records	X	X	X				X	X	X	X	X	X	X					X	X	X
Perform Other Court Duties									X	X			X						X	
Collect Restitution	X	X	X	X			X	X	X			X						X	X	
Serve Warrants			X						X	X	X	X		X	X					
Maintain Contact With Court			X									X								
Recommend Sentences				X	X				X			X								
Develop Community Service Program												X								
Assist Law Enforcement Agencies				X					X					X	X				X	
Assist Court in Transferring Cases			X									X								
Enforce Criminal Laws			X	X			X	X											X	
Locate Employment							X	X	X											
Initiate Revocations																				
Law Enforcement/Peace Officer		X	X					X	X						X			X	X	
Welfare/Social Worker												X								
Risk/Needs Assessment												X								
Individual Case Adjustment/Case Management																			X	
TOTALS	6	7	11	7	1	5	8	11	13	10	8	19	5	4	5	4	8	11		

Note: ^a = 2013; ^b = 2014

TABLE 1.*Legally Prescribed Functions of Probation Officers From 1992–2015 (Cont.)*

Functions	OK ^b			OR			PA ^b			RI			SC ^b			SD ^b		
	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015
Supervision	X	X		X	X		X	X		X	X	X	X	X	X	X	X	X
Surveillance				X									X	X				X
Investigate Cases			X			X							X	X	X			
Assist in Rehabilitation			X	X									X	X	X			X
Develop/Discuss Probation Conditions				X	X		X						X	X	X			
Counsel				X	X								X					
Visit Home/Work				X	X		X						X	X	X			
Arrest	X	X			X		X						X	X	X	X	X	X
Make Referrals																		
Write P.S.I.	X												X				X	
Keep Records	X			X	X						X		X	X	X			
Perform Other Court Duties				X	X										X			
Collect Restitution						X												
Serve Warrants	X	X											X	X	X			
Maintain Contact With Court			X			X												
Recommend Sentences																		X
Develop Community Service Program																		
Assist Law Enforcement Agencies								X										
Assist Court in Transferring Cases						X			X									
Enforce Criminal Laws	X														X	X		
Locate Employment																		
Initiate Revocations			X												X			
Law Enforcement/Peace Officer	X	X			X			X								X	X	
Welfare/Social Worker			X															
Risk/Needs Assessment			X							X					X			
Individual Case Adjustment/Case Management										X								
TOTALS	3	4	10	0	8	12	3	1	3	2	1	4	9	10	13	3	4	6

Note: ^a = 2013; ^b = 2014

TABLE 1.*Legally Prescribed Functions of Probation Officers From 1992–2015 (Cont.)*

Functions	TN			TX ^b			UT ^b			VT			VA			WA		
	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015	1992	2002	2015
Supervision	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Surveillance		X				X		X	X			X						X
Investigate Cases	X	X	X	X		X		X	X	X		X	X	X	X			X
Assist in Rehabilitation			X		X	X						X	X	X				X
Develop/Discuss Probation Conditions							X					X	X	X	X			
Counsel										X				X				X
Visit Home/Work						X						X						
Arrest			X			X		X	X		X		X	X	X			X
Make Referrals														X				X
Write P.S.I.	X	X		X	X	X	X			X	X		X		X	X	X	X
Keep Records			X										X	X	X			
Perform Other Court Duties	X		X										X		X			X
Collect Restitution								X	X			X						
Serve Warrants			X								X							X
Maintain Contact With Court							X							X	X			
Recommend Sentences						X	X								X			X
Develop Community Service Program												X						
Assist Law Enforcement Agencies																		
Assist Court in Transferring Cases				X											X			
Enforce Criminal Laws																		
Locate Employment											X		X	X				
Initiate Revocations																		X
Law Enforcement/Peace Officer			X															
Welfare/Social Worker																		
Risk/Needs Assessment						X						X						
Individual Case Adjustment/Case Management												X						
TOTALS	4	4	8	4	3	9	5	5	5	4	4	11	9	10	10	3	6	7

Note: ^a = 2013; ^b = 2014

TABLE 1.*Legally Prescribed Functions of Probation Officers From 1992–2015 (Cont.)*

Functions	WV			WI			WY ^b		
	1992	2002	2015	1992	2002	2015	1992	2002	2015
Supervision	X	X	X	X	X	X		X	X
Surveillance	X	X		X		X		X	X
Investigate Cases	X	X	X			X	X	X	X
Assist in Rehabilitation	X	X					X	X	
Develop/Discuss Probation Conditions	X	X	X	X	X	X	X	X	X
Counsel		X					X	X	
Visit Home/Work							X	X	X
Arrest	X	X	X						
Make Referrals									
Write P.S.I.	X	X	X				X		X
Keep Records	X	X	X			X		X	X
Perform Other Court Duties	X	X	X						X
Collect Restitution	X	X	X		X	X			
Serve Warrants		X	X						
Maintain Contact With Court			X		X			X	
Recommend Sentences			X						X
Develop Community Service Program									
Assist Law Enforcement Agencies									X
Assist Court in Transferring Cases									
Enforce Criminal Laws									
Locate Employment									
Initiate Revocations									
Law Enforcement/Peace Officer									X
Welfare/Social Worker									
Risk/Needs Assessment			X			X			X
Individual Case Adjustment/Case Management						X			X
TOTALS	10	12	12	3	4	8	6	9	13

Note: ^a = 2013; ^b = 2014

TABLE 2.

Legally Prescribed Functions of Probation Officers By Task Orientation from 1992–2015

Tasks	# Of States With Types of Functions		
	1992	2002	2015
Rehabilitation-Oriented Functions (6)			
Assist in Rehabilitation	17	22	22
Counsel	15	19	9
Develop Community Service Programs	2	2	10
Locate Employment	2	3	6
Write P.S.I.	42	23	25
Welfare/Social Worker	--	--	6
Law Enforcement-Oriented Functions (18)			
Supervision	43	46	50
Surveillance	19	26	19
Investigate Cases	33	22	39
Develop/Discuss Probation Conditions	24	24	31
Visit Home/Work	5	11	13
Arrest	15	24	34
Make Referrals	7	9	2
Keep Records	29	27	32
Perform Other Court Duties	12	13	20
Collect Restitution	12	14	23
Serve Warrants	4	15	23
Maintain Contact With Court	12	15	17
Recommend Sentences	8	10	21
Assist Law Enforcement Agencies	2	4	11
Assist Court in Transferring Cases	3	2	6
Enforce Criminal Laws	6	4	10
Initiate Revocations	2	1	12
Law Enforcement/Peace Officer	--	15	22
Case Manager-Oriented Functions (2)			
Risk/Needs Assessment	--	--	25
Individual Case Adjustment/Case Management	--	--	14

TABLE 3.*Trends in Probation Officer Functions By States From 1992–2015*

State	# of Rehabilitation-Oriented Functions				# of Law Enforcement-Oriented Functions				# of Case Manager-Oriented Functions			
	1992	2002	2015	Change ^a	1992	2002	2015	Change ^a	1992	2002	2015	Change ^a
D.C.	--	--	0	0	--	4	4	0	--	--	0	--
Alabama	1	1	2	1	9	9	7	-2	--	--	0	--
Alaska	0	0	2	2	2	5	10	5	--	--	2	--
Arizona	0	0	3	3	10	9	11	2	--	--	2	--
Arkansas	1	0	4	4	6	3	10	7	--	--	2	--
California	0	0	1	1	4	5	8	3	--	--	1	--
Colorado	1	1	1	0	7	11	13	2	--	--	1	--
Connecticut	2	2	2	0	6	6	9	3	--	--	1	--
Delaware	0	3	2	-1	2	10	10	0	--	--	2	--
Florida	1	0	1	1	2	2	7	5	--	--	1	--
Georgia	0	0	1	1	4	5	5	0	--	--	1	--
Hawaii	1	2	2	0	7	8	8	0	--	--	2	--
Idaho	0	0	0	0	6	1	3	2	--	--	0	--
Illinois	1	1	2	1	6	6	7	1	--	--	2	--
Indiana	1	1	1	0	9	10	11	1	--	--	0	--
Iowa	0	1	2	1	2	7	8	1	--	--	0	--
Kansas	1	2	5	3	6	7	7	0	--	--	2	--
Kentucky	1	1	2	1	4	7	8	1	--	--	1	--
Louisiana	0	0	2	2	3	7	7	0	--	--	0	--
Maine	1	2	1	-1	6	6	5	-1	--	--	1	--
Maryland	0	1	1	0	3	6	1	-5	--	--	0	--
Massachusetts	0	0	0	0	6	5	9	4	--	--	0	--
Michigan	1	0	1	1	4	6	8	2	--	--	1	--
Minnesota	2	2	3	1	6	7	9	2	--	--	0	--
Mississippi	1	2	2	0	6	9	8	-1	--	--	1	--
Missouri	2	1	2	1	4	6	7	1	--	--	0	--
Montana	2	2	3	1	7	8	8	0	--	--	1	--
Nebraska	0	0	3	3	5	7	6	-1	--	--	1	--
Nevada	1	1	1	0	3	3	9	6	--	--	0	--
New Hampshire	1	1	1	0	7	10	8	-2	--	--	0	--
New Jersey	0	1	0	-1	5	6	11	5	--	--	0	--
New Mexico	1	0	2	2	6	1	3	2	--	--	0	--
New York	3	3	2	-1	4	8	11	3	--	--	0	--
North Carolina	1	1	5	4	8	7	13	6	--	--	1	--
North Dakota	0	0	0	0	4	4	5	1	--	--	0	--
Ohio	1	1	1	0	2	7	9	2	--	--	1	--
Oklahoma	0	0	2	2	2	4	7	3	--	--	1	--
Oregon	0	2	1	-1	0	6	11	5	--	--	0	--
Pennsylvania	0	0	0	0	3	1	3	2	--	--	0	--
Rhode Island	0	0	0	0	2	1	2	1	--	--	2	--
South Carolina	1	2	1	-1	7	8	11	3	--	--	1	--
South Dakota	0	0	1	1	3	3	5	2	--	--	0	--
Tennessee	0	0	1	1	3	3	7	4	--	--	0	--
Texas	0	1	2	1	3	1	6	5	--	--	1	--
Utah	0	0	0	0	4	5	5	0	--	--	0	--
Vermont	1	0	3	3	2	3	6	3	--	--	2	--
Virginia	2	3	1	-2	6	7	9	2	--	--	0	--
Washington	0	1	1	0	2	4	6	2	--	--	0	--
West Virginia	1	2	1	-1	8	9	10	1	--	--	1	--
Wisconsin	0	0	0	0	3	4	6	2	--	--	2	--
Wyoming	2	2	1	-1	3	7	10	3	--	--	2	--

Note: ^a Change as a count number based on the year of 2002.

- Glaze, L. E., & Herberman, E. J. (2013). Correctional populations in the United States, 2012 (NCJ 243936). Washington, DC: Bureau of Justice Statistics.
- Gleicher, L., Manchak, S. M., & Cullen, F. T. (2013). Creating a supervision tool kit: How to improve probation and parole. *Federal Probation*, 77(1), 22-27.
- Hyatt, J. M., & Barnes, G. C. (2014). An experimental evaluation of the impact of intensive supervision on the recidivism of high-risk probationers. *Crime and Delinquency*, 1-36. doi: 10.1177/0011128714555757
- Klockars, C. B., Jr. (1972). A theory of probation supervision. *Journal of Criminal Law, Criminology and Police Science*, 63(4), 550-557.
- Latessa, E. J., & Lovins, B. (2010). The role of offender risk assessment: A policy maker guide. *Victims and Offenders*, 5(3), 203-219.
- Lindner, C. (1994). The police contribution to the development of probation: An historical account. *Journal of Offender Rehabilitation*, 20(3-4), 61-84.
- Lipsky, M. (1980). *Street-Level bureaucracy: Dilemmas of the individual in public services*. New York, NY: Russell Sage Foundation.
- Lowenkamp, C. T., Flores, A. W., Holsinger, A. M., Makarios, M. D., & Latessa, E. J. (2010). Intensive supervision programs: Does program philosophy and the principles of effective intervention matter? *Journal of Criminal Justice*, 38, 368-375.
- Lutze, F. E. (2014). *Professional lives of community corrections officers: The invisible side of reentry*. Thousand Oaks, CA: SAGE Publications, Inc.
- Lynch, M. (2001). Rehabilitation as rhetoric: The ideal of reformation in contemporary parole discourse and practices. *Punishment and Society*, 2(1), 40-65.
- MacKenzie, D. L. (2000). Evidence based corrections: Identifying what works. *Crime and Delinquency*, 46(4), 457-471.
- Martinson, R. (1974). What works? Questions and answers about prison reform. *The Public Interest*, 35, 22-54.
- Miller, J. (2014). Probation supervision and the control of crime opportunities: An empirical assessment. *Crime and Delinquency*, 60(8), 1235-1257.
- Miller, J. (2015). Contemporary modes of probation officer supervision: The triumph of the "synthetic" officer? *Justice Quarterly*, 32(2), 314-336.
- Ohlin, L. E., Piven, H., & Pappenfort, D. M. (1956). Major dilemmas of the social worker in probation and parole. *Crime and Delinquency*, 2(3), 221-225.
- Paparozzi, M. A., & Gendreau, P. (2005). An intensive supervision program that worked: Service delivery, professional orientation, and organizational supportiveness. *The Prison Journal*, 85(4), 445-466.
- Payne, B. K., & DeMichele, M. (2011). Probation philosophies and workload considerations. *American Journal of Criminal Justice*, 36(1), 29-43.
- Petersilia, J. (1997). Probation in the United States. *Crime and Justice*, 22, 149-200.
- Petersilia, J., & Turner, S. (1993). Intensive probation and parole. *Crime and Justice*, 17, 28-335.
- Purkiss, M., Kifer, M., Hemmens, C., & Burton, V. S., Jr. (2003). Probation officer functions: A statutory analysis. *Federal Probation*, 67(1), 12-23.
- Shihadeh, E. S. (1979). Peer counseling and parolees' perceptions of rehabilitative values. *The Journal of Psychology*, 103, 135-142.
- Sigler, R. T. (1988). Role conflict for adult probation and parole officers: Fact or myth. *Journal of Criminal Justice*, 16, 121-129.
- Simon, J. (1993). *Poor discipline: Parole and social control of the underclass, 1890-1990*. Chicago, IL: University of Chicago Press.
- Skeem, J. L., & Manchak, S. (2008). Back to the future: From Klockars' model of effective supervision to evidence-based practice in probation. *Journal of Offender Rehabilitation*, 47(3), 220-247.
- Smith, P., Schweitzer, M., Labrecque, R. M., & Latessa, E. J. (2012). Improving probation officers' supervision skills: An evaluation of the EPICS model. *Journal of Crime and Justice*, 35(2), 189-199.
- Steiner, B., Purkiss, M., Kifer, M., Roberts, E., & Hemmens, C. (2004). Legally prescribed functions of adult and juvenile probation officers: Worlds apart? *Journal of Offender Rehabilitation*, 39(4), 47-67.
- Steiner, B., Travis, L. F. III, Makarios, M. D., & Brickley, T. (2011). The influence of parole officers' attitudes on supervision practices. *Justice Quarterly*, 28(6), 903-927.
- Stohr, M. K., Jonson, C. L., & Cullen, F. T. (2014). Lessons learned: From penal harm to penal help. In Cullen, F. T., Jonson, C. L., & Stohr, M. K. (eds.) *The American prison: Imagining a different future* (pp. 257-268). Los Angeles, CA: Sage.
- Taxman, F. S. (2002). Supervision: Exploring the dimensions of effectiveness. *Federal Probation*, 66(2), 14-27.
- Taxman, F. S. (2008). No illusions: Offender and organizational change in Maryland's proactive community supervision efforts. *Criminology and Public Policy*, 7(2), 275-302.
- Taxman, F. S., & Belenko, S. (2012). *Implementation of evidence-based community corrections and addiction treatment*. New York, NY: Springer.
- Taxman, F. S., Henderson, C., Young, D., & Farrell, J. (2014). The impact of training interventions on organizational readiness to support innovations in juvenile justice offices. *Administration and Policy in Mental Health and Mental Health Services Research*, 41(2), 177-188.
- Viglione, J., Rudes, D. S., & Taxman, F. S. (2015). Misalignment in supervision: Implementing risk/needs assessment instruments in probation. *Criminal Justice and Behavior*, 42(3), 263-285.
- Whetzel, J., Paparozzi, M., Alexander, M., & Lowenkamp, C. T. (2011). Goodbye to a worn-out dichotomy: Law enforcement, social work, and a balanced approach. *Federal Probation*, 75(2), 7-12.
- Whitehead, J. T., & Lindquist, C. A. (1992). Determinants of probation and parole officer professional orientation. *Journal of Criminal Justice*, 20, 13-24.

Cases Cited

- Burns v. United States, 287 U.S. 216 (1932).
 Roberts v. United States, 320 U.S. 264 (1943).

Using Organizational Strategies to Improve Substance Abuse Treatment for Probationers: A Case Study in Delaware¹

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NEARLY FIVE MILLION adults are under community supervision (i.e., probation or parole) in the United States (Maruschak & Parks, 2012). Many of them are placed under community supervision due to drug-related criminal offenses. According to the National Center on Addiction and Substance Abuse (NCASA, 2010), approximately 70 to 85 percent of all convicted offenders have violated drug laws, were intoxicated at the time of the offense, committed the offense to support a drug habit, or have a history of drug addiction. Drug arrests have fluctuated over the last ten to fifteen years, but have remained fairly stable in overall arrest counts. In 2014, of all possession

drug arrests (representing 83% of drug arrest totals), marijuana remains the most significant problem (40%); but, heroin, cocaine, and their derivatives are second (17%) and climbing since 2009, while synthetic or manufactured drugs fall behind (5%), and all other drugs are collapsed together (21%) (FBI Uniform Crime Reports 2015). Opioid dependence is gaining momentum as a particular problem for criminal justice systems, as it includes both illegal drugs (e.g., heroin) and prescription painkillers (e.g., oxycodone, hydrocodone, morphine) that are being used for non-medical purposes.

In response to demands for more cost-effective practices as well as an emerging public sentiment favoring treatment for drug offenses, many recent state-level reforms are aimed at enhancing community-based treatment alternatives for drug offenders (Rengifo & Stemen, 2013). Community correctional officers are usually in a position to influence a substance-dependent offender's engagement in addiction treatment (Marlow, 2003; Young, 2002). Since the 1970s, research has shown that drug abuse treatment helps many drug-abusing offenders change their attitudes, beliefs, and behaviors toward drug use, avoid relapse, and successfully remove themselves from a life of substance abuse and crime (NIDA, 2012).

In combination with behavioral modification techniques, the use of specific medications (e.g., methadone, buprenorphine, and extended-release naltrexone) is recommended as one of the 13 principles of effective substance abuse treatment for criminal offenders (NIDA, 2012). Medication-assisted treatment refers to the use of pharmacotherapy along with traditional substance abuse counseling to attenuate withdrawal symptoms, reduce cravings, and/or eliminate the reinforcing euphoria resulting from alcohol or drug use (Friedmann et al., 2012). Despite the benefits of these medications for drug-dependent individuals, medication-assisted treatment is still underutilized in the treatment of alcohol- or opioid-dependent criminal justice populations (Oser et al., 2009; Nunn et al., 2009). An important contributor to the underutilization of this type of treatment for offenders being supervised in the community is the lack of support among criminal justice organizations. Overall, community correctional officers have unfavorable views of offenders using medications as part of their treatment plan, even though there is considerable evidence that they are effective in treating opioid dependence (Amato et al., 2005; Ling & Wesson, 2003; Marsch, 1998).

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Opioid Addiction and Delaware's Criminal Justice Population

Like other states, Delaware must manage a criminal justice system plagued by problems related to the offender population's dependence on alcohol and opioids. According to the Delaware Department of Corrections, 80 percent of the offender population is affected by issues related to substance use. State officials estimate that recidivism rates for substance-dependent offenders could exceed 70 percent in the absence of purposeful intervention and treatment (State of Delaware, no date). A surge in the illicit use of prescription drugs in the state has expanded the population that potentially becomes involved with the criminal justice system.

Many of these lower-risk, non-violent drug offenders who are supervised in the community by the Bureau of Community Corrections may benefit from treatment-based services. As part of their probation, many offenders with a history of alcohol or opioid use regularly meet with their assigned probation officer and complete a risk and needs assessment (State of Delaware, no date). Offenders who report substance abuse during the assessment are often referred to the Treatment Access Center (TASC). In Delaware, TASC is the primary liaison between the Division of Substance Abuse and Mental Health and the criminal justice system. TASC is responsible for assessing, referring to treatment, and providing case management services to offenders as they move through both the criminal justice and treatment systems. When TASC determines that treatment is needed, individuals are referred to local community treatment providers, some of which provide medication-assisted treatment.

The community corrections treatment model for offenders with substance abuse problems is envisioned as a collaborative effort among probation, TASC, and community treatment agencies all working together with the goal of rehabilitating the offender and protecting the community. In reality, however, agencies often have disparate philosophies and competing organizational priorities that complicate an inter-organizational treatment strategy. For example, the probation agency relies on court-mandated sentencing guidelines and directives in making decisions, and has as their main priority protecting the public from further infractions by the offender. From a treatment perspective, recovery is understood to be a long, complex process involving

occasional setbacks for the recovering addict. Developing a therapeutic alliance between the treatment provider and the offender—a key element for an effective treatment plan—requires trust and confidentiality.

Thus, the Criminal Justice Drug Abuse Treatment Studies' (CJDATS) Medication Assisted Treatment in Community Corrections Environments (MATICCE) funded by the National Institute on Drug Abuse (Ducharme et al., 2013) targeted improving inter-organizational relationships and attitudes toward MAT through an inter-organizational linkage intervention. Although criminal justice research has helped to determine the effectiveness of programs and interventions targeting substance abuse treatment for offenders, the purpose of this research was to use practical tools that would bridge the gap between research and practice and unite evidence-based practice and implementation science.

Overview of CJDATS and MATICCE—Methods and Procedures

CJDATS is a national cooperative research program aimed at improving public health and public safety outcomes for offenders with substance use disorders who are preparing to re-enter the community from either prison or jail. For the MATICCE sub-study, Delaware was among nine research centers that tested the implementation of a linkage intervention as a strategy for improving drug abuse treatment coordination with supervision activities by community corrections (see Friedman et al., 2013).

The main objective of the Organizational Linkage Intervention (hereafter, intervention) was to promote and strengthen inter-organizational linkages and partnerships between community corrections settings (e.g., probation and parole) and community-based treatment settings where addiction pharmacotherapy is available. The intervention was specifically designed to educate criminal justice staff about the effectiveness of medication-assisted treatment (MAT) for individuals with opioid and/or alcohol dependence. Improvement in the linkages to evidence-based substance abuse treatment (through closer partnerships between community corrections and community-based treatment agencies) is likely to result in significant gains to public health and public safety, as well as quality of care to the clients themselves.

The intervention centered on structured communication between community corrections and community-based treatment

agencies through a "pharmacological exchange council" (hereafter, Council). The Council consisted of staff from community corrections and community-based treatment agencies, in addition to representatives from other agencies linked to treatment involving medication-assisted treatment. The co-chairs of the Council included one unit supervisor from the community corrections agency and one program manager from the community-based treatment agency with decision-making authority. The Delaware Council also included criminal justice line staff and clinical staff from a local treatment center (one nurse and one counselor). The Council was administratively supported by a Connections Coordinator, who helped set the agenda and facilitate discussion. This Council proceeded through a strategic planning process in order to meet target objectives. To understand fully the issues surrounding greater use of medication-assisted treatment within community corrections, the group process of the PEC enabled the concerns of all agencies involved to be vetted in an action-oriented open dialogue.²

The Organizational Linkage Intervention Process

The intervention involved a 4-phase process: 1) an assessment phase, 2) a strategic planning phase, 3) an implementation phase, and 4) a follow-up phase. Progression through the 4-phased OLI lasted approximately 12 months and required approval from a senior executive in both community corrections and community-based treatment agencies prior to moving forward between stages. The Center for Drug and Health Studies at the University of Delaware was a research partner to the study and collaborated to design the structure, goals, and activities of the intervention. All research centers involved in the MATICCE study continued to communicate with each other through weekly calls during the course of the intervention to discuss any problems or questions that emerged and to try to ensure standardization of the process across sites.

The purpose of the first phase of the intervention, the assessment phase, was to inventory the existing policies and procedures at both the community corrections

² In some sites, this may have included TASC or some other agency responsible for AOD assessments. It was anticipated that the Connections Coordinator would be selected from the community corrections agency, but in Delaware this person was a representative from the research center with relationships with both community corrections and treatment staff.

and community-based treatment agencies regarding the assessment process, referral to treatment, and MAT for adults in community corrections. Based on these findings, the Council then determined how policies and procedures currently influence or constrain and facilitate the referral and assessment of individuals who might be eligible for medication-assisted treatment, for the purpose of identifying existing logistical, financial, and other barriers.

During the second phase of the intervention, the strategic planning phase, the Council was charged with constructing a detailed organizational linkage strategic plan from the gaps and barriers identified during the assessment phase. Some of the objectives identified in the planning phase in Delaware and across other MATICCE study sites included reassigning staff, hiring additional staff, developing new procedures, and preparing documents that articulate how cross-agency collaboration and conveyance will occur.

The major task during the intervention Implementation phase was for members of the Council and their respective agencies to implement the tasks and actions specified in the planning phase. This phase lasted approximately six months and was considered complete. The intervention was also considered completed if the Council agreed that attaining the objectives was not feasible and that maximum progress toward their attainment had been achieved. Finally, during the follow-up phase, the Council identified and institutionalized the actions needed to assure the sustainability of the implemented changes. These sustainability plans could focus on both the Council and the continuation of formalized inter-organizational relationships that can facilitate clients' referral to treatment providers where medication-assisted treatment is available.

Research Plan

The nine-site study was structured with an experimental design, and all research centers involved in the study selected two agency partnership pairings of one criminal justice and one treatment organization.³ These agency pairings were then randomized to either the control (no intervention) or experimental (intervention) group. Only the experimental agency pairing would receive the intervention. Before site randomization took place,

³ Some sites included two treatment organizations in their control or experimental condition. In Delaware, each of the study conditions had only one treatment organization paired with one criminal justice organization.

all probation and treatment personnel were invited to participate in an inter-agency training that focused on Knowledge, Attitudes, and information regarding medication-assisted treatment. This baseline training was developed and delivered by outside training personnel to all study sites to ensure consistency, quality, and fidelity of the training. The general areas covered in the training were: open discussion of medication-assisted treatment with special consideration of criminal justice perspectives; physiological properties of medications available for opioid and alcohol dependence; evidence of the medications' side effects and effectiveness; advantages of the medications; and individual appropriateness for medication-assisted treatment. The format of the training included exercises and case studies intended to facilitate open discussion about local practices, issues, and concerns related to probationer use of medication-assisted treatment. This training was the only intervention the control sites received.

The data utilized in determining the outcomes of the Delaware component of the CJDATS MATICCE study were primarily qualitative, drawn from in-depth interviews conducted during baseline and follow-up phases, as well as periodic reports generated from Council members. Semi-structured qualitative interviews were conducted with probation staff, treatment counselors, and Council members prior to the start of the intervention (baseline), and at the completion of the intervention (follow-up). Follow-up interviews were designed to capture potential change over time with respect to inter-organizational relationships, communication patterns, enacted changes, and reflections on the intervention process. The semi-structured design of the interviews allowed respondents to elaborate on key themes and issues unanticipated by interviewers.

MATTICE in Delaware—Outcomes and Findings

Across the CJDATS collaborative, the primary goal of the intervention was to facilitate and enhance organizational linkages, with the expectation that improved linkages would ideally increase referrals for probationers who are appropriate candidates for medication-assisted treatment. The needs assessment phase in Delaware revealed that the organizations did not have difficulty with actually referring or connecting probationers to MAT treatment. In fact, several measures had already been taken before the study started

that streamlined the process of referring probationers to local MAT providers. However, the system did break down during the coordination and exchange of information while the probationer was involved in treatment. This created a deep chasm between the agencies. As one probation officer notes:

Well initially ... like we said, no lines of communication, they call [us], [we] will call [them], it was just crazy ... There was no line of reason; there was no policy or procedure in place. Then, we had a meeting after I say some years ago, and [treatment agency] was offered an opportunity to come to the building because we had space for them to be here to do the initial assessments. That has become one of the best tools. ... [but] it's that follow-up care, that long term care, that referral care, like I like to call it, that's not being met. That's where those lines of communication fall apart.

From the flow chart and initial needs assessment, the Council established four goals that directly related to their self-identified areas of highest need concerning continued coordination of substance abuse treatment, and guided their efforts during the implementation phase.

Goal #1: Improve both the release of information process to probation from treatment, and client honesty about probation status while in treatment.

This goal proved to be one of the most important for increasing and improving the effectiveness of communication between criminal justice and community treatment line staff. During the needs assessment phase, the Council found that many probationers, especially when they were not complying with the terms of their probation, did not have a signed release of information document that enabled probation officers and treatment counselors to openly discuss their progress. Without this release, counselors are bound by federal, state, and local privacy laws to protect the confidentiality of their clients. Clients are free to refuse to sign a release of information during their initial assessment at the probation office; however, when these documents are signed, they are often not forwarded to the appropriate office or agency.

Probation Officer: No I think that there needs to be better communication, I think that historically there's always been a salty taste in everybody's mouth as far as officers are concerned with trying to get

information from [Treatment Agency]. I'm not sure in the past year that's gotten better because I'm not physically directly doing that, but I know that it almost felt like a them and us type of situation where we were trying to call for information, and because the offender maybe didn't sign forty-five different releases of information we were only able to get one piece of information because they have so many variations, at least they did, releases of information for every aspect, urines, methadone, every little thing had a separate release. We're not there when the offender signs the release so if they aren't signing the proper releases and we were calling to try to get information we were being met with a brick wall, I understand HIPAA and I get that, but we're trying to work towards the same goal and it sometimes felt that we were on opposite ends of the pendulum.

As this probation officer notes, an additional barrier to information sharing was a general miscommunication between the agencies about what specific information the probationer was allowing the treatment program to share with their probation officer. Each release of information contained various details about treatment progress that could be communicated back to the probation officer. Even when probationers signed a release of information with the treatment agency, the individual was only granting permission for specific details about treatment progress to be shared, such as group attendance and keeping appointments with the treatment counselor. The release did not grant permission to share other types of information, such as urinalysis results. Thus, even though probation officers were receiving signed release of information forms from the treatment agency, the officers did not understand why counselors were not communicating about other aspects of the probationer's treatment progress that were required under a court order. This resulted in ongoing frustration between the agencies and the general "salty taste" the respondent notes in the above passage.

In order for treatment to improve the release of information process to probation, the Council in Delaware developed three primary changes to existing policy that were successfully carried out during the implementation phase. First, the Council spent a considerable amount of time redesigning the template of the release of information form. The major issue that had been undermining effective collaboration prior to making these changes concerned representatives from probation and

treatment exchanging the release form. Quite often, a probationer/client would sign a release at one agency but not at the other, and the agency that had the signed release was not forwarding it to the other agency. This impeded both parties' abilities to do their jobs effectively. For example, when a probation officer would call a counselor to get a progress report on a probationer who was receiving treatment, the treatment staff would not respond for fear of violating the client's legally protected privacy. This situation became particularly problematic when a probationer was not complying with the conditions of probation and did not want the probation officer to have the evidence contained in the treatment progress report, so the probationer/client would refuse to sign a release of information with the treatment provider.

The Council directly addressed this issue by redesigning the release of information form, circulating copies to probation officers, and placing copies of the new form in heavily trafficked communal areas within the probation building. Probation officers were formally notified of the change, encouraged to use it as a new resource, and instructed to remind probationers of the benefits and consequences of not signing a release at both agencies.

The second major change that occurred is that treatment assessors working in the probation office now send weekly referral updates to the treatment program manager. These files include a list of all probationers who have been recommended for medication-assisted treatment and signed release forms for each of them. Because most probationers complete a release of information during their initial assessment at the probation office, exchanging this information has ensured that the release forms now follow the (referred) probationers to treatment. As a result of this action item, counselors are now better able to communicate freely with probation officers regarding the progress of clients.

In addition to ensuring that the release of information has been signed by the probationer and is on file with both agencies, the Council also identified another barrier to maintaining inter-agency coordination. Some probationers may have enrolled into a substance abuse program on their own rather than being referred by a probation-based assessor. To address this issue, treatment counselors decided to ask clients to complete a short questionnaire regarding their criminal justice involvement during their initial orientation session. Since the Council understood that

a client's criminal justice status may change during the course of treatment, they asked the counselors to have all clients complete the brief survey every three months. Treatment staff members created this document as part of the implementation phase and distributed the questionnaire to all treatment counselors.

Goal #2: Develop inter-agency trainings on policies, procedures, and missions of other agencies.

Another primary goal of the overall project is to inform criminal justice staff about the effectiveness of medication-assisted treatment for opioid and/or alcohol dependent populations. In the larger study, this was achieved through the training conducted with staff at both the experimental and control sites, where the focus was on treatment philosophy and the characteristics of the medications used during the course of treatment. The Council acknowledged that such training was important, but also deemed it necessary to conduct trainings with treatment staff on the legal expectations and court mandates governing probation officers' work in Delaware. Likewise, probation staff received additional training on health-related confidentiality guidelines that are similarly integral to the treatment staff's work. The Council successfully addressed this need by facilitating two inter-agency trainings—one for probation staff held at their offices, and one for counselors held at the treatment center.

The probation staff training included explanations of: a) methadone dosing policies, b) each phase of treatment, c) conditions of remaining in treatment, d) methadone detoxification procedures, and e) confidentiality parameters around sharing clients' treatment and medical information with people and agencies outside of the treatment agency. The treatment staff training included explanations of: a) the probation office mission statements, b) each level of probation, c) zero tolerance orders, d) conditions of probation, and e) the full range of probation officer duties.

When staff were asked how the trainings were received and whether they achieved the intended goal of informing staff about the policies and mission of the other agency, one probation officer replied:

Probation Officer: I think that, when we brought the training in for [Treatment Provider], that that may have opened some people's eyes to understanding the program a little bit better, understanding the intentions. I think when we opened up the lines of communication a little bit more by way of the progress report, that people, officers

are a little bit more accepting of trying to communicate with [Treatment Provider].

Although the initial objective of explaining agency-specific policies to staff who do not work for that agency was achieved, the trainings were especially useful for demystifying the staff themselves. Prior to the training, probation officers and treatment staff only had contact by telephone. One probation officer actually pointed out that when the treatment staff came to the probation office to conduct their training, “it kind of removed some of that mystery from who they are.”

To further promote this demystification, probation and treatment staff both created and exchanged a list of contact information for each of their offices. Members of the Council created the lists and distributed them throughout both agencies. Before they created the lists, both probation officers and treatment counselors experienced frustration when trying to contact staff from the other agency, because they had to use the main office number and be transferred. Having their calls misdirected was time-consuming and created considerable inter-organizational inefficiency, generally inhibiting information exchange. Providing these contact lists allowed staff at both agencies to identify the appropriate person to speak with and directly contact them.

Goal #3: Streamline the referral process and information exchange between probation and treatment agencies

Delaware's referral process for probationers to access medication-assisted treatment was greatly improved by the presence of treatment assessors at the probation office, but the Council took action to make further improvements in this process. First, the Council ensured that unit supervisors within the probation office took measures to confirm that appropriate paperwork is filled out at the time when clients are referred for alcohol and drug assessments. Probation officers are required to fill out several documents when making assessment referrals for court-related documentation, and unit supervisors are now expected to request copies of appointment slips for their records. Unit supervisors are required to conduct a periodic sample of audits for the probation officers they supervise, and the Council helped put into place further guidelines for ensuring that these appointment slips are included in the audits. When officers failed to complete these forms in the past, it delayed completion of client assessments. It also resulted in incomplete files for probationers, because the file did not reflect that a drug

and alcohol assessment had been completed in keeping with the court order.

Second, treatment counselors are now actively identifying clients that have not signed a release of information and encouraging them to do so once they complete the brief criminal justice involvement questionnaire upon being admitted to the treatment program. Counselors now have the appropriate release document, and counselors and probation officers are better able to provide clients with an integrated continuum of care. This was an area of considerable discussion among Council members, because treatment counselors were not comfortable persuading clients to sign a release of information for all aspects of treatment progress for fear of disrupting the therapeutic relationship they are trying to establish. As one counselor notes:

Respondent: I mean it's just like, our hands are tied, if the client says I can only release this information, that's all we can release and yeah you gonna sit there and say and try and encourage the client, this isn't gonna fly with probation and parole but I never had, even when I was a counselor, I never had a client be violated for not signing a release form. Or you the client is on probation and never once [did I] get a phone call or anything from the probation officer.

Interviewer: So then, it doesn't really matter to the counselors [whether the release is signed]?

Respondent: Well I mean ... I think it's two-fold—we probably need to work a little harder with the clients to coordinate the treatment but I think the probation officers need to force the issue, they have more leverage than we do ... We have no leverage, I mean we can't make the clients sign a release form. We're not gonna discharge somebody 'cause they refuse to sign a release form for probation and parole ... They just say oh no, I'm not going to sign, okay. So then we're done, as far as I'm concerned. I mean like I said you can bring it up, but some of them are adamant and it's usually the clients that aren't doing well in treatment ... And they don't want their probation officer to know that and I don't blame them.

Overall, treatment counselors felt they had little “leverage” to convince a client to allow their probation officer and treatment counselor to discuss their progress. Counselors agreed to provide the release form to clients

when they were identified as being on probation, and to discuss with them the therapeutic benefits of allowing the two agencies to discuss their progress, but decided they would not push clients to sign it.

Goal #4: Identify more expedient ways to exchange client information that is confidential.

Due to federal, state, and health-related confidentiality guidelines, exchanging information between agencies has often been a major source of inter-agency conflict. Even after a client has signed a release of information document, sharing client progress can be difficult without a formalized procedure in place. Over the course of the intervention, the Council was able to implement several strategies to accomplish this goal.

Perhaps one of the Delaware Council's most notable accomplishments was the creation and adoption of a new progress report document that includes pertinent information about client progress in treatment and overall probation compliance. This document now includes information such as: 1) current level of supervision, 2) current offense, 3) zero tolerance status, 4) supervising officer contact information, 5) diagnoses, 6) phase of treatment, 7) medication status, 8) group/individual session attendance, 9) urinalysis information, and 10) confirmation or non-confirmation of client enrollment in treatment. Once a client has been given a referral to the treatment program by the treatment assessors at the probation office, officers will be asked to complete and fax the progress report to the treatment agency. Once this document arrives at the treatment site, the counselor assigned to the client will complete the treatment section of the progress report (items 6-10 above) within 72 hours of receipt and return the completed progress report form to the originating officer. To facilitate much-needed compliance by agency management, Council members met with the unit supervisors at the probation office to seek their endorsement. Council members representing both agencies then sent numerous emails to their staff explaining the new progress report and procedures for exchanging information regarding clients.

Before these changes went into effect, antagonism had developed between the two agencies because officers would initiate contact with treatment counselors, but counselors were unable to return their correspondence without a signed release of information. When officers were finally able to make contact with treatment personnel regarding the status of a probationer, counselors were unable to confirm or deny that

the individual was in treatment due to federal, state, and health-related privacy guidelines. In addition, treatment staff at the treatment clinic generally work earlier shifts than standard business hours (5 a.m. to 2 p.m.), and half of the probation officers at the experimental site work a “second shift” from 2 p.m. to 10 p.m. These shift differences further complicated the officers’ ability to maintain contact with treatment staff. Given the difficulty in establishing quick phone contact, the Council decided to make correspondence by fax the primary method of contact. As one probation officer notes:

Respondent: ... we have the issues, um, that we couldn’t overcome as far as timing issues with them coming in at 5 o’clock in the morning. And a lot of our officers working a second shift where they’re not coming in till 2 o’clock in the afternoon ... so, you know, having used the form I think it’s the best way to communicate and it’s, I think, the most common way now that officers are communicating.

A treatment counselor similarly notes:

Respondent: I think it cuts out a lot of [expletive] as far as you know, oh I can’t get a hold of the counselor or the counselor’s not calling me back, blah blah blah blah ... because you can just fax the piece of paper. So, I mean I—I think it’s made communication more efficient. Because they’re right. I mean—a lot of our counselors, a lot of them work 5 to 1, 6 to 2, and they [probation officers] come in and they’re working at least 8 to 4, or you know, second shift.

The Council was able to address these concerns when drafting the new progress report form in two primary ways. First, they included a box nested within the treatment section of the form that states, “I cannot confirm or deny this client is in treatment.” If there is no release of information on file for the probationer, treatment staff can check this box and return it to the officer within the 72-hour time frame. Having this new option for communicating about this aspect of the client’s case helped assure officers that the fax had reached the appropriate office and counselors were not ignoring their correspondence. Second, by formalizing the preferred method of correspondence between the agencies, officers that were assigned to work during the later shift no longer had to be concerned with how to reach treatment staff by phone. These two strategies alleviated a tremendous amount of tension that had been building up between the agencies for many years.

Sustainability

Ultimately, the Delaware component of the CJDATS MATICCE study was successful. The PEC was able to move through all phases of the organizational linkage intervention by completing the needs assessment with four priority need areas, identifying a corresponding strategic planning report with four goals to address the need areas, and successfully implementing all objectives related to their goals. However, one of the larger aims of the MATICCE study was for the local pharmacological exchange councils to maintain a sustainable structure and implement practices so that issues that develop after the study concludes can be addressed through the change team process. The Council was also tasked with establishing a series of sustainability goals that would guide their activities once the research center withdrew from the council. In Delaware, these goals included:

- Offering the intervention materials to the control group agency pairing;
- Assisting the control group organizations in establishing their own PEC, which would include training new members in the OLI manual; and
- Continuing to meet on an as-needed basis to address inter-agency problems.

Ultimately, while the PEC achieved all of its goals, none of the sustainability goals came to fruition.

As the project phases unraveled, it became apparent to both the research team and Council participants that the study design did not allow for equitable study benefits to both organizations—specifically for the treatment agency. Although executives from the treatment organization gave their enthusiastic support to Council activities, this support and expressed interest in the intervention was motivated mostly by long-term goals for formal and informal agency collaboration. These benefits have an indirect effect on management and line staff, but are directly related to achieving executive-level goals related to leading and steering a successful treatment agency. Since the individual Council participants were not agency executives, their full participation and investment was compromised by the fact that solutions surrounding the release of information and ongoing information exchange were unilaterally advantageous to probation personnel.

As one treatment staff member explains:

Respondent: Well, I mean ... the thing is though ... and I’m gonna say this, but we really don’t need anything from probation

and parole. You see what I’m saying? ‘Cause we really don’t. Yea it goes on the treatment plan, yea we address it as one of their treatment issues—if they’re compliant with probation, you know ... and if they’re not compliant ... that’s gonna affect their treatment here ... But do we need anything from probation or parole? No. Really. If the client’s doing well and, that can get communicated to probation and parole and they don’t kick them out. Um ... then that’s a positive. But I mean as far as ... , some of this stuff. It doesn’t really ... interfere. It doesn’t really change what we do with their treatment ...

Interviewer: Does probation and parole need something from you?

R: Sure. They need us if the client is here, they need all that stuff. Doesn’t really matter ... I mean in the long term, it matters in the client’s whole treatment, if they’re not compliant with probation and parole because they can be sent to jail. Okay ... but as far as us having to have that information ... We don’t really need any of the information that they have ... if we don’t have that information, it doesn’t really affect the client. Now, if they don’t have our information, obviously it affects the client ...

This interaction with the research team interviewer is especially revealing of the inequitable gain that treatment personnel experienced in comparison with probation officers during the PEC intervention. Although this respondent considers some benefits to having knowledge of a client’s probation status, especially given the threat of incarceration and its potential complication for clients building therapeutic dependence on a medication, it was ultimately irrelevant to the way counselors approach treatment. Given that the release of information and ongoing communication barriers were the primary focus of Council activities, treatment personnel participated in generating solutions to these existing problems but were unable to be as invested in the process and sustainability of the change team given the lack of benefits they would receive as an organizational entity.

When asked directly about the possible inequity in the PEC process, one probation officer notes:

Interviewer: Okay ... The information that is shared between you, especially in regards to the progress report, um, I mean even just the space on the sheet, there seems to be a lot of information that was sent from treatment and not as much sent to treatment. So

as far as the amount or type of information that you're exchanging, do you think that shapes any negativity back and forth?

Respondent: I don't think so because we gave it—we left it up to [Treatment Provider] what information they wanted from us. And that's all they came up with. So if they wanted more, they didn't ask for anymore. We asked for more, because I think that a lot of the things that we were asking for like medications and diagnosis and things of that nature, we asked that because in our opinion, a lot of that can affect officer safety. If we're doing a home visit, and, we find out that they may have a schizophrenia diagnosis, which then changes our way of handling somebody. And that becomes an officer safety issue, because if we're going in to arrest somebody and people are not aware of the mental illness that's there and ... something that could trigger it, um, we have a problem ...

From the officer's perspective, the treatment agency did not experience inequity in the Council process because they were given the same opportunity as probation staff to add requested information to the progress report form. Treatment staff on the Council remained highly involved in the process and committed to achieving each of the goals, even though almost all of the strategies were targeted at making probation officers' jobs easier. Once the goals of the Council were achieved, however, treatment members were less motivated to maintain the momentum of the group process given the reduced benefits of their continued participation.

Conclusion: Policy Implications

NIDA's commitment to implementation science is helping to provide greater opportunities for criminal justice agencies and substance abuse treatment organizations to establish ongoing collaborations to institute evidence-based practices. Given the fairly recent development of implementation science for criminal justice systems, innovative strategies are still evolving that can help produce long-lasting, equitable research partnerships among many different agencies involved in offering substance abuse treatment services to criminal justice populations. The MATICCE study tested the use of an Organizational Linkage Intervention as an implementation strategy for increasing the availability and use of pharmacotherapy as an evidence-based practice for drug-involved offenders under community

supervision. Overall, the strategy was successful and the results of this study support future use of the intervention for bridging organizational service gaps and working relationships.

The structure of the intervention, especially with the inclusion of a Connections Coordinator, may be particularly appropriate for overcoming barriers related to: 1) conflicting goals and needs across organizations and agencies, 2) studies that involved multiple partners or vendors, and 3) studies that include organizations and agencies with historically negative dynamics. Issues such as these are fairly common in research involving criminal justice settings, and support the further utility of similar organizational interventions in future studies. The intervention was also initiated and completed without financial assistance to either agency involved in the intervention, making it particularly useful for generating inter-organizational change within systems that are experiencing a strain in resources.

References

- Amato, L., Davoli, M., Perucci, C. A., Ferri, M., Faggiano, F., Mattick, R. P. (2005). An overview of systemic reviews of the effectiveness of opiate maintenance therapies: Available evidence to inform clinical practice and research. *Journal of Substance Abuse Treatment, 28*, 321-329.
- Ducharme, L., Chandler, R., Wiley, T. R. A. (2013). Implementing drug abuse treatment services in criminal justice settings: Introduction to the CJ-DATS study protocol series. *Health and Justice, 1*, 5.
- Federal Bureau of Investigation. (2015). Crime in the United States 2014 – Arrests. FBI Uniform Crime Report. Washington, D.C.: US Department of Justice, September 2015, pg. 1.
- Friedmann, P. D., Hoskinson, R., Gordon, M., Schwartz, R., Kinlock, T., Knight, K., Flynn, P. M., Welsh, W. N., Stein, L. A. R., Sacks, S., O'Connell, D. J., Knudsen, H. K., Shafer, M. S., Hall, E., & Frisman, L. K. (2012). Medication-assisted treatment in criminal justice agencies affiliated with the Criminal Justice-Drug Abuse Treatment Studies (CJ-DATS): Availability, barriers, and intentions. *Substance Abuse, 33*, 9-18.
- Friedmann, P. D., Ducharme, L. J., Welsh, W., Frisman, L., Knight, K., Kinlock, T., Mitchell, S. G., Hall, E., Urbine, T., Gordon, M., Abdel-Salam, S., O'Connell, D., Albizu-Garcia, C., Knudsen, H., Duval, J., Fenster, J., Pankow, J., for the CJ-DATS MATICCE Workgroup. 2013. A cluster randomized trial of an organizational linkage intervention for offenders with substance use disorders: Study protocol. *Health and Justice, 1*:6.
- Ling, W., Wesson, D. R. (2003). Clinical efficacy of buprenorphine: Comparisons to methadone and placebo. *Drug and Alcohol Dependence, 70*(2Suppl): S49-57.
- Marlowe, D. B. (2003). Integrating substance abuse treatment and criminal justice supervision. *Science & Practice Perspectives, 2*, 4-14.
- Marsch, L. A. (1998). The efficacy of methadone maintenance interventions in reducing illicit opiate use, HIV risk behavior and criminality: A meta-analysis. *Addiction, 93*, 515-532.
- Maruschak, L. M., & Parks, E. (2012). Probation and parole in the United States, 2011. U.S. Department of Justice: Office of Justice Programs, Bureau of Justice Statistics (NCJ 239686).
- National Center on Addiction and Substance Abuse (NCASA). (2010). Behind bars II: Substance abuse and America's prison population. Retrieved from <http://www.casacolumbia.org/articlefiles/575-report-2010behind-bars.pdf>
- National Institute on Drug Abuse (2012). Principles of Drug Abuse Treatment for Criminal Justice Populations: A research-based guide. National Institutes of Health: U.S. Department of Health and Human Services (NIH Publication No. 11-5316).
- Nunn, A., Zaller, N., Dickman, S., Trimbur, C., Nijhawan, A., & Rich, J. D. (2009). Methadone and buprenorphine prescribing and referral practices in U.S. prisons: Results from a nationwide survey. *Drug & Alcohol Dependence, 105*, 83-89.
- Oser, C., Knudsen, H. K., Staton-Tindall, M., Taxman, F., & Leukefeld, C. (2009). Organizational-level correlates of the provision of detoxification services and medication-based treatment for substance abuse in correctional institutions. *Drug & Alcohol Dependence, 103S*, S73-S81.
- Rengifo, A. F., & Stemen, D. (2013). The impact of drug treatment on recidivism: Do mandatory programs make a difference? Evidence from Kansas's Senate bill 123. *Crime & Delinquency, 59*(6), 930-950.
- State of Delaware (SOD)(2013). Treatment Services. Retrieved September 19, 2013 from <http://www.doc.delaware.gov/treatmentServices.shtml>
- State of Delaware. Bill increasing efforts to combat prescription drug abuse passes house. Retrieved September 20, 2013 from <http://news.delaware.gov/2013/06/25/bill-increasing-efforts-to-combat-prescription-drug-abuse-passes-house/>
- Yin, R. K. (1994). Case study research: Design and methods. 2nd Edition. Sage: Thousand Oaks, CA.
- Young, D. (2002). Impacts of perceived legal pressure on retention in drug treatment. *Criminal Justice & Behavior, 29*, 27-55.

Methodological Challenges to the Study and Understanding of Solitary Confinement

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ON ANY GIVEN DAY as many as 80,000 inmates are in isolated confinement in state and federal prisons. This figure does not include those isolated in local jails and detention centers or juvenile facilities (Shames, Wilcox, & Subramanian, 2015). The frequency and length of the isolation experienced by inmates has been criticized by many (Lovett, 2013; Baker & Goode, 2015; Goode, 2015) and has been the topic of special interest groups (Baker & Goode, 2015). In the summer of 2013, inmates in the California prison system embarked on a hunger strike in hopes of drawing attention to and potentially reforming the state's use of solitary confinement. At its peak, over 33,000 inmates throughout the California system were refusing meals (Lovett, 2013). Such action has drawn national and international attention to the use of solitary confinement as a strategy for prison management in the United States. Despite the widespread use of isolation, empirical examinations about its use are limited. Those studies that have examined the practice have focused primarily on supermax units (Haney, 2003; Haney & Lynch, 1997; King, 2005; Mears & Reisig, 2006; Mears & Watson, 2006; Toch, 2001).

Despite this increased awareness and criticism of the use of solitary confinement, little research has been done examining the phenomenon. What research has been conducted has generally focused on the effects of extreme isolation on individuals (Haney, 2003; Haney, 2008; Haney & Lynch, 1997; King, 2005). Despite this research there remains a void in the quantitative examination of inmate isolation. Shames, Wilcox, and Subramanian (2015) note that less than one-third of inmates that are isolated are in a supermax setting. This

points to an important need for an empirical examination of the more day-to-day use of isolation as a strategy for managing inmates.

One explanation for the absence of such research may be the methodological challenges inherent in attempting to examine the use of isolation in prisons. This article defines some of the methodological challenges that may contribute to the research void. By identifying such challenges, researchers and prison administrators may have a mutual understanding of these challenges and collaborate in the future. Collaborative research outcomes may influence correctional policy and offer guidance to "best practices" and evidence-based inmate management strategies.

Defining solitary confinement, on its face, appears rather basic. Adult correctional facilities rely primarily on three different types of solitary confinement. These types are commonly called temporary segregation, disciplinary segregation, and administrative segregation. Each of these carries with it varying restrictions on inmate movement and inmate privileges. Browne, Cambier, and Agah (2011) and Shalev (2008) describe the types of solitary confinement used by adult correctional facilities. I summarize them below.

Temporary Segregation

Temporary Segregation is the immediate isolation of an inmate from the general prison population. Most often the decision to do so is made by supervisory personnel using limited information. Often these decisions are made as a result of a crisis (Browne, Cambier, & Agah, 2011; Shalev, 2008), such as a physical altercation, possession of major contraband, behavior that is thought to disrupt the general

order of the institution, or information that, if true, would threaten the safety and security of the institution. Temporary Segregation can be used during the investigation of rule infractions or verification of information of potential threats to order by individual inmates. Temporary Segregation generally precedes the other forms of segregation and is usually for a brief time (72 hours or less). Extensions often occur following administrative review and approval. Such extensions are generally tied to pending classification decisions or due process hearings. Because Temporary Segregation is not punitive in nature, limitations on inmate privileges should be based on a "least restrictive" approach. The restrictive nature of Temporary Segregation often excludes these inmates from participation in prison programs and work details.

Disciplinary Segregation

Disciplinary Segregation is the punitive isolation of an inmate for the violation of prison rules. Disciplinary Segregation follows a due process hearing consistent with conditions prescribed in *Wolff v. McDonnell* (1974). Disciplinary Segregation is determinate in nature and does not require further administrative review for release from Disciplinary Segregation to the general prison population. Disciplinary Segregation generally carries with it a broad set of restrictions on inmate movement and privileges that are applied to all inmates in that status regardless of the severity of the rule violation, length of disciplinary term, or the threat to institutional order. Moreover, these restrictions are not necessarily related to the rule violation(s) that resulted in the punishment. The limits on the length of disciplinary

segregation vary with the jurisdiction and the severity of the rule infraction.

Administrative Segregation

Administrative Segregation is for the purpose of isolating individual inmates who present a continued threat to the safety and security of the prison staff and visitors, as well as other inmates (Browne, Cambier, & Agah, 2011), or the orderly operation of the prison (Toch, 2001; Irwin, 2005). The justification for the isolation of these inmates is based on staff perceptions, anonymous tips from other inmates, or prior activities outside of prison, including past gang affiliation. Inmates have a limited ability to challenge these decisions and are generally unable to confront the accusations directly. Administrative segregation decisions generally follow a period of Temporary Segregation or Disciplinary Segregation. Decisions to employ Administrative Segregation most often come from classification committees or a review and order from higher administration. Inmates in Administrative Segregation have severely restricted movement and limited access to prison programs and services. Additional privileges, including property possession, are made based on individual criteria and the threat the inmate presents. Administrative Segregation is an indefinite term of isolation and the criteria for release are often vague, general in nature, and often unknown to the inmate (Toch, 2001; Irwin, 2005). The lack of clearly articulated release criteria and the subjective nature of the rationale have been criticized for their lack of due process (Toch, 2001; Irwin, 2005).

These forms of isolation, by these or similar names, are utilized in most adult prisons in the United States. In addition to these three, most prison systems practice additional types of isolation in a variety of forms. Two of the more popular forms are protective custody and Supermax confinement.

Protective Custody

Protective Custody is the separation and often isolation of inmates whose presence in the general prison population poses a risk to their safety and security. Examples of these types of risks include inmates who are thought to have informed correctional staff of violations by other inmates ("snitching"), inmates who have a high profile such as incarcerated police officers, those who committed crimes that were covered extensively by the media, transgender inmates, and other inmates seen as vulnerable to exploitation in the general

prison population (Browne, Cambier, & Agah, 2011; Shalev, 2008). Additionally, Protective Custody can come in two forms: voluntary and involuntary.

Voluntary Protective Custody occurs when an inmate self-initiates or requests protective placement. The response by prison officials varies upon the jurisdiction but traditionally involves placement in temporary segregation while the threat is investigated to verify its legitimacy. In these cases inmates are more likely to challenge a denial of Protective Custody rather than the placement in protective custody. On the other hand, involuntary Protective Custody is a classification decision that is similar in practice to decisions for placement in Administrative Segregation. Inmates who are involuntarily placed in Protective Segregation may challenge such placement for a variety of reasons. Chief among such challenges would be an avoidance of the "snitch" label that is placed on protective custody inmates irrespective of the accuracy of such a label.

Protective Custody is a non-punitive form of isolation and is indeterminate in length. The conditions of protective custody are often based on the institution's or correctional system's ability to house these inmates safely from the general prison population. Those operations able to operate separate units of protective custody inmates can manage these inmates with less reliance on total isolation. This management may include congregate work, institutional programs, dayroom privileges, and meals, thus limiting the total isolation often experienced by those in other forms of isolation. Those institutions that do not have the operational capacity to offer opportunities for protective custody inmates to congregate are more likely to rely on isolation to accomplish their protective goal. Regardless of voluntariness and institutional capacity to mitigate isolation, inmates in protective custody have fewer program opportunities and stricter limitations on privileges to protect them from potential harm in the general population.

Supermax Custody

Supermax Custody can essentially hold all types of isolated inmates. Supermax prisons are intended to isolate inmates for longer periods of time than traditional prisons do. The Supermax regime often intensifies the isolation of inmates through advanced architectural strategies intended to more thoroughly eliminate contact between inmates and prison staff.

Supermax prisons generally come in two forms. The first is what has been termed a stand-alone facility. Stand-alone Supermax prisons operate solely for the purpose of isolating inmates for long periods of time. Stand-alone operations do not have a general prison population, have limited programming opportunities, highly restricted privileges, and a higher staff to inmate ratio. The second form of Supermax segregation is co-located facilities. Co-located facilities are segregation units within a prison. Depending on the size of the prison and its operational mission, co-located Supermax prisons may be separate from segregation units that isolate inmates for shorter periods of time.

Challenges to the Empirical Study of Isolation

The methodological examination of solitary confinement poses several issues. The first challenge is the nature of prison records. In this case, prison records refers to an individual record of an inmate that contains pertinent information about the reason and length of the inmate's confinement, classification information, incident reports, and various other documents necessary both legally and operationally when managing inmates. Prisons traditionally operate out of the public eye and tend to avoid publicity. In keeping with this, prison officials are traditionally protective of records and often reluctant to permit outsiders from examining these records. Under such conditions, the objective examination of solitary confinement (or any other prison phenomenon) is nearly impossible. The protection of prison records and the bureaucratic hurdles that are often necessary to access these records permit prison officials to define the research agenda of most prison phenomena.

When access to prison records is permitted, the challenge of accessibility becomes one of locating and tracking them down. The initial challenge to locating prison records is based on the record-keeping system and whether it is centralized or decentralized. Decentralized record keeping would require researchers to access multiple areas where records are stored and may be faced with multiple instances of bureaucratic hurdles, located at each individual site, before accessing the records. Also, many prison systems keep multiple files on individual inmates. There may be a "master" file that contains all certified original document and records from prior incarcerations. Most systems also maintain a "confinement" file that contains all

information relevant to the current incarceration. Depending on the nature of the inquiry, if access to medical or treatment files is necessary, this adds additional layers to locating and sifting through files.

Prison records are also maintained in a variety of forms. Most systems now operate with a computerized database of general inmate information that may include information of discipline, use of isolation, inmate location, and classification information. However, legal requirements may also require a redundant paper copy of such records. For example, the *Wolff v. McDonnell* (1974) decision requires that inmates receive written copies of charges, evidence, and decision justification for prison disciplinary actions. Moreover, inmate complaints, requests, and appeals are in a handwritten format and are unable to be completely merged with digital records. The complete reliance on computerized records is impractical when balancing inmate rights and the practical application of prison operations.

The definitions of solitary confinement suggest categorical exclusivity. In reality, such a suggestion may be illusory. To elaborate, an inmate may be in more than one segregation category simultaneously. It would not be uncommon for example for an inmate in administrative segregation to violate prison rules and as a consequence receive a determinate consequence in disciplinary segregation. Which status, administrative or disciplinary, should be considered primary, and how is the status recorded by prison officials?

Similar to exclusivity is the process of giving credit for time served in one status to another status. For example, inmates are frequently confined in temporary segregation for being suspected of violating prison rules. At the conclusion of the investigation and disciplinary process, the inmate is given a determinate consequence in disciplinary segregation but is given credit for the time

served prior to the adjudication. As a result, prison records may reflect that the inmate served time in temporary segregation but in actuality it was time served in disciplinary segregation. Such a discrepancy may appear trivial to some, but the accuracy of the actual status is important to the true understanding of inmate isolation. Moreover, such accuracy is necessary when developing evidence-based practices with the isolation of inmates.

Finally, when furthering our understanding of inmate isolation through quantitative analysis, the issue of generalizability will always be present. The definitions of the types of isolation may differ across jurisdictions. Such a difference is present in the understanding of Supermax confinement. Whether in stand-alone or co-located facilities, the conditions of long-term isolation may be the same, but the understanding of the isolation may be convoluted with the logistical aspects of managing inmates in an isolated environment. Additionally, the confinement conditions experienced in the various forms of isolation vary across jurisdictions. The degree of isolation and deprivation, the privileges afforded to inmates in isolation, and the process for determining release, will vary greatly. Any comparisons made will most likely be general and should be interpreted with caution.

Despite these challenges, further quantitative examinations of the use of inmate isolation are necessary. The lack of current research encourages a misunderstanding of isolation by scholars, media, and the general public. Without further research we limit our understanding of isolation to the highly publicized and controversial use of Supermax confinement. Such a limitation will trivialize the more common use of isolation in the prison systems throughout the United States. Furthermore, such research is needed to properly develop evidence-based and best practices for the use of isolation in jails and prisons.

References

- Baker, P., & Goode, E. (2015, July 21). Critics of solitary confinement are buoyed as Obama embraces their cause. *The New York Times*. Retrieved from <http://www.nytimes.com>
- Browne, A., Cambier, A., & Agha, S. (2011). Prisons within prisons: the use of segregation in the United States. *Federal Sentencing Reporter*, 24(1), 46-49.
- Goode, E. (2015, August 3). Solitary confinement: Punished for life. *The New York Times*. Retrieved from <http://www.nytimes.com>
- Haney, C. (2003). Mental health issues in long-term solitary and "supermax" confinement. *Crime and Delinquency*, 49(1):124-156.
- Haney, C. (2008). A culture of harm taming the dynamics of cruelty in supermax prisons. *Criminal Justice and Behavior*, 35(8), 956-984.
- Haney, C., & Lynch, M. (1997). Regulating prisons of the future: A psychological analysis of supermax and solitary confinement. *New York University Journal of Law and Social Change*, 23: 477.
- Irwin, J. (2005). *The warehouse prison: Disposal of the new dangerous class*. Los Angeles: Roxbury.
- King, R. D. (2005). The effects of supermax custody: The effects of imprisonment, 118-145.
- Lovett, I. (2013, September 5). Inmates end hunger strike in California. *The New York Times*. Retrieved from <http://www.nytimes.com>
- Mears, D. P., & Reisig, M. D. (2006). The theory and practice of supermax prisons. *Punishment and Society*, 8(1):33-57. Doi:10.1037/0278-6133.24.2.225
- Mears, D. P., & Watson, J. (2006). Towards a fair and balanced assessment of supermax prisons. *Justice Quarterly*, 23(2):232-270.
- Shalev, S. (2008). A sourcebook on solitary confinement. Available at SSRN 2177495.
- Shames, A., Wilcox, J., & Subramanian, R. (2015). Solitary confinement: Common misconceptions and emerging safe alternatives. Center on Sentencing and Corrections.
- Toch, H. (2001). The future of supermax confinement. *The Prison Journal*, 81(3): 376-388.

The Federal Probation and Pretrial Services System Since 1975: An Era of Growth and Change

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[The following article, reprinted from the March 1997 issue of *Federal Probation*, marks the conclusion of the series of historical articles on the federal probation and pretrial services system that we have been running in honor of this anniversary year for our system.]

ANTI-CRIME INITIATIVES, advances in technology, new management approaches—all have molded the growth and development of the federal probation system since Ben Meeker recounted 25 years of the system's history in the 1975 issue of *Federal Probation*. In the past two and one-half decades the system has weathered significant changes. Events and developments have generated new responsibilities for officers, changed the way in which they perform their duties, and spurred tremendous growth in the number of personnel needed to get the job done.

Pretrial services was just getting started in the federal system as a demonstration project in 10 courts in 1975, but expanded nationwide during the 1980s and is now fully implemented in every district court. That we now refer to the federal probation and pretrial services system is evidence in itself of the importance of pretrial services as part of the system's mission.

Skepticism concerning the effectiveness of the rehabilitation model and indeterminate sentencing was already growing in 1975, but few could have foreseen the sweeping changes brought about by the enactment of the Comprehensive Crime Control Act of 1984. The virtual replacement of rehabilitation by a "just deserts" model and the phasing out of parole marked a definitive end to an era which began with such optimism for the

ideals of "human reclamation." Now, sentencing guidelines and mandatory minimum sentences set the tone and the probation officer-as-caseworker role no longer predominates. While the pendulum yet may swing back from crime control to individualized treatment, the system has undergone a profound transformation. The repercussions of it may be with us for years to come.

One impact of the transformation to the crime control model is that most offenders now serve prison terms before they are supervised in the community by federal probation officers. In 1975, 7 of 10 offenders under supervision were received for probation supervision directly from the courts and a relatively small part of the caseload was made up of offenders on parole. As 1997 began, only 4 of 10 offenders under supervision were on probation and the majority of offenders had completed prison terms before being supervised in the community.

A new sentence created by Congress in 1984—supervised release—to be served by offenders after they complete prison terms, combined with an increase in drug prosecutions and other serious cases to cause a shift away from probation cases. The first offenders released on supervised release were received in 1989. In 1996 over 47,000 offenders were on supervised release, representing 52 percent of the national caseload. Adding the remaining parole cases still in the system to this total, the ratio of probation to post-prison supervision cases has nearly reversed since 1975, as table 1 shows.

Where once there was a simple officer/clerk dichotomy there is now a variety of officer specialties to match the growing

complexity of the work, including sentencing guidelines, substance abuse treatment, mental health treatment, and electronic monitoring. Decentralization of personnel and financial management from the Administrative Office of the U.S. Courts to the individual courts has given rise to a variety of administrative support specialties as well, including budget and fiscal reporting, procurement, property management, personnel administration, accounting, and contracting.

Technology has radically changed day-to-day operations. Dictaphones and electric typewriters have been replaced by personal computers on every desk. Skilled automation staff persons are now needed to keep an office running. Cellular telephones, laptop computers, digital imaging equipment, on-site laboratories, handheld drug testing devices, and electronic monitoring would have awed an officer in 1975 but are already commonplace in 1997.

When Ben Meeker wrote his article in 1975 the probation system was in the midst of a period of unprecedented growth after having held steady at just over 600 officers and about 450 clerks through the late 1960s and early 1970s. As table 2 illustrates, the growth leveled off again before beginning a long, steady climb which has continued to the present.

Selected Milestones in the History of the System

The following is a list of milestones in the history of the federal probation and pretrial services system for 1975 to the present. Although the list is by no means complete, it gives a sense of how the system has evolved in the past 22 years by briefly explaining some of the significant events, mandates, and developments.

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The information is derived from Reports of the Proceedings of the Judicial Conference of the United States, Administrative Office the U.S. Courts annual reports and memoranda, News and Views, monographs, and General Accounting Office reports. Dates in some cases are approximate because some initiatives actually spanned several years (for instance, from the time it took from the Judicial Conference approval of an initiative to actual policy implementation). Also, readers should note that three entities with important roles in the history of the system underwent various name changes over the years: the Judicial Conference Committee on Criminal Law (formerly, the Committee on the Administration of the Probation System and the Committee on Criminal Law and Probation Administration), the Administrative Office of the U.S. Courts' Federal Corrections and Supervision Division (formerly, the Probation Division and the Probation and Pretrial Services Division), and the Chiefs Advisory Council (formerly, the Chiefs Management Council).

1975

Pretrial Services Demonstration—In January 1975, Congress passed the Speedy Trial Act of 1974. Title II of the Act authorized the Director of the Administrative Office to establish in 10 judicial districts “demonstration” pretrial services agencies to help reduce crime by persons released to the community pending trial and to reduce unnecessary pretrial detention. The agencies were to interview each person charged with other than a petty offense, verify background information, and present a report and recommendation to the judicial officer considering bail. The agencies also were to supervise persons released to their custody pending trial and to help defendants on bail to locate and use community services. Five of the agencies were to be administered by the Probation Division and five by boards of trustees appointed by the chief judges of the district courts.

Mandatory Retirement—At its March 1975 meeting, the Judicial Conference approved guidelines for exempting U.S. probation officers from mandatory retirement when, in the judgment of the Director of the Administrative Office of the U.S. Courts and the chief judge of the district, such exemption is in the public interest. Factors to be considered were the benefits to the government, the degree of difficulty in replacing the employee, and the need for the employee to perform essential service in a time of emergency. Exemptions were limited to one year at a time. This action

followed Public Law 93-350, enacted July 2, 1974, which made significant changes to the special provisions for the retirement of law enforcement officers including probation officers. One of the changes—to be effective January 1, 1978—required mandatory separation of an employee eligible for retirement on the last day of the month in which he becomes 55 years of age or completes 20 years of service if then over the age. The age for mandatory separation was increased to 57 in 1990.

1976

Parole Commission and Reorganization Act—The Act, which became effective May 14, 1976, created a new United States Parole Commission, to replace the Board of Parole. The Commission was to have a minimum of five regions, each headed by a regional commissioner, as well as a National Appeals Board. The Act, among other things, changed the standards of eligibility for parole; set new criteria for parole determination; required written notice of parole decisions within 21 days including statements of reasons for denial; required the Commission to make available to the prisoner all relevant material including the presentence report, which it took into consideration in parole determination; and mandated a preliminary and full parole revocation hearing.

News and Views—The Probation Division began publishing a national newsletter as a means to improve communication throughout the system and to replace many of the memoranda sent to the field. The first issue of *News and Views* was dated September 27, 1976. It reported on a Bureau of Prisons study of community treatment centers, gave an update of the 1-year-old pretrial services agencies, and featured a piece by a U.S. probation officer in the District of Columbia on applying Reality Therapy principles to probation casework. Division Chief Wayne P. Jackson stated the purpose of the newsletter in a front-page message to the readers. “Through NEWS and VIEWS we hope to keep you up-to-date on Administrative Office projects and activities and to create a vehicle through which you may share your experiences and information with other officers.”

1977

Guide to Judiciary Policies and Procedures—The Administrative Office of the U.S. Courts introduced a new system for presenting policies and procedures for the day-to-day operation of the judiciary. The new manuals,

each covering a specific area (judicial conduct, bankruptcy, and federal public defenders, for example)—was to replace bulletins and memoranda as a means by which Administrative Office divisions disseminated policy to the courts. The October 17, 1977, issue of *News and Views* informed readers that probation officers would receive only two volumes of the Guide—Volume 1, the Administrative Manual, and Volume X, the Probation Manual.

Probation Information Management System (PIMS)—At its September 1977 meeting the Judicial Conference Committee on the Administration of the Probation System approved the development of a management information system. Goals were to establish a modern information system for field managers, provide up-to-date information to guide judges in selecting sentences, generate national statistics for budget and planning purposes, and create a database for research. The system was pilot tested in 1983 at the probation office in the Northern District of Ohio.

1978

Contract Services for Drug-Dependent Offenders Act of 1978—The Act transferred contract authority to provide aftercare treatment services for drug-dependent persons under supervision of the federal probation system from the Attorney General of the United States to the Director of the Administrative Office of the U.S. Courts. The new law alleviated a rather cumbersome situation: The Federal Bureau of Prisons had contracting and funding authority, while U.S. probation provided the supervision for persons placed in contract aftercare treatment programs. The Administrative Office formed a task force to implement the decisions of the Act. The group's responsibilities included developing procedures for providing drug aftercare services to persons under supervision and training on the drug aftercare program for chiefs and line officers. In 1987 the Administrative Office was given authority to contract for services for alcohol-dependent offenders as well.

The Presentence Investigation Report (Publication 105)—The monograph updated Publications 103 and 104 and introduced the “Core Concept,” a flexible model for preparing presentence investigation reports that required officers “to develop a core of essential information which is supplemented by additional pertinent data.” The purpose was to encourage more succinct reports. In 1984 Publication 105 was revised in light of new

legal developments including passage of the Victim and Witness Protection Act of 1982.

Code of Conduct for Probation Officers—On September 22, 1978, the Judicial Conference adopted a Code of Conduct for United States Probation Officers that applied to all probation officers and pretrial services officers. Standards for officer comportment were conveyed in seven canons that promoted such tenets as integrity and impartiality. Refusing gifts and favors, abstaining from public comment about court matters, regulating extra-official activities, and refraining from partisan political activity were some of the requirements of the code. In 1995 the judiciary adopted a new “Consolidated Code of Conduct for Judicial Employees.” The new code consolidated and replaced five existing judicial employee codes of conduct, effective January 1, 1996, including the code for probation and pretrial services officers.

Chiefs Management Council—An outgrowth of the national chiefs meeting held in 1978, the Council was made up of one elected representative chief U.S. probation officer from each of five regions. The purpose of the group, as News and Views reported, was “to provide a vehicle through which chief probation officers can provide input to the planning, management, and development of policy for the probation system.” At its first meeting in October 1979 at the Probation Division, the group set guidelines for terms of office, selection of alternates and replacements for unfinished terms, and the exchange of agenda items before regularly scheduled meetings.

GAO Report/The Federal Bail Process Fosters Inequities—In 1978 the General Accounting Office issued a report on the federal bail process throughout the country which included a review of the experimental pretrial services agencies. Among the report’s recommendations were that the federal judiciary make bail decisions more equitable and reduce the differences in conditions of release by clarifying the legitimate purposes of bail, providing judicial officers information and guidance on how the bail decision criteria listed in the Bail Reform Act of 1966 relate to determining appropriate conditions of release, and providing the means for judicial officers to have more complete and accurate information on defendants in making bail decisions. The report supported the continuation and expansion of the pretrial services agency function of providing verified information about defendants.

1979

Final Report on the Implementation of Title II of the Speedy Trial Act of 1974—The Administrative Office of the U.S. Courts submitted its fourth and final report to Congress on the accomplishments of the “demonstration” pretrial services agencies created in 1975 in 10 judicial districts. The report, “on the basis of the favorable observations of judges, magistrates, and others, and the overall favorable statistical results of the program . . . recommended that statutory authority be granted to continue the pretrial services agencies permanently in the 10 demonstration districts, and, further, that statutory authority be given for the expansion of the program to the other district courts when the need for such services is shown.” The report also recommended that the district courts be authorized to appoint pretrial services officers under standards to be prescribed by the Judicial Conference and that the Judicial Conference authorize, upon the recommendation of the Director of the Administrative Office and the recommendation of the district courts and judicial councils concerned which district courts should have pretrial services units. These units would be independent of the probation service, except in those districts in which the caseload would not warrant a separate unit.

1980

Upgrade of Chief Positions—In March 1980 the Judicial Conference approved upgrading the position of chief probation officer. This was the first change to the classification of chief positions since the Judicial Conference approved the Judicial Salary Plan in 1961. The effect was to raise the grade level of chief probation officer positions in small, medium, and large probation offices from grades JSP-13, -14, and -15 to grades JSP-14, -15, and -16, respectively. Chiefs were upgraded again in 1987 and 1990.

Risk Prediction Scale (RPS 80)—At its January 1980 meeting the Committee on the Administration of the Probation System decided to adopt a single method for initial classification of all incoming probationers. The Federal Judicial Center’s Research Division conducted a validation study of four different prediction scales and found that modification of the USDC 75, the Risk Prediction Scale (RPS 80), would offer the best combination of predictive efficiency and ease of use. The Probation Committee called for nationwide use of the RPS 80.

1981

Work Measurement Study for Probation—At the request of the Judicial Conference Committee on the Budget, the probation system reevaluated its staffing formula. A work measurement study of U.S. probation officers was conducted at 24 probation offices during January through June 1981. Measurement was completed onsite using a work category description encompassing 31 distinct categories of probation work. As a result of the study, nine workload factors were identified as primary indicators of the staffing requirements of probation officers.

1982

Pretrial Services Act of 1982—The Act authorized expansion of pretrial services to each district court and granted an 18-month evaluation period from each court to determine whether to establish separate offices or provide pretrial services through the probation office. The evaluation period was to allow identification of “those courts capable of providing pretrial services within existing resources and those which will need additional resources and will therefore be required to utilize the special districts provision of the statute.”

Victim and Witness Protection Act of 1982—On September 30, 1982, Congress passed the Act, which the President subsequently signed into law. The new law affected the federal sentencing process, requiring a victim impact statement in the presentence report, requiring the court to consider the issue of restitution, increasing penalties for intimidation of witnesses, and expanding protection for witnesses and victims of crimes.

Senior Officer Positions/JSP-13—At its September 1980 meeting the Judicial Conference approved the establishment of drug and alcohol treatment specialist and senior probation officer standards with target grades of JSP-13. In 1982 the House Committee on Appropriations approved funds to support reclassification of the positions. In justifications for the reclassifications, the Administrative Office of the U.S. Courts pointed to the level of expertise and skill required of officers performing these jobs and the difficulty of the work they are assigned.

GAO Report/Federal Parole Practices: Better Management and Legislative Changes Are Needed—In July 1982 the General Accounting Office (GAO) issued a report on its review of the Parole Commission and the parole decision-making process. The review revealed that major improvements were needed, not

only within the Commission, but also within those components of the judicial and executive branches of the federal government that provide information to the Commission for its use in rendering parole decisions. GAO conducted the review because of the controversy within Congress over whether parole should be abolished or continue to be part of the federal criminal justice system.

1983

The Supervision Process (Publication 106)—As its introduction stated, the monograph “brings together the best experience on the subject of supervision in the Federal Probation system and provides a systematic and goal-directed approach to the supervision process.” Publication 106 addressed offender classification and supervision planning, special conditions of supervision, and counseling in the supervision process.

Federal Probation Sentencing and Supervision Information System (FPSSIS)—In 1983 the Administrative Office of the U.S. Courts’ implementation of FPSSIS was an effort to collect better sentencing data for judges and probation officers. It also anticipated Congress’ possible enactment of sentencing reform guidelines. Data collection began on July 1, 1983. Data—which were captured on a 58-item worksheet by the probation officer, coded onto modified versions of the Probation Form 3 by the probation clerk, then forwarded to the Administrative Office for computer processing—addressed offender and offense characteristics, supervision status changes, and supervision adjustment or outcome.

Employment and Training of Ex-offenders: A Community Program Approach—The U.S. probation system formed a partnership with the National Alliance of Business to address the issue of meaningful employment for ex-offenders. They tested a model delivery system for providing comprehensive training and employment services in three pilot sites. A U.S. probation officer from the Northern District of California was “on loan” to the Alliance to develop and test the program. One product of the effort was a 75-page resource guide for community leaders to use in developing ex-offender employment programs to fit their local needs.

1984

Comprehensive Crime Control Act of 1984—The Act resulted in many changes in the federal criminal justice system, a number of which had both immediate and long-range

impact upon the specific duties and overall scope of the job of U.S. probation and pre-trial services officers. It brought about major revisions to the law in many areas including bail, sentencing, criminal forfeiture, youthful offenders, treatment of offenders with mental disorders, and the insanity defense. A “legislative update” in the October 9, 1984, issue of News and Views noted the crime bill’s progress through the House and the Senate and the speculation as to whether the President would approve the legislation. It stated: “If the bill becomes law, it will mark one of the most significant occurrences in the Federal criminal justice system in this country.”

Sentencing Reform Act of 1984—The Act established a determinate sentencing system with no parole and limited “good time” credits. It promoted more uniform sentencing by establishing a commission to set a narrow sentencing range for each federal criminal offense and required courts to explain in writing any departure from sentencing guidelines. In effect, the Act phased out the U.S. Parole Commission and established the U.S. Sentencing Commission.

Bail Reform Act of 1984—The Act permitted courts to consider danger to the community in setting bail conditions and to deny bail altogether where a defendant poses a grave danger to others. It tightened the criteria for post-conviction release pending sentencing and appeal. The Act also provided for revocation of release and increased penalties for crimes committed while on release and for bail jumping.

Criminal Fine Enforcement Act of 1984—Applying to all offenses committed after December 31, 1984, the law increased the maximum fines for felonies and misdemeanors. As the Act states, its purpose was to “make criminal fines more severe and thereby to encourage their more frequent use as an alternative to, imprisonment; to encourage the prompt and full payment of fines; and to improve the ability of the Federal Government to collect criminal fines when prompt or full payment is not forthcoming.”

1985

GAO Report/Presentence Evaluation of Offenders Can Be More Responsive to the Needs of the Judiciary—In April 1985 the General Accounting Office (GAO) issued a report on how presentence evaluations (psychological or psychiatric) can be improved to be more helpful to judges before they sentence defendants. GAO found that “the Judicial Conference

and the Federal Prison System have not (1) established criteria for the selection of appropriate defendants for presentence evaluation, (2) developed and disseminated guidance to judges and probation officers on the types of questions that experts can be expected to answer’ and (3) established an evaluation system to assess whether studies performed for the district courts are responsive to their needs.” GAO recommended that the Judicial Conference and the Attorney General work together to address these issues.

1986

Special Curfew Program—Reducing the inmate population in Community Treatment Centers (CTCs) was the goal of the program, a cooperative effort between the Bureau of Prisons, the Parole Commission, and the federal probation system undertaken in response to the budget requirements of the Gramm-Rudman-Hollings balanced budget law. The program was initiated in 1986 as an alternative to CTC residence for inmates who already had acceptable release plans, who no longer needed the services of the CTC, and who were merely awaiting their parole release date. Instead of continuing CTC residence for these inmates, the Parole Commission advanced their parole date by a maximum of 60 days and imposed a special condition of parole subjecting the parolees to a curfew. For these parolees, the program required a minimum weekly contact with the probation officer during the 60-day period.

Death of U.S. Probation Officer Thomas E. Gahl—On September 22, 1986, U.S. Probation Officer Thomas E. Gahl of the Southern District of Indiana was slain by a parolee under his supervision. Mr. Gahl, who was 38 years old, was gunned down during a home visit. He was the first, and only, federal probation officer to be killed in the line of duty to date.

1987

Criminal Fines Improvement Act of 1987—The Act had an impact on sentencing decisions related to fines as well as procedures for receiving fine payments. It authorized the Director of the Administrative Office of the U.S. Courts to establish procedures and mechanisms for the receipt of fines; clarified factors to consider in imposing fines; and gave the judicial branch, along with the Attorney General, the authority to receive and disburse payments of restitution.

The Presentence Investigation Report for Defendants Sentenced Under the Sentencing

Reform Act of 1984 (Publication 107)—The monograph was published by the Probation and Pretrial Services Division to guide officers in preparing presentence reports and to set a uniform format for presentence reports throughout the federal judiciary. It reflected the radical changes in content and format of the presentence report that were necessary to accommodate the new sentencing process mandated by the Sentencing Reform Act of 1984 and fully explained the officer's role in guidelines sentencing. Several revisions have been made to Publication 107 since the initial printing including revisions to set standards for preparation of a presentence report when the defendant is an organization or corporation and standards for preparing petty offense presentence and postsentence reports.

Probation and Pretrial Services Automated Case Tracking System (PACTS)—The Probation and Pretrial Services Automated Case Tracking System (PACTS) was initiated in 1987 as an extraction of the Probation Information Management System (PIMS). PACTS was a joint project of the Administrative Office of the U.S. Courts, user representatives from the courts, and the Training Center in San Antonio, Texas. The goal was to develop a decentralized data system to serve probation and pretrial services offices. PACTS was designed with the capability to exchange data with other systems including the automated Judgment and Commitment Order and the CRIMINAL docketing system. In 1991 the system was approved for national expansion.

Budget Decentralization—The Judicial Conference approved implementation of a five-court, 3-year pilot project—in the Second Circuit Court of Appeals and Southern New York, Western Washington, Northern California, and Arizona district courts—to decentralize the budget. The project, which began on October 1, 1987, tested the benefits of expanding the role of the courts in managing local operating budgets.

Training of Firearms Instructors—The probation and pretrial services system's first firearms instructors were trained in 1987 at 2-week instructor schools held in Tuscaloosa, Alabama, and Galveston, Texas. In 1985 the Probation Committee had taken steps to ensure that officers received uniform firearms training by approving the Probation Division's plan to develop a national firearms training program and policy. The plan called for officers to be trained as district firearms instructors to teach firearms handling and safety in their respective districts.

GAO Report/Sentencing Guidelines: Potential Impact on the Federal Criminal Justice System—In September 1987 the General Accounting Office (GAO) issued a report to Congress on the potential impact of sentencing guidelines on the federal criminal justice system. GAO interviewed officials from the judiciary, the Department of Justice, and other groups concerned with the federal criminal justice system and reviewed the Sentencing Commission's analyses of increases in future prison populations and how much the guidelines would contribute to those increases. As GAO reported, "It seems widely accepted that the guidelines will result in increased workloads for virtually all components of the criminal justice system. However, the full impact of the guidelines will become clear only when there is empirical evidence on how they are implemented."

1988

Community Control Project—An 18-month electronic monitoring pilot project began in January 1988 in the Central District of California and the Southern District of Florida. The goal was to determine whether community control with electronic monitoring was a viable alternative to community treatment center placement for a select group of persons released directly from prisons. Under the project, a maximum daily average of 100 inmates were paroled directly from federal institutions to the districts. Selected inmates had their parole dates advanced and spent 2 to 4 months of initial supervision under home detention/electronic monitoring. The Bureau of Prisons funded the electronic monitoring service, and the U.S. Parole Commission directed the evaluation of the project.

Community Service: A Guide for Sentencing and Implementation (Publication 108)—The monograph focused on community service—the condition of probation that requires the offender (either an individual or a corporation) to provide unsalaried service to a civic or nonprofit organization. Publication 108 briefly recounted the history of community service, discussed how community service addresses sentencing objectives, and gave practical information about referring offenders to agencies for appropriate work assignments. The publication was geared to probation officers who supervise offenders on community service but also was of interest to judges who impose community service as a condition of probation.

1989

Drug Demonstration Project—The Anti-Drug Abuse Act of 1988 required the Director of the Administrative Office of the U.S. Courts to establish a demonstration program of mandatory drug testing of criminal defendants in eight federal judicial districts for a period of 2 years. The initiative began on January 1, 1989, and incorporated a two-phase program of testing of all criminal defendants before their initial appearance and all felony offenders released on probation or supervised release for offenses committed on or after January 1, 1989. Based on the results of the project, the Administrative Office of the U.S. Courts in 1991 submitted to Congress a final report that recommended that Congress authorize the expansion of pretrial services urinalysis tests for inclusion of the results in the pretrial services report but that Congress not establish a system of mandatory post-conviction testing for all post-conviction felony offenders.

Fiftieth Anniversary of the Administrative Office of the U.S. Courts—The Administrative Office of the U.S. Courts was established by an act of Congress in 1939. The Judicial Conference, in a resolution issued on September 20, 1989, and signed by Chief Justice William Rehnquist, recognized the Administrative Office on the occasion of its 50th anniversary. The resolution read in part: "As the responsibilities of the courts have grown over the years, so have those of the agency. With limited staff and funds, the Administrative Office has provided those services essential to the sound operation of the United States Courts."

1990

Mandatory Minimum Sentences—In March 1990 the Judicial Conference voted to "urge Congress to reconsider the wisdom of mandatory minimum sentence statutes and to restructure such statutes so that the U.S. Sentencing Commission may uniformly establish guidelines for all criminal statutes to avoid unwarranted disparities from the scheme of the Sentencing Reform Act." The Conference reiterated its concern at its March 1993 meeting. Testifying before Congress in July 1993, Judge Vincent L. Broderick, chairman of the Judicial Conference Committee on Criminal Law, called mandatory minimum sentences "the major obstacle to the development of a fair, rational, honest, and proportional federal criminal justice sentencing system." Judge Broderick discussed the effects of mandatory minimums, including unfair, long prison

terms, and addressed the feasibility of either the courts or the U.S. Sentencing Commission having a “safety valve” authority to provide for departure from mandatory minimums.

The Federal Employees Pay Comparability Act of 1990—The Act raised the mandatory retirement age from 55 to 57 for all law enforcement officers covered under federal retirement provisions. On March 12, 1991, the Judicial Conference approved a change in the entry age limit for U.S. probation and pretrial services officers to under 37 at the time of the officer’s initial appointment. The new age limit allowed officers to complete 20 years of service and gain retirement benefits by the time they reached mandatory retirement age. Raising the entry age also broadened the pool of potential job applicants.

Decentralized Substance Abuse Contracting—In 1990 the Director of the Administrative Office of the U.S. Courts delegated to chief judges of the district courts—for redelegation to chief probation and pretrial services officers—procurement authority for contracts not exceeding \$100,000 for substance abuse or mental health treatment. This “decentralizing” of the authority for the contracting process gave districts more flexibility in managing their substance abuse and mental health allocation and permitted more timely awarding of contracts and payment to vendors. The new process took effect for fiscal year 1991 new contracts.

Cellular Telephone Pilot Projects—The Committee on Judicial Improvements, in 1990, approved the use of cellular telephones by U.S. probation and pretrial services officers in four pilot districts—California Eastern, Florida Southern, New Jersey, and Texas Northern. A report to the Committee from the Subcommittee on Technology read: “A good case probably can be made for the use of cellular telephones for the management and supervision of time-critical case assignments, for highly sensitive case assignments involving individuals in crisis, and for cases involving electronic monitoring of individuals through home confinement and other forms of intense supervision.” A December 20, 1994, memorandum, from the Probation and Pretrial Services Division informed chiefs that limited funds were available to purchase cellular phones and transmission services. Attached was a proposed model cellular phone policy to help guide officers in their use of the equipment.

1991

Supervision of Federal Offenders (Monograph 109)—New mandates brought about by the Comprehensive Crime Control Act of 1984, a changing supervision population, and the need for more effective methods of controlling offenders in the community spurred a revamping of the federal supervision process. Monograph 109 served as a guide. It introduced the concept of “enhanced supervision,” the goal of which was to use probation resources more efficiently by identifying high-risk offenders, focusing attention on enforcing special conditions of probation, controlling risk to the community, and providing correctional treatment. Monograph 109 was updated in 1993 to include a chapter on managing noncompliant behavior.

Geographic Salary Rates—In September 1991, the Judicial Conference approved geographic pay differentials for probation and pretrial services officers and assistants (excluding chiefs) in eight metropolitan areas specified in section 404 of the Law Enforcement Pay Reform Act of 1990. The Los Angeles, New York, Chicago, and Washington, DC, areas were among those affected. The differentials ranged from 4 to 16 percent.

1992

Judicial Officers Reference on Alternatives to Detention (Monograph 110)—The purpose of the publication, as stated in a memorandum signed by the Director of the Administrative Office of the U.S. Courts and sent to judges and other court personnel, was “to aid judicial officers faced with the serious and often complex issues of release and detention.” Judicial Conference concern about the pretrial detention crisis led to the development of the monograph, which describes and discusses 13 alternatives to detention and 7 conditions of release that often are imposed in conjunction with the alternatives.

Leadership Development Program—In 1992 the Federal Judicial Center launched a program to prepare probation and pretrial services officers for leadership positions in the federal courts. The Center designed a 3-year developmental program that required—among other things—a report on management practices, a tour of temporary duty in a public or private sector organization or another district, and attendance at leadership development seminars. One factor compelling the Center’s initiation of the program was Judicial Conference concern that the probation and

pretrial services system have capable leaders to fill the slots of retiring chiefs.

1993

Mission Statement—In 1993 the Chiefs Advisory Council and the Judicial Conference approved a mission statement for the probation and pretrial services system, as follows: “As the component of the federal judiciary responsible for community corrections, the Federal Probation and Pretrial Services System is fundamentally committed to providing protection to the public and assisting in the fair administration of justice.” The accompanying vision statement held, “The Federal Probation and Pretrial Services System strives to exemplify the highest ideals in community corrections.”

Substance Abuse Treatment Program Review—In 1993 the substance abuse treatment program was the focus of a comprehensive review by the Administrative Office. The review considered all aspects of the program including treatment, testing, and training. A panel of state program administrators, academicians, and probation and pretrial services officers was convened to define the “state of the art” in drug testing and treatment. The study results were used to measure the overall effectiveness of the program and to make improvements.

Staffing Equalization Plan—As a downsizing measure, the Judicial Conference in 1993 approved a Staffing Equalization Plan, applying to all clerks offices and all probation and pretrial services offices. The purpose of the plan was to “equalize” staffing by reducing the number of employees in court units that had more than the authorized number of employees and increasing the number of employees in court units that had fewer than the authorized employees. The plan offered incentives for understaffed courts to hire employees from overstaffed courts and also provided for bonuses for the employees willing to transfer. The effort was to avoid the layoffs, furloughs, and other reductions that were possible because of funding limitations.

Court Personnel System (CPS)—In September 1993 the Judicial Conference approved the implementation of the Court Personnel System, a new system for classifying court employee positions. CPS replaced the 30-year-old Judicial Salary Plan (JSP), substituting 32 benchmark positions for the JSP’s more than 180 landmark positions. CPS allowed court executives the flexibility to arrange and classify new positions. The new system also was cost driven; it required

in-depth evaluation of staffing decisions and their impact on future budgets. CPS was activated in selected lead courts in 1995 and thereafter in the remainder of courts circuit by circuit.

1994

United States Pretrial Services Supervision (Publication 111)—The monograph established national standards for pretrial services supervision, focusing on monitoring defendants' compliance with conditions of release. Publication 111 defined pretrial supervision and its purpose and described how officers manage noncompliant behavior.

Performance Evaluation and Rating for Objective Review and Management (PERFORM)—A committee of the Chiefs Advisory Council developed a comprehensive personnel evaluation instrument to use for every job description in the probation and pretrial services system. The instrument was designed for use with the Court Personnel System.

1995

Mobile Computing—A work group made up of employees of the Administrative Office of the U.S. Courts and staff from 10 probation and pretrial services offices was formed to make plans to explore the feasibility of developing mobile computing capabilities for probation and pretrial services officers. With mobile computing, officers use portable hand-held computers that give them access to tools and information that, before this initiative, were available to them only at their desks. The new technology offers officers a way to do their field work more efficiently.

Indian Country Initiatives—The Administrative Office of the U.S. Courts, the Department of Justice, and the Department of the Interior developed a pilot project to address problems hindering federal enforcement of major crimes in Indian Country. The project featured a systematic evaluation of federal and tribal justice systems. The goal of the study was to develop a plan to provide technical and other assistance to strengthen tribal judicial systems; create effective options for probation, treatment, and sanctions; and obtain resources for crime prevention.

1996

Long-Range Plan—In December 1996 the Judicial Conference approved a long-range plan to guide the federal court system into the 21st century. The plan consists of 93 recommendations and 76 implementation strategies.

A December 15, 1995, memorandum from the Director of the Administrative Office of the U.S. Courts stated that the plan "will provide an integrated vision and valuable framework for policy making and administrative decisions by the Conference, its committees, and other judicial branch authorities." Recommendation 31 of the plan reads: "A well-supported and managed system of highly competent probation and pretrial services officers should be maintained in the interest of public safety and as a necessary source of accurate, adequate information for judges who make sentencing and pretrial release decisions."

Parole Commission Phaseout Act of 1996—The Judicial Improvements Act of 1990 had provided for the handling of "old law" cases by extending the U.S. Parole Commission 5 years, to November 1, 1997. Then Congress passed the Parole Commission Phaseout Act of 1996, which extended the Commission to November 1, 2002. It also provided for a gradual reduction in the number of commissioners and required the Attorney General to report to Congress annually as to whether it is most cost effective for the Commission to remain a separate agency or whether its function should be assigned elsewhere.

National Certification Program in Drug and Mental Health Treatment—The Federal Corrections and Supervision Division began two initiatives to set national proficiency standards for probation and pretrial services officers who provide supervision and treatment for offenders/defendants identified as needing mental health or substance abuse treatment services. The goal was to provide the means to "credential" these officers and provide them uniform training.

Sweat Patch Project—In April 1996 the Federal Corrections and Supervision Division launched a pilot project to test the sweat patch, a new drug detection device. The aim of the project was to determine the proficiency and wearability of the sweat patch, which is a bandaid-type device that collects illicit drugs through sweat rather than urine. The patch was found suitable for officers to use as a routine screening tool.

1997

Firearms Regulations—On March 11, 1997, the Judicial Conference approved new firearms regulations. The new regulations eliminate the need for state clearance for officers to carry firearms, required the district court to approve the district's firearms program, and extended the use of lethal force from self-defense only

to include the right to protect a fellow probation or pretrial services officer from death or grievous bodily harm. Also, the new regulations did not carry the presumption, as had previous policies, that officers should not carry firearms.

Risk Prediction Index (RPI)—The Judicial Conference approved a new instrument to assess risk of recidivism of offenders to replace the RPS 80. The Federal Judicial Center developed the RPI, a statistical model that uses information about offenders to estimate the likelihood that they will be rearrested or have supervision revoked. The computerized version of the RPI calculates an offender's score after the officer types in the answers to eight worksheet questions. The RPI was designed to be easy for officers to use and as a helpful tool in developing supervision plans.

References

- From the Administrative Office of the U.S. Courts: The Presentence Investigation Report (Publication 101, 1943)
- The Presentence Investigation Report (Publication 103, 1965)
- The Presentence Investigation Report (Publication 105, 1978)
- The Presentence Investigation Report for Defendants Sentenced Under the Sentencing Reform Act of 1984 (Publication 107, 1987)
- Community Service: A Guide for Sentencing and Implementation (Publication 108, 1988)
- Supervision of Federal Offenders (Monograph 109, 1991)
- Judicial Officers Reference on Alternatives to Detention (Monograph 110, 1992)
- United States Pretrial Services Supervision (Publication 111, 1994)
- Reports of the Proceedings of the Judicial Conference of the United States (1975 to the present)
- Annual Reports of the Director of the Administrative Office of the U.S. Courts (1975 to the present)
- News and Views (biweekly newsletter of the Federal Probation and Pretrial Services System, 1976 to the present)
- From the General Accounting Office: The Federal Bail Process Fosters Inequities (1978)
- Federal Parole Practices: Better Management and Legislative Changes Are Needed (July 1982)
- Presentence Evaluations of Offenders Can Be More Responsive to the Needs of the Judiciary (April 1985)
- Sentencing Guidelines: Potential Impact on the Federal Criminal Justice System (September 1987)

Other

- Employment and Training of Ex-offenders: A Community Program Approach (National Alliance of Business, 1983)

JUVENILE FOCUS

ALVIN W. COHN, D.CRIM.

Administration of Justice Services, Inc.

Teen Courts and Recidivism

The Maryland Administrative Office of the Courts has released “Multijurisdictional Teen Court Evaluation: A Comparative Evaluation of Three Teen Court Models.” This report presents the results of a study of three geographically diverse teen courts in Maryland. The study, funded by the State Justice Institute, reports that youth in each jurisdiction who completed a teen court program had fewer instances of recidivism than youth who did not complete the program. Learn more about youth/peer/student-court diversion programs at the Global Youth Justice website.

PREA Data Collection

This report describes BJS’s activities to collect data and report on the incidence and effects of sexual victimization in correctional facilities, which included—

- Analyzing administrative records of sexual victimization in adult correctional facilities based on the Survey of Sexual Violence (SSV)
- Implementing changes to the SSV and completing data collection
- Providing estimates of the rates of sexual victimization among transgender inmates
- Conducting further analyses of previous inmate self-report surveys to provide a more comprehensive understanding of facility- and individual-level indicators of sexual victimization.

This report meets the requirements of the Prison Rape Elimination Act of 2003 (PREA) (P.L. 108-79) to report on BJS’s activities for the preceding calendar year by June 30 of each year.

Reducing Length of Stay in Youth Facilities

The Juvenile Law Center has released “Ten Strategies to Reduce Juvenile Length of Stay.” This paper highlights recommendations for states to reduce the length of stay of youth in juvenile facilities and to expand the availability

of community-based placement, including services for youth living at home. The paper cites research findings indicating that lengthy juvenile confinement is costly, largely ineffective at reducing recidivism, and potentially harmful to youth and communities.

Children of Arrested Parents

The Office of Justice Programs (OJP) Diagnostic Center has published “First, Do No Harm: Model Practices for Law Enforcement Agencies When Arresting Parents in the Presence of Children.” This report recommends model practices for law enforcement agencies for reducing trauma to children during parental arrests, including trauma-informed training, collaboration with social services and child advocacy groups, and enhanced data collection. Download the model policy “Safeguarding Children of Arrested Parents.” Access publications in OJJDP’s National Survey of Children’s Exposure to Violence series. Learn more about the Attorney General’s Defending Childhood Initiative.

Defending Childhood Demonstration Sites

The National Institute of Justice (NIJ) has released “Protect, Heal, Thrive: Lessons Learned from the Defending Childhood Demonstration Program.” This report highlights process evaluation findings from six of the eight sites participating in the Defending Childhood Demonstration Program, a national initiative that the Department of Justice funds and OJJDP supports to address children’s exposure to violence. The researchers evaluated the strategies that the six sites implemented to reduce and raise awareness about children’s exposure to violence in their communities and make recommendations for jurisdictions and tribal sites planning similar work. Learn more about the Defending Childhood initiative. Access

OJJDP publications on children’s exposure to violence.

Juvenile Justice GPS

The National Center for Juvenile Justice (NCJJ) has released a new section of the Juvenile Justice GPS—Geography, Policy, Practice & Statistics (JJGPS), an online resource funded by the John D. and Catherine T. MacArthur Foundation. This website features national and state information on state laws and juvenile justice practice to help chart system change. The new status offense issues section examines how states classify status offenders and includes a summary of status offenses in each state. This section also profiles national data on status offenses and trends data that states report on formal status offense cases referred to court. A future section of the JJGPS website will address racial and ethnic fairness in juvenile justice. JJGPS is one of several strategies in support of juvenile justice reform through the Models for Change initiative.

Evaluation of Juvenile Drug Courts

OJJDP has released “Juvenile Drug Courts: A Process, Outcome, and Impact Evaluation.” This bulletin provides an overview of an OJJDP-sponsored evaluation of juvenile drug court intervention programs, their processes, and key outcomes. The authors examined the effectiveness of nine juvenile drug courts in reducing recidivism and improving youth’s social functioning and determined whether these programs used evidence-based approaches. You can visit OJJDP’s funding page for juvenile drug court grant opportunities.

Criminal Justice Reform

A consensus for criminal justice reform is emerging, as political leaders across the spectrum acknowledge the system needs fixing, and the recent tragic police shootings of young black men have focused attention on

the vital need for reform. The Sentencing Project has contributed the following recent commentary on these issues.

- **How to Lock Up Fewer People:** In the *New York Times*, David Cole and Marc Mauer describe the scale of policy and practice reforms needed to truly tackle mass incarceration and move the U.S. towards an incarceration rate more in line with western European nations. They argue the need to go beyond sentencing reforms for drug and property offenses, and address the scale of punishment broadly, even for serious crimes.
- **America's Disappeared Black Men:** In teleSUR, Jeremy Haile of The Sentencing Project explains how "tough on crime" policies and systemic racial bias throughout the criminal justice system have contributed to the removal of hundreds of thousands of black men from society through mass incarceration. He notes that "If current trends continue, one in three black males born today will spend time in prison during their lifetimes."

Statistical Analysis Tool (CSAT)

Probation and Parole (2013 update) -

You can access national, federal, and state-level data on year-end adult probation and parole populations by:

- Sex, race, and Hispanic origin
- Maximum sentence length
- Most serious offense
- Status of supervision
- Type of release from prison
- Type of entry to and exit from probation and parole.

Data are from the Annual Probation Survey and Annual Parole Survey.

JJGPS.org Status Offense Section

The National Center for Juvenile Justice released a new section of the Juvenile Justice GPS (JJGPS - Geography, Policy, Practice & Statistics) site (JJGPS.org). The new status offense issues area profiles how each state classifies status offenses across a unique spectrum of labels, includes a detailed summary of status offenses in each state, and compares delinquency and status offense age boundaries. The JJGPS.org section also profiles national data on status offenses and trends data reported by the states concerning formal status offense cases referred to court. The JJGPS website is designed to increase clarity on critical issues and encourage reform. It is

a project of the National Center for Juvenile Justice (NCJJ) funded through the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative.

School Crime and Safety Report

The Bureau of Justice Statistics, in collaboration with the National Center for Education Statistics, has released "Indicators of School Crime and Safety: 2014." This annual report provides the most recent data on school crime and student safety. The indicators in this report are based on a variety of data sources, including national surveys of students, teachers, principals, and postsecondary institutions. Topics covered include victimization at school, teacher injuries, bullying and cyberbullying, school conditions, fights, weapons, availability and student use of drugs and alcohol, student perceptions of personal safety at school, and crime at postsecondary institutions. View and download the report online.

Underage Drinking - The Substance Abuse and Mental Health Services Administration (SAMHSA) has released a new report showing a significant decline in underage alcohol consumption among youth aged 12 to 20 between 2002 and 2013. The report indicates a drop in underage binge drinking but finds alcohol to still be the most widely used substance among America's youth.

Easing Reentry through Employability Skills Training

When incarcerated youth face the prospect of reentering the community, they have many obstacles to overcome. There are often employment requirements in the terms of their parole or aftercare and if they fail to obtain and maintain employment, they may reenter the justice system instead of successfully reentering society. While research shows employment matters significantly for a successful transition from incarceration back into the community, there is limited information on which programs or supports positively impact post-incarceration employment. Practitioners have the challenge of locating and choosing curriculum, interventions, or supports with little to go on as to which are the best choices for their population in terms of teaching employability skills. This article focuses on services and supports for teaching employability skills at each of the stages of the juvenile justice process—before, during, and after incarceration. The psychological damage to youth resulting from incarceration is examined as well as the impact on obtaining and maintaining

employment post incarceration. Resources are provided for practitioners to find evidence-based interventions and supports for the youth with whom they work. Calls for future research are detailed in the areas of programs and practices, desistance and recidivism, and community-based alternatives.

Risk Assessment or Race Assessment?

A recent issue of the *Federal Sentencing Reporter* examines risk assessment practices in sentencing as well as the administration of other criminal justice policies, such as diversion programs and discretionary parole decisions. Guest editor Sonja Starr argues that sentencing based on behavioral generalizations related to socioeconomic status and gender is unconstitutional for the same reasons that the Supreme Court declared gender-based "statistical discrimination" to be unconstitutional. She adds that sentencing based on other group-based factors, such as criminal history and demographic characteristics, is constitutionally permissible but morally troubling. In his article for the issue, Bernard Harcourt argues that prior criminal history "has become a proxy for race" in the era of mass incarceration.

Starr also questions how the predictive capacity of risk assessment instruments is measured: they should not be compared to chance, but to the "individualized, informal assessments of the defendant's crime risk that judges routinely perform in the absence of actuarial instruments." Finally, she considers other counterarguments, including that without these instruments judges would informally rely on the same factors. If this is true, Starr writes, "that's a problem that we should be trying to solve. The actuarial sentencing movement instead openly endorses this discrimination."

Twenty states use risk assessment systems at some point in the criminal justice process and many more jurisdictions, including the federal government, are considering their implementation. Last year, former Attorney General Eric Holder said that while risk assessments and data-driven programs "show promise" for appropriately allocating parole, managing resources, and reducing recidivism, they could increase inequality if not implemented carefully. He urged further study and careful use. A new report from the Congressional Research Service, "Risk and Needs Assessment in the Criminal Justice System," written by Nathan James, also reviews

research suggesting that “wide-scale use of risk and needs assessment might exacerbate racial disparities in the nation’s prison systems.”

Elected Prosecutors Nationwide Are White

A new study analyzing the race and gender of elected prosecutors nationwide found that the vast majority of prosecutors are white men. Out of 2,437 elected prosecutors, 95 percent are white and 83 percent are men. “White men make up 31 percent of the population, yet they control 79 percent of elected prosecutor positions,” write investigators at the Women Donors Network. Only 1 percent of elected prosecutors are women of color and 60 percent of states have no elected black prosecutors. Nicholas Fandos of the *New York Times* explains that diversity of prosecutors has received little scrutiny, even though many experts believe prosecutors wield more influence over the legal system than police officers. Prosecutors decide whether to bring criminal charges and what levels of charges and sentences to pursue. This prosecutorial power goes virtually unchecked, with 85 percent of elected prosecutors running unopposed. “What this shows us is that, in the context of a growing crisis that we all recognize in criminal justice in this country, we have a system where incredible power and discretion is concentrated in the hands of one demographic group,” said Brenda Choresi Carter of the Women Donors Network.

Deaths in Local Jails

Read more in *Mortality in Local Jails and State Prisons, 2000–2013 - Statistical Tables* (NCJ 248756). For the third consecutive year the number of inmates who died in state prisons and local jails increased, the Bureau of Justice Statistics (BJS) announced today. A total of 4,446 inmates died in 2013, an increase of 131 deaths from 2012. This was the highest number of deaths reported to the BJS Deaths in Custody Reporting Program since 2007. From 2012 to 2013, local jails saw an increase of 9 deaths—from 958 to 967 deaths. While the number of illness-related deaths (such as heart disease, liver disease, and cancer) in local jails declined, the decrease was offset by an increase in unnatural causes of death, such as suicide, drug or alcohol intoxication, accident, and homicide.

Model Programs Guide

OJJDP’s Model Programs Guide (MPG), an online resource of evidence-based juvenile

justice and youth prevention, intervention, and reentry programs, has added three new literature reviews. MPG literature reviews provide practitioners and policymakers with relevant research and evaluations on more than 40 juvenile justice topics and programs. These three literature reviews address:

- Alcohol and Drug Prevention and Treatment/Therapy
- Implementation Science
- Status Offenders

Juvenile Justice GPS

The National Center for Juvenile Justice (NCJJ) has released a new racial and ethnic fairness section of the Juvenile Justice GPS—Geography, Policy, Practice & Statistics (JJGPS), an online resource funded by the John D. and Catherine T. MacArthur Foundation. This website features national and state information on state laws and juvenile justice practices to help policymakers and stakeholders chart system change. The new section on racial and ethnic fairness explores the increasing diversity of the youth population, including the different state and local approaches to monitoring racial and ethnic fairness. This content area also discusses transparency in the state reporting of racial and ethnic fairness vital signs, as well as recent trends in resources for advancing the issue with state-level coordinators.

An upcoming feature to the JJGPS website will focus on high-level state profiles across all JJGPS areas. JJGPS is one of several strategies in support of juvenile justice reform through the Models for Change initiative.

High-Risk Adolescents

OJJDP has released “Studying Deterrence Among High-Risk Adolescents,” the latest bulletin in the Pathways to Desistance series. This bulletin examines the link between perceptions of the threat of sanctions and deterrence from crime among high-risk adolescents. The authors’ findings show that severe punishment—such as correctional placement or a longer stay in correctional placement—does not meaningfully reduce juvenile offending or arrests among these youth. The findings are the result of the OJJDP cosponsored Pathways to Desistance study, which investigates the factors that lead serious juvenile offenders to cease or continue offending. Bulletins from OJJDP’s Pathways to Desistance series are now available in EPUB and MOBI formats.

Juvenile Shackling

The National Council of Juvenile and Family Court Judges (NCJFCJ) has released its resolution on shackling of children in juvenile court:

Up to 90 percent of justice-involved youth report exposure to some type of traumatic event. The NCJFCJ defines shackles to include handcuffs, waist chains, ankle restraints, zip ties or other restraints that are designed to impede movement or control behavior.

“Across the country, tens of thousands of young people are needlessly shackled in juvenile and family courts,” said David Shapiro, campaign manager for the Campaign Against Indiscriminate Juvenile Shackling (CAIJS) at the National Juvenile Defender Center.

“The courtroom is the last place this practice should occur. Judges have a unique responsibility to ensure not only fair outcomes, but fair processes. The NCJFCJ has issued a powerful message that the practice of automatically shackling youth in our courtrooms does not comport with what it means to be fair and trauma-informed, and that such a practice will no longer be tolerated,” said Shapiro.

Improving Science to Increase Safety

Dr. Nancy Rodriguez recently discussed how past research laid the groundwork for the tremendous advances and profound impact forensic science has had on the criminal justice system and public safety. For example, new discoveries in forensic DNA analysis have led to a paradigm shift in how crime labs analyze and interpret evidence. Today NIJ remains committed to rigorous research and technical assistance programs to serve the forensic science community. By supporting efforts in both basic and applied research, NIJ’s forensic science research program is growing the body of knowledge to develop new techniques to solve crimes and increase the reliability and efficiency of forensic testing.

Mentoring

The National Council of Juvenile and Family Court Judges (NCJFCJ) and the National Center for Juvenile Justice have released “Mentoring in Juvenile Treatment Drug Courts.” From December 2013 to January 2014, NCJFCJ visited OJJDP-funded mentoring programs at 10 juvenile treatment drug

court (JTDC) sites and conducted a focus group to discuss their strengths and challenges. This brief provides an overview of this project and offers tips and strategies for starting and refining a mentoring program within a JTDC.

Juvenile Justice Publications

The Juvenile Justice GPS (Geography, Policy, Practice & Statistics) site (JJGPS.org) now has 8 State Scan publications available to compile information and offer analysis on key juvenile justice issues and data available on the interactive website. The JJGPS website is designed to increase clarity on critical issues and encourage reform. It is a project of the National Center for Juvenile Justice (NCJJ) funded through the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative.

The publications available include:

- U.S. Age Boundaries of Delinquency
- Racial and Ethnic Fairness in Juvenile Justice: Availability of State Data
- Indefensible: The Lack of Juvenile Defense Data
- Measuring Subsequent Offending in Juvenile Probation
- Mental Health Screening in Juvenile Justice Services
- When Systems Collaborate: How Three Jurisdictions Improved their Handling of Dual-Status Cases
- Systems Integration-Child Welfare and Juvenile Justice.

Alternatives to Arrest

A new issue brief from the National League of Cities (NLC), *Alternatives to Arrest for Young People*, provides early examples of how law enforcement agencies can divert youth accused of minor offenses from arrest when appropriate. Through the increased use of promising alternatives to arrest and prosecution, a growing number of cities have documented early progress and significant benefits, including:

- Fewer arrests of low-risk youth;
- Improved police-youth relations; and
- More efficient use of officers' time.

To help city leaders and law enforcement departments consider alternatives and/or supplements to standard officer training programs, NLC has also developed a collection of new and proven trainings to improve relations between police officers and community members — young people in particular. Visit www.nlc.org to learn more.

OVC Victim Assistance

The Office for Victims of Crime (OVC)—in coordination with the Federal Bureau of Investigation's Office for Victim Assistance and Department of Justice's Office of Justice for Victims of Overseas Terrorism—recently released an innovative electronic toolkit, *Helping Victims of Mass Violence and Terrorism: Planning, Response, Recovery, and Resources*. This multidisciplinary product provides communities with the framework, strategies, and resources to:

- Conduct planning and preparation before an incident occurs
- Mitigate the effects of future acts on victims
- Respond to active incidents
- Recover after an incident of mass violence or terrorism occurs.

*The toolkit is designed to serve as a victim-centered resource for a wide range of professionals. If you or someone you know is interested in developing a comprehensive victim assistance plan to ensure all victims' needs are met, read *Helping Victims of Mass Violence and Terrorism: Planning, Response, Recovery, and Resources*.*

National Youth Mentoring Initiative

LinkedIn, in collaboration with MENTOR: The National Mentoring Partnership, has launched a new page on its website inviting members to share their mentoring stories and to search for local youth volunteer mentoring opportunities. LinkedIn members will be directed to mentoring opportunities from the MENTOR database, Mentoring Connector.

Psychiatric Disorders in Youth After Detention

OJJDP has released "Psychiatric Disorders in Youth After Detention." The bulletin is part of OJJDP's Beyond Detention series, which examines the findings of the Northwestern Juvenile Project—a large-scale longitudinal study of youth detained at the Cook County Juvenile Temporary Detention Center in Chicago, IL. The authors discuss the findings related to the prevalence and persistence of psychiatric disorders in youth after detention. Key findings include:

- Five years after the first interview, more than 45 percent of male juveniles and nearly 30 percent of female juveniles had one or more psychiatric disorders.
- Substance use disorders were the most common and most likely to persist. Males

had higher prevalence rates of substance use disorders over time.

- As compared to African Americans, non-Hispanic whites and Hispanics had higher rates of substance use disorders.
- Females had higher rates of depression over time.

Bulletins from OJJDP's Beyond Detention series are now available in EPUB and MOBI formats.

Multi-System Collaboration

With support from the Office of Juvenile Justice and Delinquency Prevention, the Center for Coordinated Assistance to States (CCAS) has awarded three jurisdictions an opportunity to participate in a second cohort of the Multi-System Collaboration Training and Technical Assistance (MSC-TTA) Program. Each selected jurisdiction has exhibited a distinct level of readiness to work collaboratively to positively impact at-risk youth in their community. As part of CCAS, the Center for Juvenile Justice Reform (CJJR) at Georgetown University's McCourt School of Public Policy will work with the cohort of three communities for eight months on the development of policies and procedures to support multi-system collaboration in their jurisdiction.

The three awarded communities are Marathon County, Wisconsin, Giles County, Tennessee, Ohio Family and Children First Council.

Youth in Custody

The Center for Juvenile Justice Reform (CJJR) at Georgetown University's McCourt School of Public Policy and the Council of Juvenile Correctional Administrators (CJCA) have partnered to develop a practice model to guide service delivery for youth in custody at the post-adjudication phase, from commitment to reentry. Informed by research, best practices, and professional standards, the Youth in Custody Practice Model will outline the steps necessary to deliver high-quality services to youth that are developmentally appropriate, strength-based, trauma-informed, family-focused, data-driven, and culturally competent. The practice model will guide a comprehensive technical assistance package delivered by field experts that is designed to improve outcomes for youth, families, staff, and communities. CJJR and CJCA will issue a Request for Application (RFA) for interested jurisdictions in November 2015. Once the initial cohort of jurisdictional sites is selected, we plan to begin implementation of technical assistance on the practice model in January

2016. The RFA will be announced in an upcoming newsletter.

School Justice

The Center for Juvenile Justice Reform and the American Institutes for Research recently held the inaugural School-Justice Partnerships Certificate Program at Georgetown University. A total of 61 participants from Arizona, California, Colorado, Nebraska, New York, Ohio, South Carolina, and Australia participated in a five-day-long program to gain knowledge necessary to address the needs of students known to, or at risk of entering, the juvenile justice system.

School and district staff, as well as representatives from local courts, law enforcement, child welfare and juvenile justice agencies, and many other child-serving organizations, came together to discuss culture change, family and youth engagement, and improved school-based and cross-system practices and policies. The certificate program concluded with an engaging youth panel comprising high school students from Arundel County, Md. public schools who talked directly to program participants about their experiences with school discipline policies.

Sentencing Reform and Corrections Act

A bipartisan group of senators led by Senate Judiciary Committee Chairman Chuck Grassley and Assistant Democratic Leader Dick Durbin introduced comprehensive legislation aimed at recalibrating prison sentences for certain drug offenders, targeting violent criminals, and granting judges greater discretion at sentencing for lower-level drug crimes. The package also seeks to curb recidivism by helping prisoners successfully re-enter society. The Sentencing Reform and Corrections Act of 2015 is also sponsored by Senators John Cornyn (R-Texas), Sheldon Whitehouse (D-R.I.), Mike Lee (R-Utah), Charles Schumer (D-N.Y.), Lindsey Graham (R-S.C.), Patrick Leahy (D-Vt.), and Cory Booker (D-N.J.).

Information Collection Clearance

The Bureau of Justice Statistics (BJS) encourages comments for 60 days until December 7, 2015, on a generic information collection clearance that will allow BJS to conduct a variety of cognitive, pilot, and field test studies. Your comments to BJS's requests to the Office of Management and Budget (OMB),

published in the Federal Register, should address points such as —

- Whether the proposed data collection is necessary, including whether the information will have practical utility
- The accuracy of the agency's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions
- Whether and how the quality, utility, and clarity of the information to be collected can be enhanced
- The burden of the information collection on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

For more information on BJS publications, data collections, data analysis tools, and funding opportunities, visit BJS online.

Juvenile Justice Assessment Planning Referral Placement

Juvenile Justice Assessment Planning Referral Placement (JARPP) is a training curriculum for juvenile justice probation/parole case managers designed to promote the use of evidence-based practices to identify the mental health and substance use needs of delinquent youths and increase their access to community clinical services. JARPP training consists of three six-hour core sessions, with three two-hour follow-ups approximately 3, 6, and 12 months later. Recidivism and placement rates were significantly reduced for youth whose case managers received enhanced JARPP training. Evaluators have rated this program "Promising." Learn more about this program and the evaluations on CrimeSolutions.gov. Sign up to receive emails from CrimeSolutions.gov about all newly rated programs and practices.

Journal of Juvenile Justice

OJJDP has released the Fall 2015 issue of the online "Journal of Juvenile Justice." This issue features articles on substance use treatment programs for system-involved and at-risk youth, parenting stressors and family management techniques, stress-reduction training for juvenile justice officers, and truancy prevention. Access previous issues of the semi-annual, peer-reviewed journal.

Juvenile Court Statistics 2013

The National Center for Juvenile Justice (NCJJ) has released Juvenile Court Statistics 2013. The report describes delinquency cases

and petitioned status offense cases processed by courts with juvenile jurisdiction in 2013. The report also presents trends in delinquency cases since 1985 and in status offense cases since 1995. Data include case counts and rates detailed by juvenile demographics and offenses charged. In 2013, courts handled nearly 1.1 million delinquency cases (down 44 percent from the peak in 1997). Twenty-eight percent of these cases involved females, 53 percent involved youth younger than 16, and 62 percent involved white youth. The report draws on data from the OJJDP-sponsored National Juvenile Court Data Archive.

Gender Inequity in the Juvenile Justice System

The National Crittenton Foundation, in partnership with the National Women's Law Center, has released "Gender Injustice: System-Level Juvenile Justice Reforms for Girls." The report presents research and data showing that, in the last two decades, girls' presence in the juvenile justice system has increased at all stages of the process. Key findings include the following:

- Court caseloads for girls have increased 40 percent.
- The number of girls in detention has increased 40 percent.
- Post-adjudication probation increased 44 percent.
- Post-adjudication placement increased 42 percent.

The report makes nine reform recommendations, including decriminalizing girls' behavior linked to trauma, engaging families, addressing unnecessary detention of girls, and enacting trauma-informed approaches and evidence-informed practices. View and download the executive summary and a comprehensive infographic. Learn about OJJDP's National Girls Initiative.

Safe Schools

Our nation's schools should be safe havens for teaching and learning, free of crime and violence. Any instance of crime or violence at school not only affects the individuals involved, but also may disrupt the educational process and affect bystanders, the school itself, and the surrounding community (Indicators of School Crime and Safety: 2014). Launched in early 2014 and overseen by NIJ, the Comprehensive School Safety Initiative was established to create a firmer foundation of knowledge so that communities can

implement individualized programs and policies based on scientific testing.

Also, through the Supportive School Discipline Initiative, the U.S. Departments of Education and Justice, in collaboration with other federal partners, philanthropy, and experts from the field, are promoting awareness and supporting the development of policies and practices that keep students engaged in learning and safe in school while holding them appropriately accountable for their actions.

High School Graduation

High school graduation rates ticked up in a majority of states in 2014, and graduation gaps between white and minority students narrowed in most states that year, according to federal data. Although nationwide data are not yet available, the preliminary state numbers suggest that the country is on track for a rise in graduation rates for the third year in a row. Eighty-one percent of the Class of 2013 graduated on time, the highest figure since states began calculating graduation rates in a uniform way in 2010. Minority students have been closing the gaps with their white peers in recent years. In 2013, 86.6 percent of white students graduated on time, compared with 75.2 percent of Hispanic students and 70.7 percent of black students, according to the annual GradNation report.

Formula Calculation Process

This report describes the steps used in the Edward Byrne Memorial Justice Assistance Grant (JAG) formula calculation process and presents summary results of the fiscal year (FY) 2015 formula calculations. The Consolidated Appropriations Act of 2005 merged two grant programs to establish the JAG program, which provides funds to support program areas such as —

- Law enforcement
- Courts

- Crime prevention and education
- Corrections
- Drug treatment and enforcement
- Technology improvement
- Crime victim and witness initiatives.

The Bureau of Justice Assistance administers the program and BJS calculates the formula grants. JAG funds are distributed to states, localities, and tribal jurisdictions based on resident population and violent crime data reported to the FBI's Uniform Crime Reporting Program. In total, approximately \$255.8 million was allocated for the FY 2015 JAG awards.

Where Police Don't Mirror Communities

While people of color remain underrepresented, to varying degrees, in nearly all law enforcement agencies serving at least 100,000 residents, police departments are least likely to reflect the racial and ethnic makeup of communities that have experienced major demographic shifts. Writing in *Governing*, Mike Maciag reports that practitioners contend police diversity is important because a racial/ethnic gap between a department and its community erodes trust and poses language and cultural barriers. Maciag notes though: "Research examining effects of police demographics on officer-involved shootings and use of force is mixed."

To improve diversity, departments should set measurable recruiting goals and develop a strategic plan to reach these goals, such as by placing recruiting centers in communities of color and building relationships with police advisory boards. Departments should also have proper training and protocols in place, and mechanisms for addressing misconduct. "Agencies enjoying good reputations in the law enforcement profession and in their communities also benefit from larger, more diverse applicant pools."

Justice Research and Development

A new issue of the award-winning NIJ Journal is now available to download. By sharing these stories in the Journal, NIJ aims to provide criminal justice practitioners and policymakers with useful knowledge to improve their everyday work.

Issue 275 includes the following articles:

- GPS Supervision in California: One Technology, Two Contrasting Goals
- Helping At-Risk Youth Say "No" to Gangs
- Plan for Program Evaluation From the Start
- Magneto-Optical Sensors Bring Obliterated Serial Numbers Back to Life
- An Inside Look at Creating Standards for Equipment
- Social Science Research on Forensic Science: The Story Behind One of NIJ's Newest Research Portfolios
- Research Designs in the Real World: Testing the Effectiveness of an IPV Intervention

OJJDP Statistical Briefing Book

OJJDP has updated its Statistical Briefing Book (SBB) to include data resources from the 2013 Census of Juveniles in Residential Placement, including:

- A new Data Snapshot summarizing recent trends.
- State-level FAQs about juveniles in corrections.
- State profiles and state comparisons in Easy Access to the Census of Juveniles in Residential Placement.
- Documentation of data collection and analysis methods.

Developed by the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges, SBB offers easy online access to statistics on a variety of subjects. Access the OJJDP Statistical Briefing Book. Keep up with the OJJDP Statistical Briefing Book on Twitter and Facebook.

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