

JUNE 2014

Federal PROBATION

*a journal of correctional
philosophy and practice*

Federal Post-Conviction Supervision Outcomes: Arrests and Revocations

By James L. Johnson

Pretrial Detention Choices and Federal Sentencing

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PUBLISHED BY

The Administrative Office of the U.S. Courts

Judge John D. Bates, *Director*

Matthew G. Rowland, *Chief
Probation and Pretrial Services Office*

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

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

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

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This article reports results that build upon the strategic effort undertaken by the Administrative Office of the U.S. Courts to fashion a results-based framework for the federal probation and pretrial services system. Using a dataset of over 360,000 offenders serving either a term of probation or a term of supervised release, the author describes outcomes in terms of arrests and revocations both during and after supervision and broken down according to types of offenses.

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The authors describe the effects of pretrial release and detention on sentencing decisions in the U.S. federal courts, beginning with a description of extant research on the sentencing consequences of pretrial detention, drawn mostly from city and state courts. They note current trends in federal detention data, describe current research on the sentencing consequences of pretrial detention and the revocation of pretrial services supervision, and discuss implications of these findings for decision makers within the federal criminal justice system.

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A recently growing body of research has examined the importance of perceptions of legitimacy in maintaining social order. However, the literature has largely avoided applying the concept of legitimacy to community-based corrections. The author explores assorted conceptualizations of legitimacy, briefly summarizes what is presently known about how perceptions of legitimacy are shaped and how these perceptions may facilitate noncompliance with formal methods of social control, and concludes with specific recommendations for probation officers to enhance the legitimacy of community-based corrections in the eyes of those under supervision.

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How Far Have We Come? The Gluecks' Recommendations from *500 Delinquent Women*

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In 1934, Sheldon and Eleanor Glueck published a richly detailed empirical study on women prisoners in Massachusetts entitled *500 Delinquent Women*. In the final chapter they proposed a wide-ranging set of crime, justice, and punishment policy recommendations, putting forth evidence-based and well-reasoned arguments for systemic change in the management of deviant, marginalized women in the criminal justice system. The authors measure current practices against the Gluecks' recommendations to see how much of the Gluecks' vision was realized.

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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.

Federal Post-Conviction Supervision Outcomes: Arrests and Revocations

James L. Johnson
 Probation and Pretrial Services Office
 Administrative Office of the U.S. Courts

THE MISSION OF the federal probation and pretrial services system is to protect the community and assist in the fair administration of justice. Protecting the community, which is the primary focus of this article, is achieved by the goals of post-conviction supervision: reducing offender risk levels of committing crime and maximizing offender success during the period of supervision and beyond.¹ Federal supervision, as these goals suggest, is concerned with more than just offenders' success during a period of supervision: It also prepares for the period after supervision is completed. The emphasis on continued success after the period of supervision acknowledges that fostering long-term behavior change is a key underpinning of effective supervision and that only through long-term behavior change will we rise to the challenge of protecting the community, even beyond the period of supervision.²

This article reports results that build upon the strategic effort that the Administrative Office of the U.S. Courts (AO) undertook to build a results-based framework for the federal probation and pretrial services system. This framework, described in detail in reports provided by Abt Associates to

the AO,³ supports the system's stated commitment to measure and communicate indicators that speak directly and precisely to its goals. In 2010, the AO published for the first time the re-arrest rates of offenders received for supervision in fiscal years 2005 through 2007.⁴ Consistent with holding ourselves accountable for reducing recidivism beyond the period of supervision, that article also examined offender arrest rates for up to three years after a term of supervision was completed. Since that time, the AO has built upon the framework by adding offenders to the study cohort for each subsequent fiscal year up to and including fiscal year 2012.⁵ The end product is a dataset of unprecedented size—over 360,000 offenders. We are now able to observe this cohort for as many as 8 years since commencement of supervision, and up to 5 years post supervision. We are now assembling the 2013 received cohort for inclusion in our study dataset, and results will be published later this calendar year. In place is the infrastructure that allows apples-to-apples comparisons of critical independently

³ *Arrest Rates and Offenses of Offenders on Federal Probation and Supervised Release* (Rhodes, Dyou, Kling, Hunt, Luallen, and Gaes) and *Post-Supervision Re-Arrest Rates of Offenders following Federal Probation and Supervised Release* (Rhodes, Dyou, Hunt, Kling, Subramanian, Luallen, and Gaes).

⁴ Baber, Laura. "Results-based Framework for Post-Conviction Supervision Recidivism Analysis." *Federal Probation* 74(3), 5-10, December 2010. Washington, DC: Administrative Office of the U.S. Courts.

⁵ Since the publication of the first article, refinements have been made to the methodology. Therefore, any differences in what is reported in this article are due to those methodological refinements.

observed outcomes over time and across the 94 federal probation offices. Further, probation staff receive annual reports of arrest and revocation rates for each year, and those statistics are placed in the context of national and circuit statistics.

In 2006, the AO contracted with Abt Associates to assist in the technical aspects of this effort. This article reports findings from work done under this contract, examining arrest and revocation rates of offenders under supervision for terms up to 60 months. Consistent with the federal system holding itself accountable for reducing recidivism beyond the period of supervision, this article also examines offender arrest rates for up to three years after a term of supervision was completed.

Study Methodology

The data presented in this article were assembled from federal supervision records from the Probation and Pretrial Services Automated Case Tracking System (PACTS), the internal case management database system of the AO's Probation and Pretrial Services Office, and also from other extant data sources. The study cohort includes 367,904 offenders serving either a term of probation or a term of supervised release (TSR) that commenced between October 1, 2004, and September 30, 2012. The cohort excludes offenders who are deported, serving sentence in another jurisdiction, or otherwise unavailable for supervision.

¹ *Guide to Judiciary Policy*, Volume 8, Part E, The Supervision of Federal Offenders (Monograph 109).

² Baber, Laura. "Results-based Framework for Post-Conviction Supervision Recidivism Analysis." *Federal Probation* 74(3), 5-10, December 2010. Washington, DC: Administrative Office of the U.S. Courts.

Defining Criminal Recidivism

Criminal recidivism, for the purpose of this study, is defined as the first arrest for a serious criminal offense during supervision and post supervision. States vary in how they report arrests for minor offenses, and this lack of consistency impacts arrest rates; therefore, only the more serious offenses were counted as recidivistic events. For the purpose of this study, it was necessary to make that classification. The following offenses were classified as less serious and are therefore excluded from the tabulations: traffic violations, obstruction of justice, liquor law violations, offenses against public peace, invasion of privacy, and prostitution. Exclusion of minor offenses does not materially understate arrest rates. When minor offenses are not included, arrest rates are 4 to 5 percentage points higher in the aggregate.

Offenders may have had multiple arrests during the study time period; however, only the first arrest was counted in this study. In addition, offenders may have had multiple arrests on the same day; in this case, the most serious charge was selected using the National Crime Information Center (NCIC) codes. The NCIC codes are in order of seriousness, and this ordering was used to select the most serious offense when there were multiple arrests on the same day.

Re-arrests During Supervision

This study examines the first arrest for a serious criminal offense for offenders within 3 months, 6 months, 12 months, 18 months, 24 months, 36 months, 48 months, and 60 months of commencing a term of supervision. In order to be included in the tabulations for each follow-up period, offenders had to be sentenced to a term of supervision for at least that time period before September 30, 2012.⁶ For example, offenders included in the 12-month arrest rates would have completed at least 12 months of supervision before September 30, 2012, according to supervision terms imposed by the courts, although they may have been on supervision for less than 12 months because of an arrest or revocation. Similarly, to be included in the 6-month rates, offenders would have had to have completed at least 6 months of supervision before September 30, 2012, except for the occurrence of an arrest or revocation, and so on. Arrests are cumulative over the follow-up periods. For example, if Offender A was sentenced to 12 months of federal supervision but was arrested after 6 months, Offender A's arrest is included in both the 6- and 12-month arrest statistics.

⁶ September 30 marks the end of the federal fiscal year, which begins on October 1.

Table 1 provides the number of probation and TSR offenders that entered into the analysis for each time period. As the table shows, at any time period, far more offenders serve terms of supervised release than terms of probation.

Although arrest rates and revocation rates appearing in Tables 4 through 7 (see Results section) are cumulative over time, Table 1 shows that the offenders entering into the underlying calculations differ across time. For example, when compiling a 12-month arrest rate, a total of 274,169 offenders enter into the calculations, but when compiling a 36-month arrest rate, 108,465 offenders enter into the calculations.

Re-arrests Post-Supervision

The federal probation system's mission to protect the community is achieved by maximizing offenders' success beyond their period of supervision. Within the context of the criminal justice mission, success means refraining from criminal activity. As a result, this study examined criminal recidivism following the successful completion of federal supervision (i.e., their term expired without a revocation or their supervision was terminated early) for one-, two-, and three-year follow-up periods.

At the time the data were assembled, 47 percent of the study cohort had successfully completed their supervision terms. Of those offenders who successfully completed supervision, the time available to recidivate ranged from less than one month to almost eight years. Only offenders for whom the study team could observe arrest outcomes for at least one year post-supervision (i.e., they completed supervision prior to June 15, 2012)⁷ were included in the analysis. To have arrest rates account for time at

⁷ We began conducting criminal history record checks on the study cohort on June 15, 2012, and thus made June 15 the cut-off date for post-supervision arrest analysis.

TABLE 1.

Number of Offenders in the Re-arrest During Supervision Statistics by Month

Months	Supervision Type		
	Probation	TSR	Total
3 mos.	66,775	271,920	338,695
6 mos.	63,191	260,052	323,243
12 mos.	46,665	227,504	274,169
18 mos.	37,313	201,576	238,889
24 mos.	27,808	166,028	193,836
36 mos.	15,572	92,893	108,465
48 mos.	5,317	26,427	31,744
60 mos.	945	5,586	6,531

Note: Numbers do not sum within columns because 60 months is a subset of 48 months, and 48 months is a subset of 36 months, etc.

risk to recidivate, re-arrest rates for one-, two-, and three-year follow-up periods are tabulated separately.

One-Year Post-Supervision Arrest Rate. Offenders included completed their term of supervision by June 15, 2012, and therefore have at least one year of post-supervision follow-up. Re-arrest rates are based on the first year of post-supervision follow-up. The study team was able to observe one-year outcomes for 120,054 offenders.

Two-Year Post-Supervision Arrest Rate. Offenders included completed their term of supervision by June 15, 2011, and therefore have at least two years of post-supervision follow-up. Re-arrest rates are based on the two years of post-supervision follow-up. Arrests are cumulative over the two years of follow-up. The study team was able to observe two-year outcomes for 89,546 offenders.

Three-Year Post-Supervision Arrest Rate. Offenders completed their term of supervision by June 15, 2010, and therefore have at least three years of post-supervision follow-up. Re-arrest rates are based on the three years of post-supervision follow-up. Arrests are cumulative over the three years of follow-up. The study team was able to observe three-year outcomes for 60,724 offenders.

Table 2 provides the number of probation and TSR offenders that entered into the post-supervision analysis for each follow-up year.

Defining Revocations

Offenders may be revoked during their supervision term for new criminal activity or for violating conditions of supervision, which we call "technical" violations. This article examines overall revocation rates (i.e., revocations for both new criminal activity and technical violations) and revocation rates separately for new crimes and technical

violations. Revocations for new crimes include all offenses regardless of seriousness.

Similar to tabulations on re-arrests during supervision, the revocation rates are provided for offenders within 3 months, 6 months, 12 months, 18 months, 24 months, 36 months, 48 months, and 60 months of commencing supervision. As with re-arrest rates during supervision, in order for offenders to be included in the revocation rates, offenders had to be sentenced to supervision for at least the length of the follow-up period before September 30, 2012. For example, to be in the 12-month revocation rates, offenders had to have been sentenced to at least 12 months of supervision before September 30, 2012.

Table 3 provides the number of probation and TSR offenders that entered into the

analysis for each of the eight time periods. These numbers are slightly different from the number of offenders included in the arrest tabulations and reflect slight differences in the selection rules for including offenders in each of the respective analyses.⁸

Findings

Recidivism during Supervision

Table 4 shows the distribution of re-arrests for each of the time periods for probationers and offenders on TSR. Overall, 5.2 percent of offenders were re-arrested for a serious

⁸ The arrest analyses only include major offenses whereas the revocation analyses include all offense conduct that resulted in revocation of supervision, regardless of seriousness.

offense within the first six months of their term of supervision. Because arrests are cumulative over the time periods, longer supervision terms will produce higher arrest rates. For example, 9.4 percent of offenders were re-arrested within 12 months; 20.8 percent were re-arrested within 36 months; and, 30.8 percent had a re-arrest within 60 months. As expected, TSR offenders have higher arrest rates than probationers for all time periods. For example, 32.4 percent of offenders on TSR were re-arrested within 60 months compared to only 21.2 percent of probationers.

Table 5 provides the distribution of re-arrest rates by each offense category for each of the time periods in the study. Overall, 30.8 percent of offenders were re-arrested within 60 months of starting their supervision term. Most of those re-arrests were for drug, violence, and property offenses. For example, 11.1 percent of the offenders were arrested for a drug offense, 7.9 percent had an arrest for a violent crime, and 6.8 percent committed a property offense. As supervision terms mature, drugs, violence, and property offenses account for a greater percentage of the offenses for which offenders are arrested. For example, within the first 3 months of commencing supervision, drugs, violence, and property offenses accounted for 68.9 percent of arrests for serious offenses, but increased to 83.5 percent of the total by 60 months (see Appendix A).

Tables 6 and 7 show re-arrest rates for offenders on TSR and probation, respectively, for each type of offense committed while under supervision. Not surprisingly, offenders serving terms of supervised release had higher recidivism rates for the majority of the serious offenses (e.g., drugs, violence, and firearms) than did offenders on probation. In part this is because offenders serving TSR have more extensive criminal histories and other characteristics that put them at elevated risk to recidivate compared with offenders on probation.

As Figure 1 shows, among offenders arrested for a serious crime during a term of supervision, those serving a term of supervised release were more frequently arrested for violent and drug-related offenses (26 percent and 30 percent, respectively) compared with offenders serving terms of probation (roughly 20 percent for violence and 21 percent for drug-related offenses).

Figure 2 displays the three-year re-arrest rate for serious offenses within RPI risk categories by the year in which the case was received for supervision. RPI scores were

TABLE 2.
Number of Offenders in the Re-arrest Post-Supervision Statistics by Year

Year	Supervision Type		
	Probation	TSR	Total
One Year	34,237	85,817	120,054
Two Years	27,011	62,535	89,546
Three Years	19,955	40,769	60,724

Note: Numbers do not sum across columns because 3 years is a subset of 2 years and 2 years is a subset of 1 year.

TABLE 3.
Number of Offenders in the Revocation Statistics by Month

Months	Supervision Type		
	Probation	TSR	Total
3 mos.	66,783	271,925	338,708
6 mos.	63,215	260,079	323,294
12 mos.	46,673	227,562	274,235
18 mos.	37,344	201,689	239,033
24 mos.	27,832	166,163	193,995
36 mos.	15,579	93,107	108,686
48 mos.	5,314	26,525	31,839
60 mos.	932	5,590	6,522

Note: Numbers do not sum within columns because 60 months is a subset of 48 months, and 48 months is a subset of 36 months, etc.

TABLE 4.
Arrest Rates for Serious Offenses During Supervision by Supervision Type

Supervision Type	Percent of Offenders with Arrest by Supervision Month							
	3 mos.	6 mos.	12 mos.	18 mos.	24 mos.	36 mos.	48 mos.	60 mos.
Probation	2.2%	3.7%	5.8%	7.8%	9.7%	13.2%	16.3%	21.2%
TSR	3.0%	5.6%	10.1%	13.6%	16.6%	22.0%	26.1%	32.4%
Total Pct.	2.8%	5.2%	9.4%	12.7%	15.6%	20.8%	24.5%	30.8%
Total Cases	338,695	323,243	274,169	238,889	193,836	108,465	31,744	6,531

Note: Numbers do not sum across columns because the 31% within 60 months reflects additional arrests from the 24% within 48 months, and the 24% within 48 months reflects additional arrests from the 21% within 36 months, etc.

collapsed into four risk categories—low, medium, high, and unknown—based on the corresponding RPI score.⁹ The low-risk category includes RPI scores of 0 to 2, scores between 3 and 6 make up the medium-risk

⁹ The RPI is an eight-question prediction instrument used by federal probation officers to estimate or predict the likelihood of an offender recidivating during his or her period of supervision. RPI scores range from 0 to 9; subsequently, low scores represent a low risk of recidivating and high scores are associated with a higher risk of recidivism. The Post Conviction Risk Assessment (PCRA) has since replaced the RPI as the prediction instrument that informs officers' case management. RPI scores are still calculated to maintain an historical basis.

category, and scores 7 to 9 represent the high-risk category. RPI Unknown represents cases in which no RPI score was recorded.¹⁰ As the figure shows, low-risk offenders were re-arrested less frequently than medium-risk offenders who were re-arrested less frequently than high-risk offenders, regardless of the year they started supervision. For example,

¹⁰ By policy, RPI scores are calculated during the development of an offender's case plan, which is developed within the first 60 days of supervision. If an offender's case is revoked prior to the development of the case plan, no RPI score is calculated. Another reason RPI scores are unknown is because they are not required for class B and C misdemeanor cases.

TABLE 5.
Arrest Rates for Serious Offenses During Supervision by Offense Category

Offense Category	Percent of Offenders with Arrest by Supervision Month							
	3 mos.	6 mos.	12 mos.	18 mos.	24 mos.	36 mos.	48 mos.	60 mos.
Drugs	0.7%	1.4%	2.6%	3.7%	4.7%	6.5%	8.4%	11.1%
Violence	0.6%	1.2%	2.3%	3.2%	4.0%	5.5%	6.5%	7.9%
Property	0.7%	1.4%	2.4%	3.2%	3.8%	4.9%	5.4%	6.8%
Unknown	0.2%	0.3%	0.5%	0.7%	0.8%	1.0%	1.1%	1.3%
Immigration	0.4%	0.5%	0.6%	0.7%	0.8%	0.8%	0.6%	0.7%
Escape/ Obstruction	0.1%	0.2%	0.3%	0.4%	0.4%	0.5%	0.5%	0.7%
Firearms	0.1%	0.1%	0.3%	0.4%	0.4%	0.6%	0.6%	0.9%
Sex Offense	0.0%	0.1%	0.1%	0.2%	0.2%	0.3%	0.4%	0.5%
Public Order	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%
Other	0.1%	0.1%	0.2%	0.3%	0.4%	0.6%	0.9%	0.9%
Total Pct.	2.8%	5.2%	9.4%	12.7%	15.6%	20.8%	24.5%	30.8%
Total Cases	338,695	323,243	274,169	238,889	193,836	108,465	31,744	6,531

TABLE 6.
Arrest Rates for Serious Offenses While On TSR by Offense Category

Offense Category	Percent of TSR Offenders with Arrest by Supervision Month							
	3 mos.	6 mos.	12 mos.	18 mos.	24 mos.	36 mos.	48 mos.	60 mos.
Drugs	0.7%	1.5%	2.9%	4.1%	5.1%	7.2%	9.5%	12.2%
Violence	0.7%	1.4%	2.6%	3.6%	4.4%	6.0%	7.2%	8.4%
Property	0.7%	1.4%	2.4%	3.2%	3.9%	4.9%	5.3%	6.7%
Unknown	0.2%	0.3%	0.5%	0.7%	0.8%	1.0%	1.1%	1.3%
Immigration	0.4%	0.5%	0.6%	0.7%	0.8%	0.8%	0.6%	0.6%
Escape/ Obstruction	0.1%	0.2%	0.3%	0.4%	0.5%	0.6%	0.6%	0.7%
Firearms	0.1%	0.2%	0.3%	0.4%	0.5%	0.6%	0.6%	1.0%
Sex Offense	0.0%	0.1%	0.1%	0.2%	0.2%	0.3%	0.4%	0.6%
Public Order	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%
Other	0.1%	0.1%	0.2%	0.3%	0.4%	0.6%	0.8%	0.9%
Total Pct.	3.0%	5.6%	10.1%	13.6%	16.6%	22.0%	26.1%	32.4%
Total Cases	271,920	260,052	227,504	201,576	166,028	92,893	26,427	5,586

8.9 percent of low-risk offenders received in FY 2009 were re-arrested within three years of starting supervision compared with 22.8 percent of medium-risk offenders and 37.8 percent of high-risk offenders. For the most part, with the exception of offenders with unknown RPI scores, the re-arrest rates have been remarkably stable across risk groups and time periods.

Post-Supervision Recidivism

Table 8 displays post-supervision re-arrest rates for the three follow-up periods. For those arrested after successfully completing their terms of supervision, 6.5 percent were arrested within the first year, 11.2 percent were arrested within two years, and 14.7 percent were arrested within three years. TSR and probation offenders each had similar patterns of arrest after successfully completing supervision and while under supervision. As Table 8 shows, TSR offenders were arrested more frequently after completing supervision than probationers at each follow-up period. Within three years of completing supervision, 16.6 percent of offenders who were on TSR were re-arrested compared to 10.7 percent of probationers.

Table 9 provides the distribution of re-arrest rates by each offense category for each of the three follow-up periods. As the table illustrates, drugs, violence, and property offenses comprise the majority of re-arrests. For example, of the 14.7 percent of offenders arrested within three years of completing supervision, 4.6 percent had an arrest for a drug offense, 4 percent had an arrest for a violent crime, and 3.7 percent were re-arrested for a property offense. Although re-arrest rates involving drugs, violence, and property offenses increased in each subsequent follow-up year, the distribution of those three offenses remained stable, as they consistently accounted for more than 84 percent of all re-arrest offenses (see Appendix B). Offenders who completed a term of supervision were re-arrested less frequently than offenders who were still on supervision for each of the comparable follow-up periods. For example, within three years of completing supervision, 14.7 percent of former offenders were re-arrested compared to 20.8 percent (see Table 5) of offenders re-arrested within three years of starting supervision.

Table 10 provides re-arrest rates by each offense category for each of the three years for TSR and probation. As shown in the table, offenders who completed terms of supervised release have higher overall recidivism rates for serious offenses than do offenders who

TABLE 7.
Arrest Rates for Serious Offenses While on Probation by Offense Category

Offense Category	Percent of Probationers with Arrest by Supervision Month							
	3 mos.	6 mos.	12 mos.	18 mos.	24 mos.	36 mos.	48 mos.	60 mos.
Drugs	0.5%	0.8%	1.2%	1.6%	1.9%	2.4%	3.0%	4.4%
Violence	0.4%	0.7%	1.1%	1.5%	1.8%	2.6%	3.3%	4.6%
Property	0.8%	1.3%	2.1%	2.8%	3.6%	5.1%	6.2%	7.2%
Unknown	0.1%	0.2%	0.3%	0.5%	0.6%	0.9%	1.2%	1.7%
Immigration	0.2%	0.3%	0.5%	0.6%	0.8%	0.9%	0.8%	1.1%
Escape/ Obstruction	0.0%	0.1%	0.1%	0.2%	0.2%	0.3%	0.4%	0.5%
Firearms	0.0%	0.1%	0.1%	0.1%	0.2%	0.2%	0.2%	0.3%
Sex Offense	0.0%	0.0%	0.1%	0.1%	0.1%	0.2%	0.3%	0.1%
Public Order	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.1%	0.1%	0.2%	0.3%	0.5%	0.6%	0.9%	1.3%
Total Pct.	2.2%	3.7%	5.8%	7.8%	9.7%	13.2%	16.3%	21.2%
Total Cases	66,775	63,191	46,665	37,313	27,808	15,572	5,317	945

FIGURE 1.
Percent of Re-arrests during Supervision by Offense Category for Probation and TSR Offenders

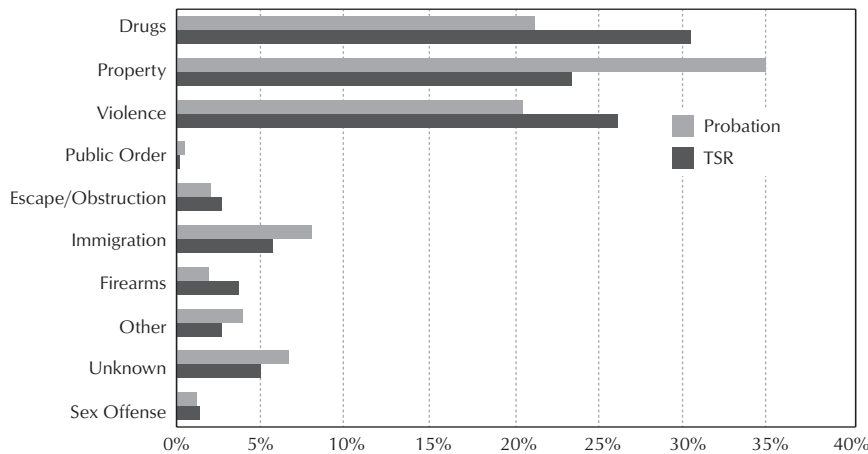
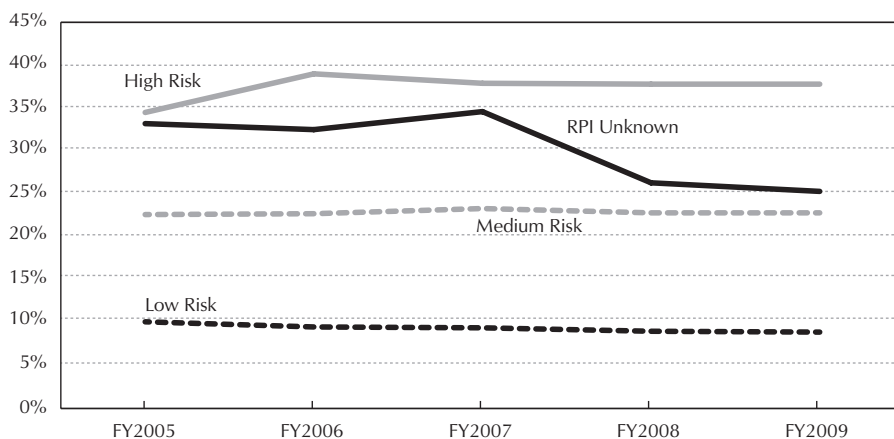


FIGURE 2.
Three-Year Re-Arrest Rate for Serious Offense within RPI Risk Group by Year Received



completed terms of probation. Moreover, they have higher re-arrest rates for the most serious offenses. Again, we would expect this given their more extensive criminal histories and other characteristics that put them at elevated risk to recidivate.

Figure 3 shows the percent of post-supervision arrests by offense category for probation and TSR offenders. Among offenders re-arrested for a serious offense, former probationers were arrested more frequently for property and violent offenses (28.5 percent and 27.6 percent, respectively) compared with former TSR offenders (23.4 percent for property and 26.5 percent for violence). Although the types of offenses offenders are arrested for remains relatively the same during and after supervision, the distribution of those offenses slightly shifts. Offenders arrested after completing supervision were re-arrested more frequently for drugs and violent offenses than offenders on supervision. For example, 34.6 percent of former TSR offenders were re-arrested for drugs compared with 30.3 percent of offenders re-arrested during supervision. For violent offenses, 27.6 percent of former probationers were re-arrested compared with 20.4 percent of offenders on supervision (refer to Figure 1 for offenders on supervision).

Figure 4 shows re-arrest rates for serious offenses within the first three years of completing supervision by RPI risk group and the year the case was received for supervision. As expected, low-risk offenders were re-arrested significantly less often than high-risk offenders for each fiscal year received. For example, 7.2 percent of low-risk offenders received in FY 2008 who completed supervision were re-arrested within three years compared to 41.7 percent of high-risk offenders. Re-arrest rates have been relatively stable for low-risk offenders, but have steadily increased for medium- and high-risk offenders. In FY 2005, 20.8 percent of medium-risk and 34.7 percent of high-risk offenders were re-arrested within three years of completing supervision; however, 24.8 percent of medium-risk and 41.7 percent of high-risk offenders received in FY 2008 were re-arrested within three years of completing their supervision term.

Overall Revocation Rates

Table 11 shows the distribution of overall revocations of supervision (i.e., revocations for both technical violations and new crimes) for each of the time periods for probationers and offenders on TSR. Few offenders were revoked within the first six months of supervision (less than four percent). However, within

another six months, revocation rates more than doubled, as nearly 9 percent of offenders were revoked within one year of supervision. Although revocation rates increased steadily across time periods, they began to level out around 36 months. Roughly 22 percent of offenders were revoked within 36 and 48 months, and 24 percent were revoked within 60 months. Similar to re-arrest rates, TSR offenders had higher revocation rates than probationers for all time periods.

Revocations for New Crimes and Technical Violations

Figure 5 displays revocation rates for new crimes and technical violations for each of the eight time periods. Caution, however, must be taken when interpreting statistical information concerning revocation rates, in particular technical violations. There are instances in which a revocation described as “technical” may mask the occurrence of new criminal behavior. For example, an offender who conspires and works with a former cellmate to distribute cocaine has committed both a new crime and a technical violation, specifically drug trafficking and association with a known felon. If the offender is revoked for the technical violation, the new crime will not be captured in the revocation statistics.¹¹ As the figure illustrates, more revocations were for technical violations, particularly within the first 24 months of supervision. For example, 9.4 percent of revocations within the first 24 months of supervision were for technical violations compared with 7.2 percent for new crimes. However, as supervision terms matured, in particular at 36 months and beyond, offenders were revoked more often for new crimes. Within 60 months of starting supervision, 14 percent of offenders were revoked for a new crime compared with 10 percent who were revoked for a technical violation. Though not depicted in Figure 5, this pattern, however, appears to be limited to TSR offenders, as probationers were more likely to be revoked for technical violations than for new crimes across time periods.

Figure 6 shows the revocation rates by offense type for offenders revoked for a new crime during the study period by supervision type. Similar to re-arrest rates during

TABLE 8.
Post-Supervision Re-Arrest Rates for Serious Offenses by Year for Probation and TSR Offenders

Supervision Type	Percent of Offenders with Arrest		
	One Year	Two Years	Three Years
Probation	4.4%	7.8%	10.7%
TSR	7.4%	12.7%	16.6%
Total Pct.	6.5%	11.2%	14.7%
Number of Terms	120,054	89,546	60,724

Note: Numbers do not sum across columns because the 14.7% within three years reflects additional arrests from the 11.2% within two years. Likewise, the 11.2% within two years reflects additional arrests from the 6.5% within one year.

TABLE 9.
Post-Supervision Re-Arrest Rates for Serious Offenses by Year and Offense Category

Offense Category	Percent of Offenders with Arrest		
	One Year	Two Years	Three Years
Drugs	2.1%	3.6%	4.6%
Violence	1.8%	3.1%	4.0%
Property	1.6%	2.8%	3.7%
Unknown	0.3%	0.5%	0.7%
Immigration	0.2%	0.3%	0.5%
Escape/Obstruction	0.1%	0.2%	0.2%
Firearms	0.1%	0.2%	0.3%
Sex Offense	0.1%	0.1%	0.2%
Public Order	0.0%	0.0%	0.0%
Other	0.2%	0.3%	0.4%
Total Pct.	6.5%	11.2%	14.7%

TABLE 10.
Post-Supervision Re-Arrest Rates for Serious Offenses by Year and Offense Category

Offense Category	Percent of Offenders with Arrest					
	TSR			Probation		
	1-Year	2-Years	3-Years	1-Year	2-Years	3-Years
Drugs	2.5%	4.3%	5.5%	1.2%	2.1%	2.9%
Violence	2.0%	3.5%	4.5%	1.3%	2.2%	3.0%
Property	1.7%	3.0%	4.1%	1.2%	2.2%	3.0%
Unknown	0.3%	0.6%	0.8%	0.2%	0.4%	0.6%
Immigration	0.2%	0.3%	0.5%	0.2%	0.4%	0.5%
Escape/Obstruction	0.1%	0.2%	0.3%	0.0%	0.1%	0.1%
Firearms	0.1%	0.3%	0.4%	0.1%	0.1%	0.2%
Sex Offense	0.1%	0.2%	0.2%	0.1%	0.1%	0.1%
Public Order	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.2%	0.4%	0.5%	0.1%	0.2%	0.3%
Total Pct.	7.4%	12.7%	16.6%	4.4%	7.8%	10.7%
Number of Terms	85,817	62,535	40,769	34,237	27,011	19,955

¹¹ Rowland, Matthew. “Too Many Going Back, Not Enough Getting Out? Supervision Violators, Probation Supervision, and Overcrowding in the Federal Bureau of Prisons.” *Federal Probation* 77(2), 3-16, September 2013. Washington, DC: Administrative Office of the U.S. Courts.

the period of supervision, offenders on TSR were more frequently revoked for drug and violent offenses (27 percent and 17.8 percent, respectively) compared with offenders on probation (19.9 percent for drugs and 12.8 percent for violent offenses). Revocations for new crimes include arrests for both minor and serious offenses.

When an offender is arrested for a new offense, his or her supervision may be revoked as a result. Consequently, the event may be counted in both re-arrest and revocation statistics; therefore, one cannot add the two categories together to calculate an overall recidivism rate. Figure 7 displays the three-year re-arrest and revocation rates for offenders by the fiscal year in which they were received for supervision. As the figure shows, re-arrest rates remained relatively stable over time. For example, roughly 20 percent of offenders received for supervision in FY 2005 were re-arrested within three years of commencing their term of supervision and 21 percent of the offenders received in FY 2009 were re-arrested within three years. With the exception of the received cohorts of FY 2006 and FY 2009, three-year revocation rates decreased each year from the previous year. For example, for FY 2007 cohorts, the three-year revocation rate decreased to 22 percent from 23.4 percent for FY 2006 cohorts.

Summary

The primary goal of federal supervision is to protect the public by minimizing offenders’ involvement in criminal activities during and after supervision. This article provides analyses for criminal recidivism (defined as the first arrest for a serious offense) during federal supervision and after the successful completion of supervision. The analyses show that a little more than 9 percent of offenders on supervision were re-arrested after the first year and on average about 5 percent were re-arrested per year after the first year—almost 16 percent within the second year, nearly 21 percent within three years, roughly 25 percent within four years, and about 31 percent within five years of commencing supervision. In terms of criminal activity after supervision, close to 7 percent of offenders who completed supervision were re-arrested within one year, about 11 percent were re-arrested within two years, and nearly 15 percent were

FIGURE 3.
Percent of Post-Supervision Re-arrests by Offense Category for Probation and TSR Offenders

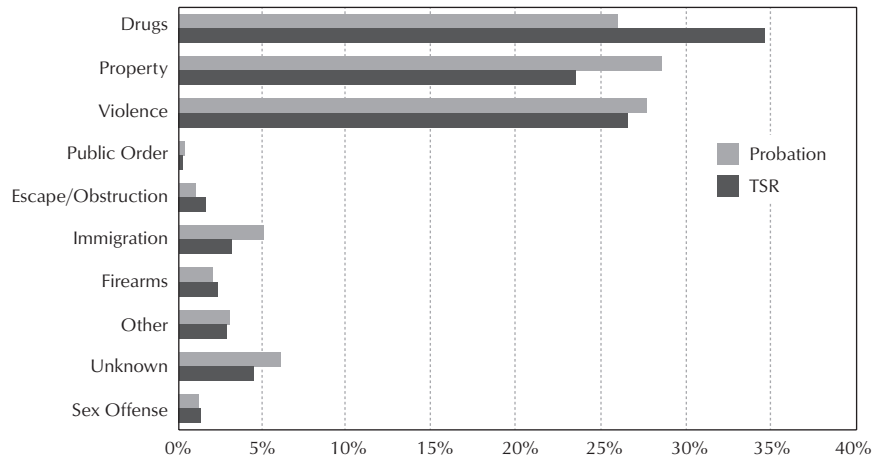


FIGURE 4.
Re-Arrest Rate for Serious Offense within 3 Years Post-Supervision by RPI Risk Group and Year Received

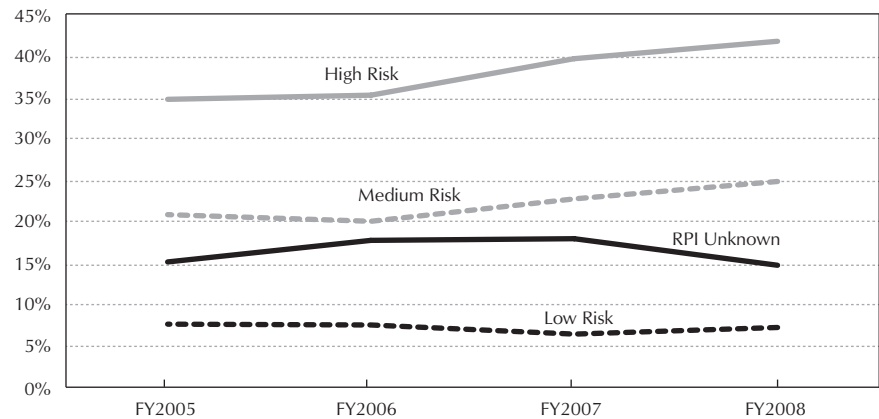


TABLE 11.
Overall Revocation Rates for Probation and TSR Offenders

Supervision Type	Percent of Offenders with Revocation by Month							
	3 mos.	6 mos.	12 mos.	18 mos.	24 mos.	36 mos.	48 mos.	60 mos.
Probation	0.7%	1.9%	4.0%	6.0%	7.9%	11.7%	15.2%	16.4%
TSR	1.1%	4.2%	9.6%	14.4%	18.1%	23.3%	23.7%	25.4%
Total Pct.	1.1%	3.8%	8.7%	13.1%	16.6%	21.6%	22.2%	24.1%
Number of Terms	338,708	323,294	274,235	239,033	193,995	108,686	31,839	6,522

Note: Numbers do not sum across columns because the 24% within 60 months reflects additional arrests from the 22% within 48 months, and the just over 22% within 48 months reflects additional arrests from the just under 22% within 36 months, etc.

re-arrested within three years of completing supervision. For both re-arrests during supervision and after supervision, the recidivistic events were most often for drug, violent, and property offenses. Not surprisingly, offenders in higher RPI risk groups were re-arrested more often than lower-risk offenders during and after supervision. High-risk offenders were re-arrested significantly more often than medium- and low-risk offenders for each fiscal year received. Though in the federal system the proportion of high-risk offenders is small (16 percent), they account for nearly 38 percent of new criminal conduct. These data underscore the risk principle of the Risk/Need/Responsivity model of community supervision; that is, the most intensive supervision services should be reserved for those offenders with the greatest risk of recidivating.

Another goal of federal supervision is to maximize successful supervision by limiting involvement in new criminal activity. Consequently, this article provides data on revocations for new criminal activity and technical violations of conditions of supervision. Very few offenders (less than 4 percent) had a revocation within the first 6 months of supervision, but at 12 months, revocation rates more than doubled to about 9 percent, and within 24 months the revocation rate was almost 17 percent. Within 36 months and beyond, the rate of increase for revocation rates began to level out, going from roughly 22 percent within 36 and 48 months to only 24 percent within 60 months. Similar to re-arrest rates, TSR offenders had higher revocation rates than probationers. Additionally, for TSR offenders, revocations early on in supervision were more often for technical violations. As supervision terms matured, however, TSR offenders were revoked slightly more often for new crimes—14 percent of offenders were revoked for a new crime, compared with only 10 percent revoked for a technical violation within 60 months. Not surprisingly, as with the re-arrest tabulations, most revocations for new crimes were for drugs, property, and violent offenses.

FIGURE 5.
Revocation Rates for Probation and TSR Offenders

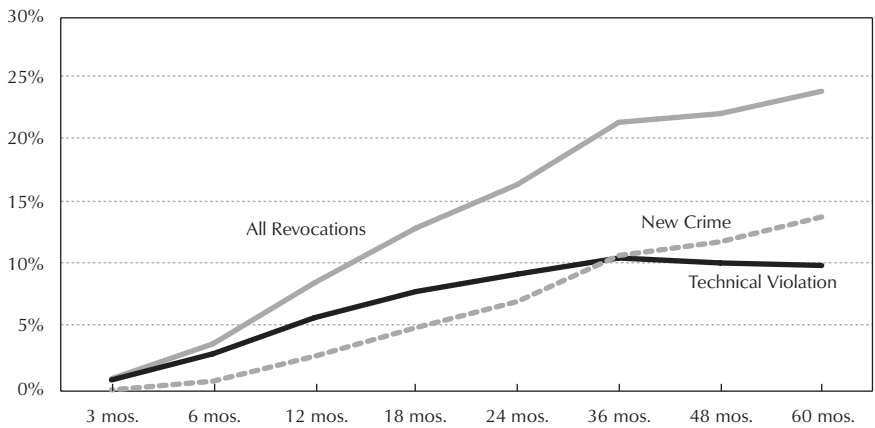


FIGURE 6.
Percent of Revocations for New Crimes by Offense Category for Probation and TSR Offenders

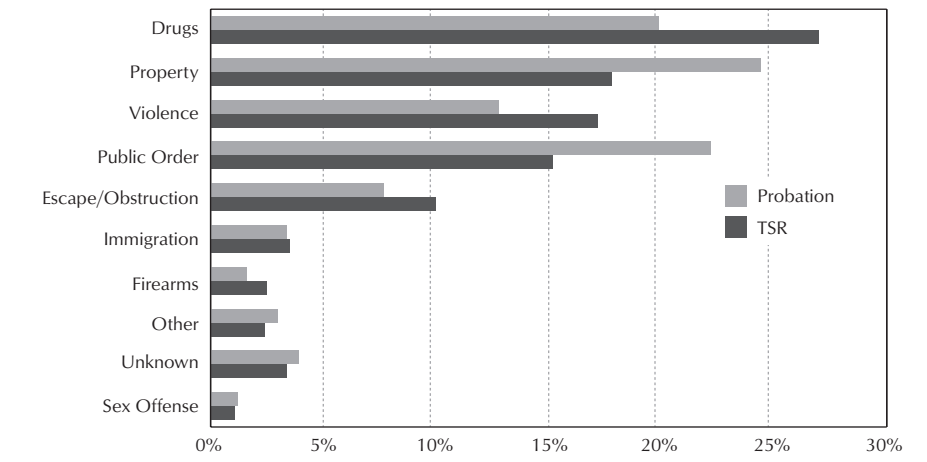
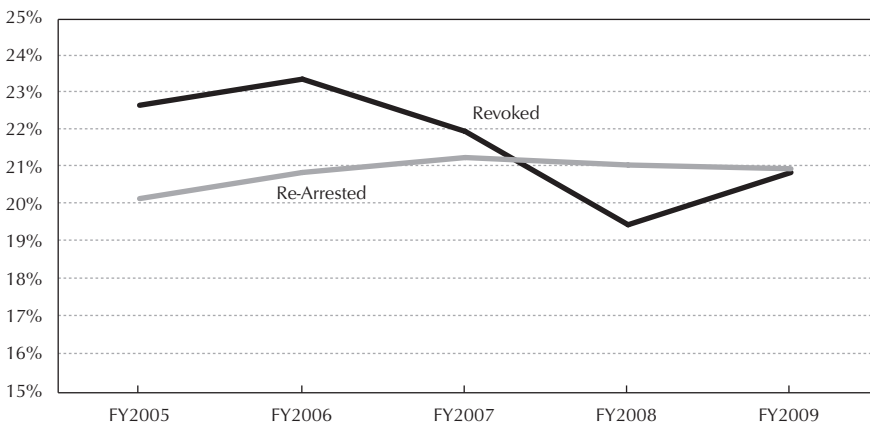


FIGURE 7.
Percent of Post-Supervision Re-arrests and Revocations by Year Received for Supervision



Appendices

APPENDIX TABLE A.

Offense Distribution of Arrests for Serious Offenses During Supervision

Offense Category	Percent of Offenders with Arrest by Supervision Month							
	3 mos.	6 mos.	12 mos.	18 mos.	24 mos.	36 mos.	48 mos.	60 mos.
Drugs	24.1%	26.4%	27.7%	28.9%	30.3%	31.4%	34.4%	35.9%
Violence	20.7%	22.6%	24.5%	25.0%	25.8%	26.6%	26.6%	25.6%
Property	24.1%	26.4%	25.5%	25.0%	24.5%	23.7%	22.1%	22.0%
Unknown	6.9%	5.7%	5.3%	5.5%	5.2%	4.8%	4.5%	4.2%
Immigration	13.8%	9.4%	6.4%	5.5%	5.2%	3.9%	2.5%	2.3%
Escape/ Obstruction	3.4%	3.8%	3.2%	3.1%	2.6%	2.4%	2.0%	2.3%
Firearms	3.4%	1.9%	3.2%	3.1%	2.6%	2.9%	2.5%	2.9%
Sex Offense	0.0%	1.9%	1.1%	1.6%	1.3%	1.4%	1.6%	1.6%
Public Order	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%
Other	3.4%	1.9%	2.1%	2.3%	2.6%	2.9%	3.7%	2.9%
Total Pct.	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total Cases	338,695	323,243	274,169	238,889	193,836	108,465	31,744	6,531

APPENDIX TABLE B.

Offense Distribution of Post-Supervision Arrest for Serious Offense by Year

Offense Category	Percent of Offenders with Arrest		
	One Year	Two Years	Three Years
Drugs	32.3%	32.4%	31.5%
Violence	27.7%	27.9%	27.4%
Property	24.6%	25.2%	25.3%
Unknown	4.6%	4.5%	4.8%
Immigration	3.1%	2.7%	3.4%
Escape/Obstruction	1.5%	1.8%	1.4%
Firearms	1.5%	1.8%	2.1%
Sex Offense	1.5%	0.9%	1.4%
Public Order	0.0%	0.0%	0.0%
Other	3.1%	2.7%	2.7%
Total Pct.	100.0%	100.0%	100.0%
Number of Terms	120,054	89,546	60,724

Pretrial Detention Choices and Federal Sentencing

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HOW JUDGES DECIDE cases has long been an issue of both academic and practical interest (e.g., Fitzmaurice & Pease, 1986; Hogarth, 1971; Myers & Talarico, 1987; Posner, 2008; Spohn, 2009a; Tonry, 1996; Ulmer, 1997). It is also a matter that has become increasingly important during the last 35 years, as many jurisdictions have dramatically increased their imprisonment rates (Austin & Irwin, 2012; Lynch, 2007), incurring burdensome economic and social costs (e.g., Clear, 2007; Frost & Clear, 2012; Western, 2006). The United States has the highest reported per capita rate of incarceration in the world (Walmsley, 2011), incarcerating its citizens at a rate 5 to 10 times that of other Western industrialized nations (Berman, 2009). Indeed, in 2009, the Pew Center on the States reported that 1 in 31 adult U.S. citizens was either incarcerated or under community supervision. Understanding how judges decide their cases may allow us to understand the drivers of mass incarceration and to thereby reduce the U.S. reliance upon prisons as a mechanism for social control.

A very substantial body of the research on how judges decide suggests that legal factors (e.g., severity of the offense and the offender's criminal history) are chiefly determinative in deciding whether an offender will be incarcerated and for how long (Gottfredson & Gottfredson, 1988; Klein et al., 1990; Kramer & Steffensmeier, 1993; Neubauer, 2002; Reitler et al., 2013; Spohn & Halleran, 2000). Nevertheless, other, so-called extralegal, factors also appear to influence sentencing

outcomes, including race (e.g., Mitchell, 2005; Steffensmeier & Demuth, 2000; Western, 2006), gender (e.g., Daly & Bordt, 1995; Doerner, 2012; Freiburger, 2011), and age (e.g., Doerner & Demuth, 2010; Steffensmeier & Motivans, 2000). These extralegal factors become even more influential when they act in combination than when they operate in isolation (Doerner & Demuth, 2010; Leiber & Fox, 2005; Steffensmeier et al., 1998; Wooldredge, 2012), such as harsher sentences for young, black males.

However, one factor that has received relatively little scholarly attention is the possible influence of pretrial detention on sentencing. Many researchers include pretrial detention in their analyses of sentencing, but it is usually included as a control variable and used in analyses of other legal or extralegal factors (Williams, 2003). Research focusing specifically upon the effects of release and detention on sentencing decisions is rare: Only a handful of such studies exist (see, e.g., Free, 2004; Philips, 2007, 2008, 2012; Reitler et al., 2013; Sacks & Ackerman, 2012; Tartaro & Sedelmaier, 2009; Williams, 2003).

More study is needed of the role of pretrial detention for shaping sentences in the U.S. federal courts and of related issues (e.g., Hagan et al., 1980; Reitler et al., 2013; Spohn, 2009b; Stith & Cabranes, 1998). The federal courts process an immense criminal docket. In 2011, a total of 91,938 defendants of the approximately 110,000 criminal defendants who moved through federal district courts were convicted and sentenced (Hogan, 2011, tbls.

D-1, D-5). Approximately 14 percent of those sentenced received non-custodial sentences (~2.5 percent were fined and ~11.3 percent were placed on probation), but approximately 86 percent were sentenced to federal prison, with an average sentence of 52.9 months (Hogan, 2011, tbl. D-5).

This article describes the effects of pretrial release and detention on sentencing decisions in the U.S. federal courts. It begins with a description of extant research on the sentencing consequences of pretrial detention, drawn mostly from city and state courts. The article then briefly outlines the establishment of the federal pretrial services system, describes the statute that governs detention decisions, and notes current trends in federal detention data. It also describes some current research on the sentencing consequences of pretrial detention and the revocation of pretrial services supervision. Finally, it discusses the implications of these findings for decision makers within the federal criminal justice system, noting that the choice to detain or release a defendant before trial can have reverberating consequences downstream.

Research on the Effects of Pretrial Detention

While there is not a great deal of research focusing particularly on the effects of pretrial release and detention on sentencing decisions, research on this topic is not altogether new. Fifty years ago, researchers with the Vera Foundation examined 3,000 cases of adult New York felony defendants and found

that defendants who were detained before trial were more likely to be convicted and incarcerated (Ares et al., 1963). Following up, they noted that other factors (e.g., prior record, bail amount, type of counsel, family integration, and employment stability) did not explain away the relationships between detention and conviction and incarceration, and concluded that “a causal relationship exists between detention and unfavorable disposition” (Rankin, 1964: 655). More recently, the New York City Criminal Justice Agency examined more than 50,000 cases from the New York metropolitan region and confirmed that pretrial detention is significantly and positively related to conviction, incarceration, and sentence length (Philips, 2012). The positive correlations between pretrial detention and increased conviction rates, increased likelihood of incarceration, and increased length of sentence exist for both felony cases (Philips, 2008) and non-felony cases (Philips, 2007). The New York City Criminal Justice Agency research seems to confirm the wry assessment of the subject by Sacks and Ackerman: “[P]retrial decisions determine mostly everything” (2012: 14).

Of course, the relationship between pretrial detention and unfavorable sentencing dispositions extends beyond New York. After analyzing 412 cases from Leon County, Florida, Williams concluded that “pretrial detention was a strong, significant predictor of both incarceration and length of sentence” (2003:313). Indeed, pretrial detention was the strongest predictor of incarceration in the model, even after controlling for legal (e.g., offense seriousness and criminal history) and extralegal variables (e.g., race, gender, and age). Similarly, Leiber and Fox (2005) reported a significant association between pretrial detention and sentencing dispositions. After controlling for a dozen other variables in a study of 1,800 Canadian cases, Kellough and Wortly (2002) reported that pretrial detention was the strongest predictor of guilty pleas. Other researchers have identified significant links between detention and increased rates of conviction (Cohen & Reaves, 2007; Hart & Reaves, 1999), detention and the increased probability of a prison sentence (Harrington & Spohn, 2007), and detention and increased sentence length (Tartaro & Sedelmaier, 2009; Willison, 1984), as well. While Goldkamp (1980) found little relationship between pretrial detention and conviction in his study of 8,000 cases from Philadelphia, he *did* find a strong relationship between detention and the likelihood of incarceration. Sacks and

Ackerman (2012), on the other hand, did not find evidence that pretrial detention affected the decision to incarcerate in their study of 975 New Jersey cases, but they *did* report an association between detention and increased sentence length.

There is a consensus within this body of research that pretrial detention is associated with negative effects on sentencing, but the precise causal mechanisms of these relationships remain unknown. Williams suggests that the explanation might be found in the released defendant's ability to demonstrate good behavior, writing, “[A] defendant who is out on bail has the ability to demonstrate to the sentencing judge that he or she is not a danger to the community” (2003: 314). Although the relationships between detention and unfavorable sentencing outcomes persist even when controlling for the nature of the offense, criminal history, and risk, Williams (2003) also notes that defendants are often detained before trial based on the same facts that drive sentencing decisions: serious and harmful crimes, lengthy criminal histories, and perceived risk of further offending. Defendants who are detained before trial are often indigent, and can neither afford privately-retained counsel nor post bail (Holmes et al., 1987). Many have prior convictions, lack employment and education, and suffer from deficits such as illiteracy, mental illness, physical disability, and drug and/or alcohol addiction (Petersilia, 2003; VanNostrand & Keebler 2009). Poor, marginalized, and vulnerable (Wacquant, 2009), such “rabble” (Irwin, 1985) may prove ill-equipped to contribute meaningfully to their own defense (Foote, 1954; Reitler et al., 2013), a problem exacerbated by the fact that attorneys spend less time with defendants who are detained before trial than with defendants who are released (Allan et al., 2005). The studies mentioned above, however, have not been conducted within the federal courts, with federal defendants and with federal judges. The federal criminal justice system is complex (Oleson, 2011). Sentencing decisions are made under obligations imposed by statute (i.e., 18 U.S.C. § 3551 et seq. and 28 U.S.C. §§ 991 to 998), now-advisory sentencing guidelines (e.g., *United States v. Booker*, 2005), and by controlling federal case law (e.g., *Gall v. United States*, 2007; *Kimbrough v. United States*, 2007; *Rita v. United States*, 2007). Given that kind of complexity, we wanted to examine the effects of pretrial detention on sentencing decisions in the U.S. federal courts.

Pretrial Services in the United States Federal Courts

The pretrial services system of the U.S. federal courts can be traced to the pioneering initiative of John Augustus (Panzarella, 2002) and the early Anglo-American reliance upon personal sureties, community custodians who assumed responsibility for ensuring the defendant's appearance at trial (Wanger, 1987). During the mid-nineteenth century, the system evolved from one that relied upon sureties to one dominated by commercial bail bondsmen (Freed & Wald, 1964). Under this system, in order to safeguard communities, “many judicial officers set financial conditions of release that exceeded the defendant's ability to pay, effectively ordering *sub rosa* pretrial detention” (Wanger, 1987, p. 324). To ameliorate such burdens, Congress passed the 1966 Bail Reform Act, establishing a presumption of release upon personal recognizance or execution of an unsecured security bond. Later, the Speedy Trial Act of 1974 created 10 demonstration pretrial services offices (Partridge, 1980), but the watershed moment for pretrial services supervision is customarily associated with passage of the Pretrial Services Act of 1982 (Byrne & Stowell, 2007; Cadigan, 2007). The 1982 Act established four principal goals: ensuring pretrial services investigations and reports for all defendants, reducing unnecessary detention, reducing crime and absconding while on bail, and reducing reliance on surety bonds (Cadigan, 2007). Today, the federal pretrial services system has offices in 93 of the 94 judicial districts (i.e., under 18 U.S.C. §3152 (a), the District of Columbia operates under a different system), but the federal criminal justice system of 2013 bears little resemblance to that of 1982, and the pretrial services system of today is very different from that of 30 years ago. Today, there are more federal crimes (Baker, 2008), more federal defendants (Hogan, 2011), more federal prisoners (La Vigne & Samuels, 2012), and more non-citizens (Lopez & Light, 2009; Scalia, 1996). In recent years, the federal pretrial services system has developed and implemented a program of risk assessment (Cadigan & Lowenkamp, 2011a; Lowenkamp & Whetzel, 2009) and it is increasingly evidence-based (Cadigan, 2009).

In the federal criminal justice system, decisions about pretrial detention and release are governed by the Constitution (the Eighth Amendment specifies that “excessive bail shall not be required”), by legal precedent (e.g., in *United States v. Salerno* [1987], the Supreme

Court held that detention under the Bail Reform Act does not constitute unconstitutional punishment), and by federal statute. Specifically, United States Code 18 U.S.C. § 3142(b) directs the presiding judicial officer to release the defendant upon personal recognizance or upon execution of an unsecured surety bond “unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.” If a personal recognizance or surety bond is insufficient to ensure appearance and safety, § 3142(c) (1)(B) directs the judicial officer to order the least restrictive further condition (or conditions) that will reasonably assure appearance and community safety, such as maintaining ongoing employment or education, avoiding all contact with the victim, or abiding by a curfew. Only if no condition or conditions will reasonably assure appearance and safety, is pretrial detention authorized under § 3142(e). Detention, however, is not as difficult to impose as it might initially seem. A number of offenses (e.g., some drug crimes, possession of a firearm in connection with crimes of drugs and violence, terrorism offenses, human trafficking, and many offenses involving child pornography or minor victims) carry a statutory presumption of detention (18 U.S.C. § 3142(e)(3)); the attorney for the government may seek detention for a variety of other offenses under § 3142(f); and either the government attorney or the judicial officer can move for detention when flight risk or obstruction of justice are serious concerns. In making determinations about pretrial release, § 3142(g) directs judicial officers to consider specific factors, including: (1) the nature and circumstances of the offense, (2) the weight of the evidence, (3) the history and characteristics of the person (e.g., “the person’s character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings”), and (4) the nature and seriousness of danger to any person or the community posed by the defendant’s release. Although 18 U.S.C. § 3142 indicates that federal defendants should not normally be detained before trial, rates of pretrial detention have actually increased over time (Byrne & Stowell, 2007; Cadigan, 2007; VanNostrand & Keebler, 2007) and now stand at 66.2 percent (Hogan 2011, tbl. H-14). After

excluding non-citizen immigration cases, the rate is still 53.4 percent (Hogan 2011, tbl. H-14A). This means that today, pretrial detention for federal defendants—U.S. citizens who enjoy the presumption of innocence under the law (Pennington, 2003)—is not the exception but the rule.

The § 3142(g) factors appear straightforward, but these seemingly straightforward decisions can have profound downstream consequences for federal defendants. Indeed, just as “a causal relationship exist[ed] between detention and unfavorable disposition” (Rankin, 1964: 655) in the New York courts, federal detention appears to exercise analogous negative effects on sentencing decisions. Using 2007 data obtained from the United States Sentencing Commission, Reitler and her colleagues (2013) examined the drivers of federal presentence detention and found that detention after conviction (but before sentencing) was most related to legal factors (e.g., length of criminal history, commission of a violent or otherwise serious offense, or commission of a crime while under criminal justice supervision) but that extralegal factors (e.g., race, ethnicity, and age) also influenced the decision to detain. More recently, looking specifically at the effects of pretrial detention and revocation of pretrial services supervision on sentencing, we conducted two different analyses. In the first, we analyzed 1,798 cases drawn from two federal districts (New Jersey and Pennsylvania Eastern) and, after controlling for a number of variables (including \$5K1.1 substantial assistance departures), found that being detained before trial—and, to a lesser degree, being revoked from pretrial services supervision—were associated with increased sentence length, while defendants who were released before trial and successfully completed their terms of pretrial services supervision appeared to receive shorter sentences (Oleson et al., 2013a). The effects of detention and revocation appeared to be dramatic: After controlling for other variables, a detained defendant who served 60 months in prison would serve only 36 months if released before trial; a defendant who completed pretrial services supervision and served 60 months in prison would serve 82 months in prison if supervision was revoked. In our second analysis (Oleson et al., 2013b), we followed all U.S. federal court defendants sentenced in fiscal year 2011 with a case-closure code of “execution of sentence” ($n = 94,229$) from indictment through to sentencing and found that being released before trial had a negative

(i.e., decreasing) effect on the likelihood of a prison sentence and on sentence length, while having pretrial services supervision revoked had a positive (increasing) effect on the likelihood of a prison sentence and on the length of sentence. In fact, the likelihood of going to prison was roughly double if a defendant had supervision revoked. Our finding that federal defendants who are detained before trial are more likely to go to federal prison and to serve longer sentences there, and our finding that revocation of pretrial services supervision has a similar, but less powerful, effect on sentencing break new ground in understanding the sentencing effects of pretrial detention in federal court. Our findings also have implications for the federal pretrial services system and for other decision makers throughout the federal criminal justice system.

Discussion

For a variety of reasons, a great deal of criminological research fails to lead to policy changes (Austin, 2003; Schmitt, 2013). Nevertheless, we believe that our findings should be of interest to actors throughout the federal criminal justice system: criminal defendants, prosecutors, federal defenders and panel attorneys, and judges, as well as probation and pretrial services officers, Bureau of Prisons staff, and other policy makers throughout government. This is nothing new. Twenty years ago, Judge Vincent Broderick warned:

Pretrial detention can create—and in many circumstances has created—crises of mammoth proportions, creating problems for every element of the criminal justice system: those charged with crime; defense counsel; pretrial services and probation officers; judges; prosecutors; marshals; and the Bureau of Prisons (1993, p. 5).

Matters of federal pretrial detention and release should interest all of these people because the effects of detention are like ripples that radiate outward from a central point where a stone has been thrown into a pool; in time, they will affect the whole of the federal criminal justice system, even those who are not immediately involved in detention decisions. Of course, most immediately, pretrial detention affects the detained defendant. Detention before trial is an obvious impediment to autonomy and freedom, but it also may impede the ability to contribute toward one’s defense (Williams, 2003). Furthermore, some research (e.g., Ares et al., 1963; Philips, 2012) indicates that pretrial

detention exerts an independent effect on the likelihood of conviction and—as found in our current research (Oleson et al., 2013a, 2013b)—the likelihood of imprisonment and increased sentence length. There may be consequences to pretrial detention that take effect even further downstream: Federal defendants who are detained before trial are twice as likely as released defendants to fail on post-conviction supervised release (Cadigan & Lowenkamp, 2011b).

The findings should be of pragmatic interest to federal prosecutors, defense counsel, and judges. Pretrial detention has created a number of logistical challenges for the federal judiciary, the U.S. Marshals Service, and the Federal Detention Trustee. Transferring pretrial defendants from detention facilities to their courthouse appearances requires a sophisticated system of management. This system is expensive. According to Fiscal Year 2012 data provided by the Administrative Office of the United States Courts, the U.S. Marshals Service, and the Office of Federal Detention Trustee, the daily cost of detaining a pretrial defendant in a federal facility ranged from a low of \$35.41 (in the Middle District of Alabama) to a high of \$163.35 (in the Eastern District of New York), with an adjusted average daily cost of detention while awaiting trial of \$72.67. In contrast, using current work measurement formulas, salary amounts for probation and pretrial services officers, law enforcement account obligations, and miscellaneous operating expenses, the daily cost of releasing the defendant under the supervision of a federal probation officer (as in the 71 districts where pretrial services functions are provided by the “combined” federal probation office) was \$9.17, and releasing the defendant under the supervision of a federal pretrial services officer (as in the 22 districts where pretrial services functions are provided by a separate pretrial services office) was \$7.24, for an average of \$8.21. Prosecutors, defense counsel, and judges should be interested in these findings, because every day of pretrial release saves the federal government \$64.82.

High rates of pretrial detention produce additional costs. High rates of detention mean that many defendants are held far from the courts in which they appear. In 1993, some 10% of the pretrial and presentence defendants appearing in the Southern and Eastern Districts of New York were detained outside the district, including several who were housed as far away as Tennessee and Texas (Broderick, 1993). Today, 15% of federal

detainees are housed more than 90 miles from the courts in which they appear (Office of Federal Detention Trustee, 2013), creating second-order costs for U.S. marshals who must manage strained resources and defense counsel who must meet with far-flung clients, and scheduling hardships for judges who must juggle busy courtroom calendars (Broderick, 1993). In 2013, the U.S. Marshals forecast a cost of \$1.6 billion for pretrial detention, much of which is paid to local jails on a per-day-per-inmate basis (U.S. Department of Justice, 2013). Reducing pretrial detention and revocation rates would help to alleviate some of this strain on the detention program of the U.S. Marshals Service.

Of course, judges and counselors should be interested in the findings for more philosophical reasons, as well. The promise of “equal justice under law” is emblazoned upon the west pediment of the United States Supreme Court building (Hennings, 1957), and it is an elegant ideal. But case processing statistics tell another story. After controlling for a range of legal (e.g., criminal history, nature of offense) and extralegal (e.g., race, ethnicity, and age) variables, it appears that federal defendants who are detained or who have their pretrial services supervision revoked are more likely to go to prison and to serve a longer sentence there. *Detention itself*, not a measured legal factor, increases this likelihood. Detention begets detention. Judges and counselors also may be familiar with the fundamental sentencing principle of restraint—the understanding that imprisonment is a severe deprivation and should be invoked with a grave sense of restraint (Ashworth, 2005; Roberts & Von Hirsch, 1999). Yet for defendants who are detained before trial, restraint is compromised: by virtue of detention, they are more likely to go to prison and to serve a longer sentence there; they also are twice as likely to fail on post-conviction supervised release and to be returned to prison (Cadigan & Lowenkamp, 2011b). While this is not the racial disparity that fuels so much of the fire in sentencing policy (e.g., Albonetti, 2011; Engen, 2011; Scott, 2011; Spohn, 2011; Ulmer et al., 2011; U.S. Sentencing Commission, 2010), systematic sentencing disparity of this kind should be of great interest to sentencing judges, the United States Sentencing Commission, the Judicial Conference of the United States, and other policymakers.

Given the sentencing effects of revocation of pretrial services supervision, our findings should interest pretrial services officers.

Although the effects of revocation of pretrial services supervision on incarceration and increased sentence length were only half as dramatic as the effects of pretrial detention, revocation also appears to exercise a significant relationship on sentencing decisions. Yet while the pretrial services officer's decision to revoke supervision may dramatically influence the ultimate sentencing outcome, there is great variation in revocation rates across districts that does not necessarily reflect differences in average risk levels as measured by the pretrial risk assessment (PTRA) tool used by officers in making pretrial release or detention recommendations (Oleson, 2013). There are also wider implications for the nature of pretrial services supervision. If pretrial services officers are to enhance supervision to reduce revocations, they may need to make use of evidence-based practices (Cadigan, 2009), ensuring that defendants who have greater criminogenic risks and needs receive high treatment dosages while those with relatively low risks and needs are not overprogrammed (Lowenkamp et al., 2006). This can be achieved, given that the highest-risk pretrial defendants can successfully complete pretrial release (i.e., appearing for court, not violating conditions, and incurring no new charges) (Lowenkamp & Whetzel, 2009). Defendants who score in the PTRA's category five have an 80 percent chance of successfully completing pretrial release (Lowenkamp & Whetzel, 2009).

The findings should interest Bureau of Prisons personnel, as well. To the extent that detention drives increased imprisonment rates and increased sentence length, the high pretrial detention rates of recent years may forecast increasing BOP populations. Federal defendants detained before trial are twice as likely as released defendants to fail on post-conviction supervised release (Cadigan & Lowenkamp, 2011b) and this group represents a substantial population. Between 8 percent and 15 percent of prisoners entering BOP custody each year are offenders who have had their supervised release revoked (Rowland, 2013). Increased numbers of defendants going to federal prisons, for longer periods of time, will exacerbate crowding in federal prisons (Government Accountability Office, 2012; Mallik-Kane et al., 2012; Rowland, 2013). The population of the federal Bureau of Prisons has increased tenfold since 1980—from 21,000 to 218,000 (La Vigne & Samuels, 2012), and this population is expected to grow by another 11,000 during the next two

years (Government Accountability Office, 2012). Of course, reciprocally, decreases in detention and revocation rates would signal future decreases in BOP populations (all other things being equal). Probation officers should be concerned about the findings for the same reasons. As prisoners emerge from BOP custody, they will serve terms of supervised release under 18 U.S.C. § 3583. These supervisees will present serious challenges for probation officers: As noted above, federal defendants who are detained before trial are more likely to fail on supervised release (Cadigan & Lowenkamp, 2011b).

Other policy makers should be concerned, as well. The principle of equal justice under law has both ideological (Griswold, 1976; Hennings, 1957) and—if the theory of procedural justice has merit—practical value (Sunshine & Tyler, 2003; Tyler, 2003), but the fiscal bottom line also matters. It currently costs between \$21,006 (minimum security) and \$33,930 (high security) per year to incarcerate a federal prisoner (La Vigne & Samuels, 2012), yielding an annual budget for the Bureau of Prisons of \$6.6 billion (Department of Justice, 2013). In contrast, it costs only \$3,433 per year to supervise a probationer in the community (La Vigne & Samuels, 2012). The financial burdens of mass incarceration are paralleled by very real social costs, affecting individuals, families, and communities (Clear, 2007; Frost & Clear, 2012; Western, 2006). Federal policy makers may seek to alleviate these fiscal and human costs by establishing programs that reduce rates of federal detention and revocation, thereby mitigating the downstream consequences on prisons and the federal criminal justice system.

Conclusion

Fifty years of research suggests that “a causal relationship exists between detention and unfavorable [sentencing] disposition” (Rankin, 1964: 655). This relationship appears to hold true in the federal pretrial services system as well (Oleson et al., 2013a, 2013b), and while the effects of revocation are not as pernicious as those of detention, the revocation of pretrial services supervision also appears to lead to an increased likelihood of prison and a longer sentence (Oleson et al., 2013b). In making detention decisions under 18 U.S.C. § 3142, federal judges and pretrial services officers should be aware of the linkages between pretrial detention, release, conviction, incarceration, sentence length, and success or failure on supervised

release. Fortunately, researchers already know something about the factors that appear to lead to failure on federal pretrial services supervision (Bechtel et al., 2011). We hope that the establishment and dissemination of a federal pretrial risk assessment instrument (Cadigan & Lowenkamp, 2011a; Lowenkamp & Whetzel, 2009) will permit pretrial services officers and judges to make more informed release decisions.

References

- Albonetti, C. E. (2011). Judicial discretion in federal sentencing: An intersection of policy priorities and law. *Criminology & Public Policy*, 10(4): 1151-1155.
- Allan, A., Allan, M., Giles, M., Drake, D., & Froyland, I. (2005). An observational study of bail decision-making. *Psychiatry, Psychology, and Law*, 12, 319-333.
- Ares, C., Rankin, A., & Sturz, H. (1963). The Manhattan bail project: An interim report on the pre-trial use of pre-trial parole. *New York University Law Review*, 38, 67-95.
- Ashworth, A. (2005). *Sentencing and criminal justice* (5th ed.). New York, NY: Cambridge University Press.
- Austin, J. (2003). Why criminology is irrelevant. *Criminology & Public Policy*, 2(3): 557-564.
- Austin, J., & Irwin, J. (2012). *It's about time: America's imprisonment binge* (4th ed.). Belmont, CA: Wadsworth.
- Baker, J. S., Jr. (2008). *Revisiting the explosive growth of federal crimes* (legal memorandum no. 26). Washington, DC: The Heritage Foundation.
- Bechtel, K., Lowenkamp, C. T., & Holsinger, A. (2011). Identifying the predictors of pretrial failure: A meta-analysis. *Federal Probation*, 75 (2), 78-87.
- Berman, D.A. (2009). The enduring (and again timely) wisdom of the original MPC sentencing provisions. *Florida Law Review*, 61: 709-725.
- Broderick, V. L. (1993). Pretrial detention in the criminal justice process. *Federal Probation*, 57(1), 4-8.
- Byrne, J. & Stowell, J. (2007). The impact of the Federal Pretrial Services Act of 1982 on the release, supervision, and detention of pretrial defendants. *Federal Probation*, 71 (2), 31-38.
- Cadigan, T. P. (2007). Pretrial services in the federal system: Impact of the Pretrial Services Act of 1982. *Federal Probation*, 71 (2), 10-15.
- Cadigan, T. P. (2009). Implementing evidence-based practices in federal pretrial services. *Federal Probation*, 73 (3), 30-32.
- Cadigan, T. P., & Lowenkamp, C. T. (2011a). Implementing risk assessment in the federal pretrial services system. *Federal Probation*, 75 (2), 30-34.

- Cadigan, T. P., & Lowenkamp, C. T. (2011b). Preentry: The key to long-term criminal justice success? *Federal Probation*, 75 (2), 74-77.
- Clear, T. R. (2007). *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*. New York, NY: Oxford University Press.
- Cohen, T. H., & Reaves, B. A. (2007). *State court processing statistics, 1990-2004: Pretrial release of felony defendants in state courts*. Washington, DC: U.S. Department of Justice.
- Daly, K., & Bordt, R. (1995). Sex effects and sentencing: A review of the statistical literature. *Justice Quarterly*, 12, 143-177.
- Doerner, J. K. (2012). Gender disparities in sentencing departures: An examination of U.S. federal courts. *Women & Criminal Justice*, 22 (3), 176-205.
- Doerner, J. K., & Demuth, S. (2010). The independent and joint effects of race/ethnicity, gender, and age on sentencing outcomes in U.S. Federal Courts. *Justice Quarterly*, 27 (1), 1-27.
- Engen, R. (2011). Racial disparity in the wake of Booker/Fanfan: Making sense of “messy” results and other challenges for sentencing research. *Criminology & Public Policy*, 10(4): 1139-1149.
- Fitzmaurice, C., & Pease, K. (1986). *The psychology of judicial sentencing*. Manchester, UK: Manchester University Press.
- Foote, C. (1954). Compelling appearance in court: Administration of bail in Philadelphia. *University of Pennsylvania Law Review*, 102, 1031-1079.
- Free, M. D., Jr. (2004). Bail and pretrial release decisions. *Journal of Ethnicity in Criminal Justice*, 2 (4), 23-44.
- Freed, D. J., & Wald, P. M. (1964). *Bail in the United States*. Washington, DC: Vera Institute.
- Freiburger, T. L. (2011). The impact of gender, offense type, and familial role on the decision to incarcerate. *Social Justice Research*, 24, 143-167.
- Frost, N. A., & Clear, T. R. (2012). New directions in correctional research. *Justice Quarterly*, 29 (5), 619-649.
- Goldkamp, J. (1980). The effects of detention on judicial decisions: A closer look. *Justice System Journal*, 5, 234-257.
- Gottfredson, M. R., & Gottfredson, D. M. (1988). *Decision-making in criminal justice: Toward the rational exercise of discretion*. New York, NY: Plenum.
- Government Accountability Office. (2012). *Bureau of Prisons: Growing inmate crowding negatively affects inmates, staff, and infrastructure* (GAO12-743). Washington, DC: Government Accountability Office.

- Griswold, E.N. (1976). Equal justice under law. *Washington and Lee Law Review*, 33(4), 813-840.
- Hagan, J., Nagel, I. H., & Albonetti, C. (1980). The differential sentencing of white-collar offenders in ten federal district courts. *American Sociological Review*, 45 (5), 802-820.
- Harrington, M. P., & Spohn, C. (2007). Defining sentence type: Further evidence against use of the total incarceration variable. *Journal of Research in Crime and Delinquency*, 44, 36-63.
- Hart, T., & Reaves, B. (1999). *Felony defendants in large urban counties, 1996*. Washington, DC: Bureau of Justice Statistics.
- Hennings, T.C. Jr. (1957). Equal justice under law. *Georgetown Law Journal*, 47, 1-20.
- Hogan, T. (2011). *2011 Annual Report of the Director: Judicial business of the United States Courts*. Washington, DC: Administrative Office of the U.S. Courts.
- Hogarth, J. (1971). *Sentencing as a human process*. Buffalo, NY: University of Toronto Press.
- Holmes, M., Daudistel, H., & Farrell, R. (1987). Determinants for charge reductions and final dispositions in cases of burglary and robbery. *Journal of Research in Crime and Delinquency*, 24, 233-254.
- Irwin, J. (1985). *The jail: Managing the underclass in American society*. Berkeley, CA: University of California Press.
- Kellough, G., & Wortley, S. (2002). Remand for plea: Bail decisions and plea bargaining as commensurate decisions. *British Journal of Criminology*, 42, 186-210.
- Klein, S., Petersilia, J., & Turner, S. (1990). Race and imprisonment decisions in California. *Science*, 247, 812-816.
- Kramer, J., & Steffensmeier, D. (1993). Race and imprisonment decisions. *Sociological Quarterly*, 34, 357-376.
- La Vigne, N., & Samuels, J. (2012). *The growth & increasing cost of the federal prison system: Drivers and potential solutions*. Washington, DC: Urban Institute.
- Leiber, M. J., & Fox, K. C. (2005). Race and the impact of detention on juvenile justice decision making. *Crime & Delinquency*, 51(4), 470-97.
- Lopez, M. H., & Light, M. T. (2009). *A rising share: Hispanics and federal crime*. Washington, DC: Pew Research Center.
- Lowenkamp, C. T., Latessa, E. J., & Holsinger, A. M. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime & Delinquency*, 52, 77-93.
- Lowenkamp, C. T., & Whetzel, J. (2009). The development of an actuarial risk assessment instrument for U.S. Pretrial Services. *Federal Probation*, 73(3), 33-36.
- Lynch, M. J. (2007). *Big prisons, big dreams*. New Brunswick, NJ: Rutgers University Press.
- Mallik-Kane, K., Parthasarathy, B., & Adams, W. (2012). *Examining growth in the federal prison population, 1998-2010*. Washington, DC: Urban Institute.
- Mitchell, O. (2005). A meta-analysis of race and sentencing research: Explaining the inconsistencies. *Journal of Quantitative Criminology*, 21(4), 439-466.
- Myers, M. A., & Talarico, S. M. (1987). *The social contexts of criminal sentencing*. New York, NY: Springer-Verlag.
- Neubauer, D. W. (2002). *America's courts and the criminal justice system*. Belmont, CA: Wadsworth.
- Office of Federal Detention Trustee. (2013). *District detention committee worksite* <https://ows.usdoj.gov/DDCWS/> (accessed April 9).
- Oleson, J.C. (2011). Blowing out all the candles: Some thoughts on the twenty-fifth anniversary of the Sentencing Reform Act of 1984. *University of Richmond Law Review*, 45(2): 693-763.
- Oleson, J.C. (2013). Federal criminal justice and the structural limits of transformation. Forthcoming in *Justice System Journal*, on file with corresponding author.
- Oleson, J.C., Lowenkamp, C.T., Cadigan, T.P., VanNostrand, M., & Wooldredge, J. (2013a). The effect of pretrial success (and failure) on sentencing outcomes in two federal districts. Unpublished manuscript, under review, on file with corresponding author.
- Oleson, J.C., Lowenkamp, C.T., Cadigan, T.P., VanNostrand, M., & Wooldredge, J. (2013b). The sentencing consequences of federal pretrial detention. Unpublished manuscript, under review, on file with corresponding author.
- Panzarella, R. (2002). Theory and practice of probation on bail in the report of John Augustus. *Federal Probation*, 66(3), 38-42.
- Partridge, A.J. (1980). *Legislative history of Title I of the Speedy Trial Act of 1974*. Washington, DC: Federal Judicial Center.
- Pennington, K. (2003). Innocent until proven guilty: The origins of a legal maxim. *Jurist*, 63, 106-124.
- Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. New York, NY: Oxford University Press.
- Pew Center on the States. 2009. *One in 31: The long reach of American corrections*. Washington, DC: Pew Charitable Trusts.
- Philips, M. T. (2007). *Pretrial detention and case outcomes, part 1: Nonfelony cases*. New York, NY: New York City Criminal Justice Agency, Inc.
- Philips, M. T. (2008). *Pretrial detention and case outcomes, part 2: Felony cases*. New York, NY: New York City Criminal Justice Agency, Inc.
- Philips, M. T. (2012). *A decade of bail research in New York City*. New York, NY: New York City Criminal Justice Agency, Inc.
- Posner, R. A. (2008). *How judges think*. Cambridge, MA: Harvard University Press.
- Rankin, A. (1964). The effect of pretrial detention. *New York University Law Review*, 39, 641-655.
- Reitler, A.K., Sullivan, C.J., & Frank, J. (2013). The effects of legal and extralegal factors on detention decisions in US district courts. *Justice Quarterly*, 30(2): 340-368.
- Roberts, J.V. & Von Hirsch, A. (1999). Legislating the purpose and principles of sentencing. In J.V. Roberts & D. Cole (eds.), *Making sense of sentencing* (pp. 48-62). Buffalo, NY: University of Toronto Press.
- Rowland, M.G. (2013). Too many going back, not enough getting out? Supervision violators, probation supervision, and overcrowding in the Federal Bureau of Prisons. *Federal Probation*, 77(2), 3-16.
- Sacks, M., & Ackerman, A. R. (2012). Bail and sentencing: Does pretrial detention lead to harsher punishment? *Criminal Justice Policy Review*, OnlineFirst.
- Scalia, J. (1996). *Noncitizens in the federal criminal justice system, 1984-1994*. Washington, DC: U.S. Department of Justice.
- Schmitt, G.R. (2013). The intersection of social science research and federal policy making: Is anyone listening? *Justice Quarterly*, 30(2): 304-309.
- Scott, R. W. (2011). Race disparity under advisory guidelines: Dueling assessments and potential responses. *Criminology & Public Policy*, 10(4): 1129-1138.
- Spohn, C. (2009a). *How do judges decide? The search for fairness and justice in punishment* (2nd ed.). Thousand Oaks, CA: SAGE.
- Spohn, C. (2009b). Race, sex, and pretrial detention in federal court: Indirect effects and cumulative disadvantage. *University of Kansas Law Review*, 879-901.
- Spohn, C. (2011). Unwarranted disparity in the wake of *Booker/Fanfan*: Implications for research and policy. *Criminology & Public Policy*, 10(4): 1119-1127.
- Spohn, C., & Halleran, D. (2000). The imprisonment penalty paid by young, unemployed black and Hispanic male offenders. *Criminology*, 38, 281-306.
- Steffensmeier, D., & Demuth, S. (2000). Ethnicity and sentencing outcomes in U.S. federal courts: Who is punished more harshly? *American Sociological Review*, 65, 705-729.
- Steffensmeier, D., & Motivans, M. (2000). Older men and older women in the arms of criminal law: Offending patterns and sentencing outcomes. *Journal of Gerontology*, 55, 141-151.
- Steffensmeier, D., Ulmer, J. T., & Kramer, J. H. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36, 763-797.

- Stith, K., & Cabranes, J. A. (1998). *Fear of judging: Sentencing guidelines in the federal courts*. Chicago, IL: University of Chicago Press.
- Sunshine, J., & Tyler, T.R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*, 37(3): 513-548.
- Tartaro, C., & Sedelmaier, C. M. (2009). A tale of two counties: The impact of pretrial release, race, and ethnicity upon sentencing decisions. *Criminal Justice Studies*, 22(2), 203-221.
- Tonry, M. (1996). *Sentencing matters*. New York, NY: Oxford University Press.
- Tyler, T.R. (2003). Procedural justice, legitimacy, and the effective rule of law. *Crime and Justice*: 283-357.
- Ulmer, J. T. (1997). *Social worlds of sentencing*. Albany, NY: State University of New York Press.
- Ulmer, J.T., Light, M.T., & Kramer, J.H. (2011). Racial disparity in the wake of the *Booker/Fanfan* decision. *Criminology & Public Policy*, 10(4): 1077-1118.
- U.S. Department of Justice. (2013). Department of Justice 2013 Budget. <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/justice.pdf> (accessed April 9).
- U.S. Sentencing Commission (2010). *Demographic differences in federal sentencing practices: An update of the Booker report's multivariate regression analysis*. Washington, DC: United States Sentencing Commission.
- VanNostrand, M., & Keebler, G. (2007). Our journey toward pretrial justice. *Federal Probation*, 71(2), 20-25.
- VanNostrand, M., & Keebler, G. (2009). Pretrial risk assessment in the federal court. *Federal Probation*, 73(2), 3-29.
- Wacquant, L. (2009). *Prisons of poverty*. Minneapolis, MN: University of Minneapolis Press.
- Walmsley, R. (2011). *World prison population list* (9th ed.). Essex: International Centre for Prison Studies.
- Wanger, B. K. (1987). Limiting preventive detention through conditional release: The unfulfilled promise of the 1982 Pretrial Services Act. *Yale Law Journal*, 97, 320-340.
- Western, B. (2006). *Punishment and inequality in America*. New York, NY: Russell Sage.
- Williams, M. R. (2003). The effect of pretrial detention on imprisonment decisions. *Criminal Justice Review*, 28(2), 299-316.
- Willison, D. (1984). The effects of counsel on the severity of criminal sentences: A statistical assessment. *The Justice Journal*, 9, 87-101.
- Wooldredge, J. (2012). Distinguishing race effects on pre-trial release and sentencing decisions. *Justice Quarterly*, 29(1), 41-75.

Cases Cited

- Gall v. United States, 552 U.S. 38 (2007)
- Kimbrough v. United States, 552 U.S. 85 (2007)
- Rita v. United States, 551 U.S. 338 (2007)
- United States v. Booker, 543 U.S. 220 (2005)
- United States v. Salerno, 481 U.S. 739 (1987)

Location Monitoring for Low-Risk Inmates—A Cost-Effective and Evidence-Based Reentry Strategy

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COMMUNITY CORRECTIONS' CENTRAL focus during the past decade has been the adoption of evidence-based practices. Federal community corrections has been no exception to this trend. Promising research has renewed interest in the possibility of reduced recidivism through offender behavior change. Simultaneously, at the local, state, and federal level, decision-makers have realized that seemingly ever-growing inmate populations and budgetary pressures have become unsustainable. Thus the possibility of reducing recidivism and costs by shifting resources away from incarceration to community-based correctional solutions has prompted innovation. It is in this environment that the federal location monitoring program has recently been re-conceptualized.

Central to evidence-based practice in corrections are the principles of risk, need, and responsivity. As articulated by Andrews and Bonta,¹ the first of these, the risk principle, posits that we should focus our interventions on higher-risk offenders, who are the most likely to realize a reduction in recidivism. The risk principle further emphasizes that exposing lower-risk offenders to unneeded interventions can actually make them more likely to recidivate, both through exposing them to higher-risk peers and by attenuating pro-social ties. The risk principle underlies the need to differentiate any correctional population by risk level. The Bureau of Prisons (BOP) has done that for decades, specifically relying on its Security and Designation instrument, an actuarial risk prediction tool

that informs initial designation and ongoing re-assessment of the security risk posed by each of the BOP's 215,000 inmates. Currently, the BOP identifies 17.4 percent of its 215,000 inmates as posing a minimum security risk. Nearly 40 percent of inmates are designated as "low" risk.² According to the federal probation system's risk assessment tool, the Post Conviction Risk Assessment (PCRA), approximately 40 percent of federal offenders are at low risk to recidivate.

Background

Use of home confinement with federal offenders was introduced in 1986, when the United States Parole Commission and the Administrative Office of the U.S. Courts (AO) experimented with the "Curfew Parole Program." Driven by deficit reduction legislation, the program relied on officers conducting curfew telephone calls and having weekly in-person contacts. The ability of officers to adequately monitor offenders became a concern. In a 1988 pilot study between the BOP and the AO, the first offender was released on curfew parole with electronic monitoring. In 1989, the federal Judicial Conference Committee on Criminal Law expanded the program to 12 districts and also authorized electronic monitoring for federal offenders on supervised release and pretrial defendants. The program expanded nationally in 1991. The first national contract for services was

awarded in 1993 (*Guide to Judiciary Policy*, Vol. 8; Part F; Sec. 150; hereafter, *Guide*).

Over time, the breadth of technologies for monitoring offenders remotely greatly expanded, including the ability to track offenders beyond just determining if they were inside their residence. In 2009, the home confinement program was renamed the location monitoring program to reflect the full array of technologies available in the program.³ The program now provides officers with greater options for mitigating offender risks, providing supervision structure, and detecting various patterns of behavior. The variety of technologies helps officers better allocate their resources, avoiding over-supervising low-risk offenders or under-supervising higher-risk offenders (*Guide*, Vol. 8; Part F, Sec. 160).

There are many misconceptions about what location monitoring can and cannot do. The technology does not allow officers to intercept bad behavior before it happens. It does, however, provide a wealth of information about patterns of behavior that can be used to address offenders' accountability and improve supervision (*Guide*, Vol. 8; Part F, Sec. 415). Location monitoring should be viewed as an opportunity to remove and limit opportunities

¹ Andrews, D., & Bonta, J. (2010). *The psychology of criminal conduct*, 5th ed. New Providence, NJ: Anderson Publishing.

² According to the BOP website February 27, 2014, the inmate population is 215,482, of whom 36,134 (17.4 percent) are designated as at a "minimum" security level. Additionally, 82,550, or 39.8 percent, are rated at a "low" security level.

³ Current technologies include automated voice verification systems, for low-risk offenders; radio frequency systems that confirm an offender's presence at an authorized location; passive global positioning systems that record offenders' locations and later download tracking data; and active global positioning systems that provide continuous tracking and allow for inclusion and exclusion zones. Additional systems have the ability to remotely monitor an offender's alcohol use, either through breath samples or through transdermal collection.

for offenders to engage in maladaptive behavior while simultaneously providing the officer with an opportunity to focus on teaching proven success-building skills. For example, location monitoring can be used to provide a period of containment to limit an offender's access to high-risk people, places, and things. It can also be used to gather information that can aid an officer in giving positive reinforcement when an offender adheres to a specified schedule or a pattern of travel (*Guide*, Vol. 8; Part F. Sec. 563). As of May 2014, there were approximately 6,500 federal offenders and defendants on location monitoring.

The authority to use location monitoring for BOP inmates is found under Title 18 U.S.C. 3603(6) and 3624 (c)(3).⁴ Location monitoring does not change offender behavior; in the context of BOP inmates, it simply allows them to complete the term of imprisonment imposed by the sentencing court. Before the interagency requirement was revised in 2010, BOP policy precluded participation unless an inmate had twice been refused housing in a contracted residential reentry center. These were typically very high-risk inmates. Not surprisingly, few probation offices were inclined to accept these referrals when they were already rejected by semi-custodial Residential Reentry Centers (RRCs).

Over time, increasing population pressures and the mounting research supporting the risk principle prompted a reassessment of the program. The BOP population increased from approximately 25,000 inmates in 1989 to 215,000 as of 2014. The costs of confinement have been equally staggering. BOP funding continues to consume an increasing percentage of overall DOJ funding, a reality that has become a foremost concern for the Attorney General and has contributed to the Attorney General's recent Smart on Crime initiative.

Revised Interagency Agreement

In 2010, BOP and AOUSC officials began discussing how closer collaboration could be informed by evidence-based practices, specifically the risk principle, and also save money. Allowing minimum-risk inmates to release directly to their communities on location

monitoring and onto supervision by U.S. probation officers freed up RRC space for higher-risk offenders who have a greater need for services and assistance in transitioning back to the community. This was particularly important because the Second Chance Act of 2007, which was signed into law by President Bush in April 2008, had increased from 6 to 12 the number of months of their sentence that inmates could complete in an RRC. Additionally, available RRC beds are also very useful as an intermediate sanction for offenders who violate the conditions of their term of Supervised Release (TSR) and Probation.⁵ The following conveys the core of the interagency agreement:

- A. The Federal Location Monitoring (FLM) program provides a cost-effective alternative for those inmates posing a lower risk to the community and requiring fewer services than those inmates completing their sentence in the RRCs. Under Title 18 U.S.C. 3603(6) and 3624 (c)(3), the U.S. probation officers assist in the supervision of, and furnish information about, and, to the extent practicable offer assistance to prerelease inmates, who are allowed to participate in the FLM program.
- B. BOP identifies potential participants for whom a period in the FLM program would afford an appropriate level of accountability and a reasonable opportunity to adjust and prepare for reentry into the community.
- C. Ordinarily, inmates must be classified at a minimum-security level.
- D. Inmates with any identified public safety factor (such as disruptive group, violent behavior, threat to government officials) will ordinarily be precluded from participation.
- E. The BOP institution will refer the inmate to the Residential Reentry Manager (RRM), who will determine if the inmate is suitable for placement.
- F. POs will report serious incidents of noncompliance that they become aware of, such as drug use, absconding, or any new criminal conduct within 24 hours.

- G. Both U.S. probation and the RRM are authorized to terminate an inmate's participation in the program.
- H. Inmates will ordinarily be required to pay for all or part of the cost on the program.
- I. Some participants may require limited medical assistance; major medical expenses will require termination from the program.
- J. The full range of location monitoring technologies can be used at the discretion of the USPO.

This agreement is updated annually to allow for changes in projected costs due to an increase in the number of BOP referrals and the number of courts willing to participate in the program. Since being redesigned, the BOP LM program has steadily increased. The cost-effectiveness argument for expanding BOP location monitoring is compelling. It currently costs the BOP on average \$67 per day per inmate placed in the RRC. In contrast, it costs the BOP \$15 per day per inmate to reimburse the AO for the cost of LM and supervision services, a differential of \$52 per day per inmate.

Another cost-benefit of the program is a high rate of inmate co-pay, which means the district does not have to cover as much of the upfront cost of the location monitoring. In the fourth quarter of 2013, the BOP paid \$17,750 for the location monitoring services, while inmates paid nearly \$24,000.

During the first two quarters of fiscal year 2014, there were on average 93 offenders in the program; the cost of supervision and location monitoring for the two quarters was \$528,000, to be paid by the BOP to the AO. If these same inmates had been placed in RRCs, it would have cost the BOP approximately \$2.7 million. The difference between these two amounts, \$2.2 million, is the savings realized by the government. Potential savings this entire fiscal year will reach approximately \$4.5 million.⁶ It has recently been estimated that as many as 1,000 inmates per year might meet both the current statutory requirements as well as the interagency agreement terms to be eligible for participation.

⁴ Pursuant to 18 U.S.C. 362(c)(2), "the authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months." There is currently draft legislation that would extend the time frame for home confinement up to 12 months, consistent with lengths currently allowed for inmates in Residential Reentry Centers (RRCs).

⁵ RRCs' primary obligation is to accommodate inmates exiting BOP institutions, so beds for TSR and probation violators are very limited. If placement in an RRC successfully addresses offender noncompliance, it prevents revoked inmates from adding more to the BOP's population pressures. The downside for RRCs, however, is that the inmates they receive may require a greater level of service.

⁶ The costs of probation supervision and location monitoring are calculated annually. The AO submits invoices quarterly to the BOP based upon workload data captured in the Probation Automated Case Tracking System (PACTS). Courts earn statistical credit for BOP inmate cases in the same manner as they would for any other offender on regular supervision. No funds are transferred between the BOP and individual probation offices.

Despite the compelling business case for the BOP location monitoring program, it has yet to reach its full potential. Several obstacles quickly became apparent when the program was initiated. The federal courts have recently faced unprecedented budgetary cuts, which present a challenge. Some chiefs have been reluctant to accept any extra workload. While courts are funded for staffing for BOP inmates in the exact same fashion as they are funded for offenders who commence their term of supervised release, some are disinclined to assume the workload until they must. Additionally, rare but egregious supervision failures on location monitoring may also encourage caution. Finally, a structural limitation is that inmates may only serve up to 6 months on location monitoring, as opposed to up to 12 months in an RRC.⁷ Eager to leave the institutions, inmates will often opt for RRC placement over location monitoring.

⁷ Current draft legislation in the U.S. Senate would extend the time allowable for location monitoring placement up to 12 months, the same as for RRC placement.

Moving Ahead

As of the fourth quarter of fiscal year 2013, a total of 46 districts were participating in the program.

Top Five Participating Districts

District	Inmate Days on LM
South Carolina	1,504
Oklahoma Northern	1,492
Florida Middle	1,374
Virginia Western	1,018
Pennsylvania Eastern	996

There has not yet been an opportunity to formally evaluate the recidivism rates of the inmates released on location monitoring, but PPSO may do so in the near future. Anecdotally, at least, inmates participating in the program have transitioned smoothly from completion of their sentence to onset of their term of supervised release. As the risk principle dictates, inmates who have been assessed as posing minimal risk to the community (most of whom are generally housed in BOP camp facilities) require minimal intervention

to address criminogenic risk. Placing them sooner rather than later into the community—where they can re-establish pro-social ties and become self-supporting—helps both them and the system. Exposing these inmates to higher-risk peers through RRC placement can make them more likely to recidivate; anti-social peers is a major driver for recidivism for federal offenders.⁸ The risk principle is clearly applicable to the location monitoring program. What is also particularly notable is the program's cost effectiveness. The business case for the program is overwhelming. The federal criminal justice system can clearly shift resources away from incarceration to community-based correctional solutions while at the same time saving money and not putting the community at risk. The BOP location monitoring program may one day be recognized as an early, brave step toward cost-effective and evidence-based reentry.

⁸ As of May 2014, 79 percent of federal offenders were identified as having criminal peers as a risk factor.

Improving Legitimacy in Community-Based Corrections

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TYLER (2004) HAS suggested that because law enforcement officers cannot be everywhere at once, the threat of formal sanctions alone cannot be relied upon to maintain social order. Indeed, some degree of informal social control is needed to increase compliance with the law. This was the observation of sociologist Max Weber who, in Tyler's (2004) words, "argued that the ability to issue commands that will be obeyed does not rest solely on the possession or ability to deploy power" (p. 87).

The notion that informal methods of social control play a role in order maintenance can be traced to the work of the English philosopher Jeremy Bentham (1789), who suggested that fear of being detected for the commission of a crime serves to prevent illicit behavior because of the damage done to one's reputation. Durkheim (1893) later wrote that pre-industrial societies were held together by a sense of "moral order," commonly-shared values and norms which guided behavior, and that crime was the artifact of a breakdown in these values (which he referred to as "anomie"). More recently, criminologists as diverse as Merton (1938), in his work on social structure and crime; Braithwaite (1989), in developing a theory of "reintegrative shaming"; and Sampson, Raudenbush, and Earls (1997), in formulating the concept of "collective efficacy"; have all relied on the value of informal social controls in maintaining order as an important part of their respective theories.

Continuing in this tradition, a recently-growing body of research has examined the importance of perceptions of legitimacy in maintaining social order. Much work (Mastrofski, Snipes, & Supina, 1996; Mazerolle,

Bennet, Davis, Sargeant, & Manning, 2013b; McCluskey, 2003; Sunshine & Tyler, 2003; Tyler, 1990; Tyler, 2004), for example, has suggested that people are more likely to comply with the instructions of police officers if they view the institution of policing as being just and legitimate. The literature, however, has largely been devoid of efforts to specifically apply the concept of legitimacy to community-based corrections. This brief article makes a modest attempt to fill that void. The article begins with an exploration of assorted conceptualizations of legitimacy, briefly discusses what is presently known about how perceptions of legitimacy are shaped and how these perceptions may facilitate noncompliance with formal methods of social control, and concludes with specific recommendations for probation officers to enhance the legitimacy of community-based corrections in the eyes of those under supervision.

Perceptions of Justice and Legitimacy

Prior research (Sunshine & Tyler, 2003; Tyler, 2004; Tyler & Huo, 2002) has suggested that views of *procedural justice* are critical in formulating perceptions of legitimacy. Additionally, other forms of justice may play important roles in enhancing views of legitimacy and reducing crime; these include *distributive justice* and *interactional justice*. Each of these concepts is briefly explored below.

Procedural Justice

People largely form their views on the legitimacy of authorities based on their perceptions of whether or not the authorities act in a fair manner. They are more likely

to comply with the directives of authorities and accept their decisions if they believe that the authorities operate in a procedurally just fashion. Procedural justice contains four essential components: 1) participation, 2) neutrality, 3) dignity and respect, and 4) trustworthy motives (Goodman-Delahunty, 2010; Mazerolle, Antrobus, Bennet, & Tyler, 2013a; Tyler, 2004). Participation refers to the concept that people are more satisfied with procedures if they believe that they have been given ample opportunity to express their concerns and be listened to. Neutrality means that people have enhanced views of legitimacy if they believe that the authorities are impartial and do not single them out for undue treatment. Additionally, people are more likely to accord legitimacy to authorities if they feel that the authorities have treated them with respect and acknowledged their rights. Finally, people are more likely to feel that they have been treated fairly when they think that authorities have trustworthy motives.

Studies have demonstrated that views on procedural justice are critical in formulating perceptions of legitimacy, which in turn promotes cooperation and compliance with the police. Mastrofski et al. (1996), for example, reviewed accounts of police interaction with citizens in Virginia and concluded that disrespectful behavior on the part of the police was negatively associated with compliance. Subsequent research by McCluskey, Mastrofski, and Parks (1999) in other states reached a similar conclusion. Moreover, when authorities are not viewed as procedurally just in their actions, their status is undermined and people are more likely to disregard their instructions and discount their decisions

(Fischer, Harb, Al-Sarraf, & Nashabe, 2008; Kinsey, 1992; Makkai & Braithwaite, 1993; Sherman, 1993).

Distributive Justice

Distributive justice, rooted in equity theory, posits that individuals will naturally compare the outcome of their efforts with the outcome of those received by others to determine if their rewards are commensurate with their contributions. A perception of inequity results when individuals believe that they have received less compensation than their efforts merit, especially when compared to the payoff received by others. Individuals who feel they have been under-compensated may attempt to restore equity through illegal means or strike out against the perceived harm-doer.

The criminal justice literature is replete with studies that have examined the importance of relative deprivation in crime causation. Although many people contemplate that a relationship exists between poverty and crime, a much more nuanced understanding of economic explanations for crime considers the relationship between inequality and crime (Blau & Blau, 1982; Kawachi, Kennedy, & Wilkinson, 1999; Kennedy et al., 1998). Consistently, the research has concluded that considering disparate allocation of resources provides a more robust explanation for crime rates than does simply considering individual levels of income; in other words, *relative* deprivation is more important than *absolute* deprivation.

In a 1990 study, Greenberg examined the concept of distributive justice by reviewing rates of theft committed by employees in manufacturing plants following the enactment of pay cuts. Rates of theft committed by employees who had experienced a reduction in pay increased following the pay cuts; during the same time period, no such increase was observed in rates of theft committed by employees who did not experience pay cuts. Thefts committed by employees who had received pay cuts were significantly reduced after the management took the time to explain the reasoning behind the pay cuts in a thorough and sensitive fashion, apparently reducing feelings of perceived inequity. Borrowing from the psychological concept of referent cognitions (Folger, Rosenfeld, Rheume, & Martin, 1983; Folger & Martin, 1986), Greenberg suggested that adequate explanations may reduce feelings of illegitimate inequity.

Interactional Justice

Finally, interactional justice, while similar to procedural justice, focuses on the perceived quality of interpersonal treatment one receives in dealings with another. Positive episodes of interactional justice, in which a person perceives that he receives respect from another, are associated with positive emotions. Much research has examined the importance of perceived respect from an assortment of subcultural perspectives (Anderson, 1999; Griffiths, Yule & Gartner, 2011; Nisbett, 1993).

Perceptions of Legitimacy: Cause and Effect

Although much research has established that a relationship appears to exist between perceptions of justice and noncompliance with formal methods of social control, the precise nature of the relationship remains unclear.

Scheurman (2013) has suggested that the relationship between perceived injustice and crime can be explained by General Strain Theory. Using data obtained from a survey of college undergraduates, she found that those who interpreted a hypothetical scenario as containing elements of procedural, distributive, and interactional injustice were more likely to feel anger and report an inclination to respond to the scenario in a violent or criminal fashion. Thus, as suggested by General Strain Theory, a stimulus that promotes anger or other negative feelings (such as perceived injustice) might motivate the commission of a criminal act to restore justice or serve as a form of retaliation.

Wolfe (2010) has also examined the effect of individual differences on perceptions of legitimacy, particularly self-control. Low self-control has been linked to, among other things, criminal offending (Gottfredson & Hirschi, 1990; Wolfe & Higgins, 2009) and an inability to be easily deterred by the threat of punishment (Nagin & Paternoster, 1993; Piquero & Pogarsky, 2002). Using a convenience sample, Wolfe (2010) surveyed college students and collected data on variables, including views of police legitimacy and procedural justice. Analysis revealed that indicators of self-control were negatively correlated with views of procedural justice and police legitimacy. Additionally, his research concluded that low self-control and procedural justice interacted to influence evaluations of police legitimacy. Therefore, even when officers behave with great procedural fairness, offenders' perceptions of legitimacy may be mediated by low levels of self-control.

Experiences with the criminal justice system may frequently lead to perceptions of reduced legitimacy. Using several national data sources and interviews, Lee, Porter, and Comfort (2014) measured the prevalence of assorted attitudes toward the American criminal justice and political systems across different populations. In a sample of women who had been incarcerated at some point in their lives, nearly half reported that they had "little or no respect" for police officers, probation officers, and correctional authorities; nearly half reported that they do not believe the criminal justice system treats people fairly; and 40 percent stated that they believe a "medium amount" to "great deal" of people are wrongly convicted. By contrast, a 2011 Gallup poll of the general population indicated that only 29 percent of Americans had little to no confidence in the criminal justice system (Saad, 2011).

Perceptions of justice and legitimacy may form even in the absence of direct contact with law enforcement officials (Tyler, 1990; Tyler & Huo, 2002). Views of the criminal justice system may be shaped, for example, by witnessing the imprisonment of a family member. Lee, Porter, and Comfort's (2014) research revealed that survey respondents who reported that a parent had ever been incarcerated were significantly less likely to vote in the last presidential election and more likely to feel discriminated against; they also reported less trust in the government than respondents who had never experienced the incarceration of a parent. Moreover, as the authors explained, these views may be promulgated throughout succeeding generations of families, feeding an ongoing cycle of distrust in the government and lack of willingness to participate in prosocial civic activities. This is particularly troubling given the number of children in the United States who experience the incarceration of a parent; Glaze and Murraschak (2010) report that in 2007, approximately 1.7 million children (2.3 percent of the juvenile population in the United States) had a parent incarcerated. In some segments of the population, rates of parental incarceration may be particularly high; African-American children are more than six times more likely to have an incarcerated parent than white children (Wildeman, 2009). Several observers (Clear, 2007; Uggen & Manza, 2002; Weaver & Lerman, 2010) have suggested that this ongoing disenfranchisement of a large segment of the population has served to erode trust in the criminal justice system.

Taking a macro-level perspective on the effect of low legitimacy, in his 1998 book *Losing Legitimacy*, Gary LaFree examined the impact of decreased perceptions of legitimacy on national crime rates. LaFree linked rising crime rates in American history with indicators of decreasing perception of the legitimacy of assorted institutions. Among other things, he noted that increasing divorce rates (symptomatic of decreasing views toward traditional family structure) and decreasing rates of voter participation in national elections (decreasing interest in politics) were linked with increases in the rates of assorted crimes.

Legitimacy as a Component of the Change Process

A substantial body of research has suggested that legitimacy is enhanced when people believe that authorities act justly. Much of this work has been done within the policing context. In a widely-published 2003 study, for example, Sunshine and Tyler sampled residents of New York City and surveyed them on whether or not they believed the police act in a procedurally-just fashion as well as their perceptions of the effectiveness of the police. They also asked citizens to report how likely they might be to cooperate with the police in a variety of scenarios. They found that perceptions of legitimacy were positively associated with self-reported tendencies to cooperate with the police and were a stronger predictor of such self-reported cooperation than perceptions of the effectiveness of the police.

The importance of perceptions of legitimacy could be equally applied to other professions, however, such as those within the substance abuse and mental health disciplines. Prior research, for example, has concluded that mental health and substance abuse treatment are more effective when participants feel that they have some say in the course of therapy. In a 2013 study based on a sample of criminal defendants admitted into a mental health court and diversion program in New York, Pratt et al. observed a negative correlation between perceptions of coercion into treatment and perceptions of recovery. They also observed a significant correlation between “negative pressure” to enroll in substance abuse treatment and repeated involvement in the criminal justice system throughout a 12-month follow-up period. Other studies have reached similar conclusions (Christy, Boothroyd, Petrila, & Poythress, 2005; Connors, Carroll, DiClemente, Longabaugh, & Donovan, 1997;

Krupnick et al., 1996; Langer & Rodin, 1976; Raue, Goldfried, & Barkham, 1997).

The opportunity to have some say in the process at hand appears critical in many social interactions. Thibault and Walker (1975) recognized this in distinguishing *process control* from *outcome control*. Whereas process control refers to control over the manner in which arguments are presented, outcome control refers to control over who makes the final decision in resolving a dispute. They concluded that allowing disputants some degree of process control produced the strongest assessments of procedural justice, even more than when disputants were afforded some outcome control. As summarized by Monahan et al. (1995), “...people value having ‘voice,’ the chance to state their views, and ‘validation,’ having their views taken seriously, even when their statements do not determine the decisions made about them” (p. 257). Indeed, emphasis on the collaborative nature of the therapeutic relationship is one of the hallmarks of cognitive-behavioral therapy (Beck, 1995).

This point should be carefully considered by probation officers. It is perhaps noteworthy that in a 2005 study, Clark observed that officers frequently “out-talk” offenders during office visits, and often by a ratio of roughly 3 to 1. Such behaviors limit the offender’s voice in the process, quite possibly degrade his perception of procedural justice, and ultimately may reduce his view of the legitimacy of supervision altogether.

Improving Legitimacy in Community-based Corrections

To improve perceptions of legitimacy in community-based corrections, I offer the following specific recommendations:

- 1) When offenders commence supervision, officers should engage them in discussion of their criminal backgrounds, gathering information on the motives behind particular crimes and the offender’s perception of the punishment imposed. Not only does this serve the basic purpose of ascertaining offender needs, but it allows the officer to construct some understanding of the offender’s perception of the legitimacy of law enforcement, the courts, and the correctional system in general. From this, the officer can begin to discuss with the offender the harmful consequences of his or her actions to self, family, and community, assisting the offender in developing an appreciation for the illegality of the convicted behaviors. When offenders realize the

harmfulness of their crimes and the need for law enforcement intervention to prevent and control crime, they can begin to view the system with increased legitimacy.

The goal of enhancing offenders’ perceived legitimacy of the criminal justice system may be difficult, particularly when probation officers work in communities with historically strained relations with the local police department. Moreover, efforts to impress upon offenders the viewpoint that they are being treated fairly given the illegal nature of their activities is challenging when one considers that up until commencing supervision, offenders have likely not been afforded an opportunity to discuss with authorities—openly and honestly—the circumstances that led them to commit crimes and the precise nature of those crimes. The American legal system, after all, encourages *challenges* to authority; it is inherently adversarial in nature. Because the system is designed to afford Constitutional protections to those accused of criminal acts, the state and the defendant are necessarily pitted against each other in adversarial proceedings during which it is generally in the best interest of the accused to maintain his or her innocence and challenge the state’s position whenever possible. While convicted persons in the federal system can ultimately be rewarded with a reduction in their sentencing exposure by accepting responsibility under the terms of the Federal Sentencing Guidelines, anecdotal evidence suggests that statements accepting responsibility are often perfunctory in nature and frequently prepared by defense counsel rather than the defendant himself. Virtually from the moment of arrest through to adjudication, offenders generally find it advisable not to discuss the motivation behind and their involvement in crimes.

As a result, they typically will not have engaged with officials in a frank and constructive discussion of how they make decisions, why their behaviors are harmful, and why particular penalties are imposed. In many cases, supervision presents the first opportunity for such discussions to occur. Probation officers’ efforts to enhance the perceived legitimacy of supervision would therefore benefit from an examination of an offender’s particular motivation to commit crime and discussion linking his decision to break the law with the resulting negative consequences, both to himself and the community as a whole.

- 2) In furtherance of the first recommendation outlined above, probation departments should, whenever possible, make available

cognitive-behavioral and other counseling interventions designed to enhance decision-making skills and encourage offenders to develop a greater understanding of the immediate and long-term consequences of their actions. There are many such programs available. The popular cognitive-based program *Thinking for a Change* (Bush, Glick, Taymans, & Guevara, 2011), for example, contains exercises that specifically require offenders to consider the consequences of their actions to themselves and others. Another popular program, *Moral Reconation Therapy*, emphasizes decision-making within a moral context (Little, 2000). To the extent that a lack of self-control affects perceptions of legitimacy, cognitive-behavioral programs may also help offenders develop better impulse control.

3) Throughout supervision, officers should emphasize the collaborative nature of the process. Psychologists have long noted the importance of a collaborative relationship between therapists and clients in improving treatment outcomes (Horvath & Luborsky, 1993; Norcross, 2011). Indeed, allowing clients to have some say in the course of their treatment is one of the fundamental characteristics of cognitive-behavioral therapy, the treatment model thus far determined to be most effective in dealing with offenders. Forging a therapeutic alliance is as important in the relationship between a probation officer and offender as it is in the relationship between a therapist and voluntary client. Skeem, Eno Louden, Polaschek, & Camp (2007), in developing a measure of the quality of relationships between probation officers and involuntary clients, found that elements of caring were highly blended with perceptions of fairness. This finding underscores the suggestion that compliance with directives depends in no small part on one's assessment of the motives of authority figures and overall perception of procedural justice. Additionally, clients are more likely to comply with directives if they realize the benefit to them in doing so, rather than simply feeling obligated to comply due to external pressure (Christy et al., 2005; Pratt, Koerner, Alexander, Yanos, & Kopelovich, 2013). To this end, officers should make every effort to carefully explain to offenders how their compliance with assorted directives can benefit them in both immediate and long-term ways. Moreover, in formulating plans for tasks to be completed, officers should allow offenders to have some (reasonable) say in structuring an agenda. This allows offenders

to take some ownership of the change process and become more fully invested in outcomes.

4) Immediately upon commencement of supervision, officers should clearly outline to offenders the terms of supervision, reasons for the conditions, and potential penalties for infractions. Although it might seem obvious that officers should explain the terms of supervision at the outset, care should be taken to ensure that this is more than simply a perfunctory review of conditions. Officers should make it clear that the terms of supervision have been developed with specific reasons in mind and explain those reasons in detail. Additionally, while probation officers obviously cannot anticipate every possible probation violation and speculate as to what particular sanctions may be imposed, it would be beneficial to discuss typical examples of violative conduct and the possible resultant penalties. As noted, offenders are more likely to abide by conditions if they view them as just and reasonable.

5) In investigating alleged violations of supervision, officers should encourage offenders to provide their own account of the misconduct and explain the motivations and thought processes behind their behavior. This not only facilitates admission of misconduct (which is obviously helpful from a legal perspective), but allows officers to gain valuable insight to the facts and circumstances surrounding the violative conduct. Moreover, by discussing noncompliance in a non-confrontational manner, officers foster increased perceptions of procedural justice and legitimacy.

6) In responding to violations, officers should clearly explain the reasoning behind the construction of particular sanctions. As noted, offenders will view the system with increased legitimacy if they view sanctions as well-reasoned and tailored to their specific circumstances as opposed to being arbitrary or grounded in some ill intentions on the part of the probation officer.

7) Officers should strive to form trusting relationships with family members of offenders and other collateral contacts. Consistent with the research that people are more likely to talk to and cooperate with police if they believe that the police are procedurally fair and have good intentions, probation officers can develop good working relationships with collateral contacts by emphasizing that they have the offender's best interests at heart. Not only does this encourage collateral sources to communicate concerns to the probation

officer, but it fosters the growth of a network of informal social support around the offender by getting those collateral contacts to "buy in" to the supervision process and exert prosocial influences on the offender.

8) Finally, the community-based corrections organization itself may benefit from taking steps to enhance perceptions of legitimacy among employees. Much prior research has suggested that supervisors who employ a participatory management style reduce stress felt by employees, improve workers' job satisfaction, and reduce turnover. Lee, Joo, and Johnson (2009), in surveying federal probation officers, found that elements of participatory management played a significant role in reducing employee stress and enhancing job satisfaction, both of which were key determinants of turnover intention. For example, managers can engage in participatory management by following through on promises made to employees, inviting officer input in important decisions, making decisions in a transparent fashion, clearly explaining how and why decisions are made, and rewarding good work (Byrd, Cochran, Silverman, & Blount, 2000; Joy & Witt, 1992; Lambert, 2003; Lambert, 2010). By doing so, they enhance perceptions of procedural justice within their organizations. While efforts to increase distributive justice (in the form of salary increases and promotional opportunities, for example) may not be feasible in times of economic constraints, perceptions of procedural justice can always be enhanced in these intangible ways.

References

- Anderson, E. (1999). *Code of the street: Decency, violence, and the moral life of the inner city*. New York: W.W. Norton & Company.
- Beck, J.S. (1995). *Cognitive therapy: Basics and beyond*. New York: The Guilford Press.
- Bentham, J. (2007 [1789]). *An introduction to the principles of morals and legislation*. Mineola, NY: Dover Philosophical Classics.
- Blau, J. R., & Blau, P.M. (1982). The cost of inequality: Metropolitan structure and violent crime. *American Sociological Review*, 47, 114-129.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge: Cambridge University Press.
- Bush, J., Glick, B., Taymans, J., & Guevara, M. (2011). *Thinking for a change (Version 3.1)*. Washington, DC: National Institute of Corrections. Available electronically at <http://nicic.gov/t4c>.

- Byrd, T.G., Cochran, J.K., Silverman, I.J., & Blount, W.R. (2000). Behind bars: An assessment of the effects of job satisfaction, job-related stress, and anxiety on jail employees' inclination to quit. *Journal of Crime and Justice*, 23, 69-93.
- Christy, A., Boothroyd, R., Petrila, J., & Poythress, N.G. (2005). Evaluating the efficiency and community safety goals of the Broward County Mental Health Court. *Behavioral Science and the Law*, 23, 227-243.
- Clark, M.D. (2005). Motivational interviewing for probation staff: Increasing the readiness to change. *Federal Probation*, 69(2), 22-28.
- Clear, T.R. (2007). *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*. Oxford: Oxford University Press.
- Connors, G.J., Carroll, K.M., DiClemente, C.C., Longabaugh, R., & Donovan, D.M. (1997). The therapeutic alliance and its relationship to alcoholism treatment participation and outcome. *Journal of Consulting and Clinical Psychology*, 65, 582-598.
- Durkheim, E. (1997 [1893]). *The division of labor in society*. New York: The Free Press.
- Fischer, R., Harb, C., Al-Sarraf, S., & Nashabe, O. (2008). Support for resistance among Iraqi students: An exploratory study. *Basic and Applied Social Psychology*, 30(2), 167-175.
- Folger, R., & Martin, C. (1986). Relative deprivation and referent cognitions: Distributive and procedural justice effects. *Journal of Experimental Social Psychology*, 22(6), 531-546.
- Folger, R., Rosenfeld, D., Rheame, K., & Martin, C. (1983). Relative deprivation and referent cognitions. *Journal of Experimental Social Psychology*, 19(2), 172-184.
- Glaze, L.E., Muraschak, L.M. (2010). *Parents in prison and their minor children*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.
- Goodman-Delahunt, J. (2010). Four ingredients: New recipes for procedural justice in Australian policing. *Policing*, 4(4), 403-410.
- Gottfredson, M.R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Greenberg, J. (1990). Employee theft as a reaction to underpayment inequality: The hidden costs of pay cuts. *Journal of Applied Psychology*, 75(5), 561-568.
- Griffiths, E., Yule, C., & Gartner, R. (2011). Fighting over trivial things: Explaining the issue of contention in violent altercations. *Criminology*, 49(1), 61-94.
- Horvath, A.O., & Luborsky, L. (1993). The role of the therapeutic alliance in psychotherapy. *Journal of Consulting and Clinical Psychology*, 61, 561-573.
- Joy, V., & Witt, L. (1992). Delay of gratification as a moderator of procedural justice-distributive justice relationship. *Group and Organizational Management*, 17, 297-308.
- Kawachi, I., Kennedy, B.P., & Wilkinson, R.G. (1999). Crime: Social disorganization and relative deprivation. *Social Science & Medicine*, 48, 719-731.
- Kennedy, B.P., Kawachi, I., Prothrow-Stith, D., Gibbs, B., & Lochner, K. (1998). Social capital, income inequality and firearm violent crime. *Social Science & Medicine*, 47, 7-17.
- Kinsey, K. (1992). Deterrence and alienation effects of IRS enforcement. In *Why People Pay Taxes* (Joel Slemrod, Ed.). Ann Arbor, MI: University of Michigan Press.
- Krupnick, J.L., Sotsky, S.M., Simmens, S., Moyer, J., Elkin, I., Watkins, J., & Pilkonis, P.A. (1996). The role of therapeutic alliance in psychotherapy and pharmacotherapy outcome: Findings in the National Institute of Mental Health Treatment of Depression Collaborative Research Program. *Journal of Consulting and Clinical Psychology*, 64, 532-539.
- LaFree, G. (1998). *Losing legitimacy: Street crime and the decline of social institutions in America*. Boulder, CO: Westview Press.
- Lambert, E. (2003). Justice in corrections: An exploratory study of the impact of organizational justice on correctional staff. *Journal of Criminal Justice*, 31, 155-168.
- Lambert, E. (2010). The relationship of organizational citizenship behavior with job satisfaction, turnover intent, life satisfaction, and burnout among correctional staff. *Criminal Justice Studies: A Critical Journal of Crime, Law, and Society*, 23, 361-380.
- Langer, E., & Rodin, J. (1976). The effects of choice and enhanced personal responsibility for the aged: A field experiment in an institutional setting. *Journal of Personal and Social Psychology*, 34, 191-198.
- Lee, H., Porter, L.C., & Comfort, M. (2014). Consequences of family member incarceration: Impacts on civic participation and perceptions of the legitimacy and fairness of government. *The Annals of the American Academy of Political and Social Science*, 651, 44-73.
- Lee, W., Joo, H., & Johnson, W.W. (2009). The effect of participatory management on internal stress, overall job satisfaction, and turnover intention among federal probation officers. *Federal Probation*, 73(1), 33-40.
- Little, G.L. (2000). Cognitive-behavioral treatment for offenders: A comprehensive review of MRT outcome research. *Addictive Behaviors Treatment Review*, 2(1), 12-21.
- Makkai, T., & Braithwaite, J. (1993). *Reintegrative shaming and compliance with regulatory standards*. Research School of Social Sciences, Australian National University. Unpublished manuscript.
- Mastrofski, S.D., Snipes, J.B., & Supina, A.E. (1996). Compliance on demand: The public's response to specific police requests. *Journal of Research in Crime and Delinquency*, 33(3), 269-305.
- Mazerolle, L., Antrobus, E., Bennet, S., & Tyler, T.R. (2013a). Shaping citizen perceptions of police legitimacy: A randomized field trial of procedural justice. *Criminology*, 51(1), 33-64.
- Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., & Manning, M. (2013b). Procedural justice and police legitimacy: A systematic review of the research evidence. *Journal of Experimental Criminology*, 9, 245-274.
- McCluskey, J.D. (2003). *Police requests for compliance: Coercive and procedurally just tactics*. New York: LFB Scholarly Publishing LLC.
- McCluskey, J.D., Mastrofski, S.D., & Parks, R.B. (1999). To acquiesce or rebel: Predicting citizen compliance with police requests. *Police Quarterly*, 2(4), 389-416.
- Merton, R. (1938). Social structure and anomie. *American Sociological Review*, 3(5), 672-682.
- Monahan, J., Hoge, S.K., Lidz, C., Roth, L.H., Bennett, N., Gardner, W., & Mulvey, E. (1995). Coercion and commitment: Understanding involuntary mental hospital admission. *International Journal of Law and Psychiatry*, 18(3), 249-263.
- Nagin, D.S., & Paternoster, R. (1993). Enduring individual differences and rational choice theories of crime. *Law and Society Review*, 27, 467-496.
- Nisbett, R.E. (1993). Violence and U.S. regional culture. *American Psychologist*, 48(4), 441-449.
- Norcross, J.C. (Ed.). (2011). *Psychotherapy relationships that work*. New York: Oxford University Press.
- Piquero, A.R., & Pogarsky, G. (2002). Beyond Stafford and Warr's reconceptualization of deterrence: Personal and vicarious experiences, impulsivity, and offending behavior. *Journal of Research in Crime and Delinquency*, 39, 153-186.
- Pratt, C., Koerner, J., Alexander, M.J., Yanos, P.T., & Kopelovich, S.L. (2013). Predictors of criminal justice outcomes among mental health courts participants: The role of perceived coercion and subjective mental health recovery. *International Journal of Forensic Mental Health*, 12, 116-125.
- Raue, P.J., Goldfried, M.R., & Barkham, M. (1997). The therapeutic alliance in psychodynamic-interpersonal and cognitive-behavioral therapy. *Journal of Consulting and Clinical Psychology*, 65, 582-587.

- Saad, L. (2011). *Americans express mixed confidence in the criminal justice system*. Retrieved electronically from: <http://www.gallup.com/poll/148433/Americans-Express-Mixed-Confidence-Criminal-Justice-System.aspx>
- Sampson, R.J., Raudenbush, S.W., & Earls, F. (1997). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, 277, 918-924.
- Scheuerman, H.L. (2013). The relationship between injustice and crime: A General Strain Theory approach. *Journal of Criminal Justice*, 41, 375-385.
- Sherman, L.W. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of Research in Crime and Delinquency*, 30(4), 445-473.
- Skeem, J.L., Eno Louden, J., Polaschek, D., Camp, J. (2007). Assessing relationship quality in mandated community treatment: Blending care with control. *Psychological Assessment*, 19(4), 397-410.
- Sunshine, J., & Tyler, T.R. (2003). The role of procedural justice for legitimacy in shaping public support for policing. *Law and Society Review*, 37(3), 513-548.
- Tyler, T.R. (1990). *Why people obey the law*. New Haven, CT: Yale University Press.
- Tyler, T.R. (2004). Enhancing police legitimacy. *The Annals of the American Academy of Political and Social Science*, 593, 84-99.
- Tyler, T.R. & Huo, Y.J. (2002). *Trust in the law*. New York: Russell Sage.
- Thibault, J., & Walker, L. (1975). *Procedural justice: A psychological analysis*. Hillsdale, NJ: Erlbaum.
- Uggen, C., & Manza, J. (2002). Lost voices: The civic and political views of disenfranchised felons. In *Imprisoning America: The social effects of mass incarceration*. (Mary E. Pattillo, David F. Weiman and Bruce Western, Eds.). New York: Russell Sage Foundation, 165-204.
- Weaver, V.M., & Lerman, A.E. (2010). Political consequences of the carceral state. *American Political Science Review*, 67(4), 526-546.
- Wildeman, C. (2009). Parental imprisonment, the prison boom, and the concentration of childhood disadvantage. *Demography*, 46(2), 265-280.
- Wolfe, S.E. (2010). The effect of low self-control on perceived police legitimacy. *Journal of Criminal Justice*, 39, 67-74.
- Wolfe, S.E., & Higgins, G.E. (2009). Explaining deviant peer associations: An examination of low self-control, ethical predispositions, definitions, and digital piracy. *Western Criminology Review*, 10, 43-55.

Are the Collateral Consequences of Being a Registered Sex Offender as Bad as We Think? A Methodological Research Note

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SINCE THE DEVELOPMENT of sex offender registries, research has explored various facets of their implementation and effects, including harmful collateral consequences of registries on sex offenders. Researchers have consistently found that sex offenders report registries have detrimental effects on their lives (Burchfield & Mingus, 2008; Levenson & Cotter, 2005; Levenson, D'Amora, & Hern, 2007; Robbers, 2009). In fact, even when authors recently found a deterrent effect of registries on sex offenders, they still suggested that registries be revised or limited due to the "significant harm to the reintegration efforts of ex-arrestees" (Park, Bandyopadhyay, & Letourneau, 2014, p. 206). This critical attitude in the literature toward sex offender registries is in part tied to the pervasiveness of studies documenting harm resulting from the registry in the eyes of registrants and their families. Collateral harms include harassment or victimization, social isolation, difficulty finding employment, and difficulty finding housing. Thus, even when research demonstrates a benefit to the registry, scholars have argued that the costs are even greater (Park et al., 2014).

Although this empirical research has provided significant insight into potential drawbacks of registration, the explorations have exhibited two limitations—each of which may serve to overestimate the harm of the registry. First, researchers studying registries have not used comparison groups of other ex-convicts or other residents who live in the same neighborhoods as sex offenders. (As reviewed below, the literature suggests that sex offenders tend to migrate toward socially disorganized areas with higher than average

crime rates.) Likewise, the literature shows that ex-convicts in general face myriad obstacles to reintegration, including stigma that limits employment or housing. It is important to understand whether the registry itself is generating the collateral harms that researchers have documented in the lives of returning sexual offenders. In other words, do registered sex offenders experience distinct harms above and beyond those generated by being a parolee or residing in a disorganized community?

Second, the literature to date is generally based on self-report surveys or interview methodologies in which researchers explicitly tell the sex offender that the registry and collateral consequences of the registry are the focus of the study. Broad literature exists that suggests such priming can lead to both selection bias (which subjects agree to participate) and a tendency of subjects to overstate what they believe researchers are looking for (confirmation bias). To understand the true scope of harm caused by sex offender registries, it is crucial to understand the impact of the registry above and beyond these potential sources of bias.

Current Research on Collateral Consequences of Sex Offender Registries

Researchers have examined the collateral consequences of registries on sex offenders' lives at various stages, from those still in prison to those living in the community. Tewksbury (2012) conducted in-depth interviews of 24 incarcerated sex offenders to determine their fears about life after being released. While most respondents reported that they had not internalized society's negative views about

sex offenders, they expressed fears about the perceptions of their neighbors. Tewksbury and colleagues extended this study by considering the views of female sex offenders. Female offenders surmised that there would be both positive and negative experiences as they attempted to reintegrate back into their communities, but they did not see their concerns as "pressing or significant" (Tewksbury, Connor, Cheeseman, & Rivera, 2012, p. 459). However, when sex offenders retrospectively assessed their prerelease worries about being on the registry, most admitted that their fears about community acceptance and targeting had been overstated; they did not experience these forecasted negative experiences in their communities (Burchfield & Mingus, 2008). Thus, while it appears prisoners experience some level of emotional discomfort and anxiety when thinking about their registration requirement, in many cases those concerns never materialize.

Researchers have also examined post-release offenders to assess how the registry impacts the lives of those who reside in the community and interact daily with their neighbors. In one study, only about five percent of sex offenders in New Jersey reported high levels of stress from being on the registry; most had a normal level of stress (Tewksbury & Zgoba, 2010). In another study that used a sample from Kansas and Oklahoma, registered sex offenders reported modest levels of stress due to their listing on the sex offender registry (Mustaine & Tewksbury, 2011a). Subjects reported more stress when they experienced direct sanctions or felt they were being watched by those around them (Mustaine & Tewksbury, 2011a). Overall, high

levels of stress were not commonly reported; rather, a low to moderate level of stress was the standard (Mustaine & Tewksbury, 2011a; Tewksbury & Zgoba, 2010).

Beyond mental stress, however, registered sex offenders described concrete consequences of being on the sex offender registry. Levenson and colleagues (2005; 2007), along with Robbers (2009), found that a substantial number of sex offenders reported they had lost their job due to the discovery of their status as a sex offender. Furthermore, between 5 percent and 10 percent of registered sex offenders reported being physically assaulted or injured, and 18 percent had their property damaged (Levenson & Cotter, 2005; Levenson et al., 2007). Nearly half reported losing a friend due to being discovered as a registered sex offender (Mustaine & Tewksbury, 2011a). Burchfield and Mingus (2008) conducted in-person interviews with sex offenders in the community about their experiences while on the registry. Some stated that they had trouble finding employment; however, they admitted this could be due to their ex-convict status and was not necessarily attributable to their placement on the sex offender registry (Burchfield & Mingus, 2008).

Lasher and McGrath (2012) conducted a review of studies on the social and psychological impact of community notification on sex offenders. Across these studies, 8 percent of all participants reported being physically assaulted or injured and 14 percent report having their property damaged; 44 percent reported being threatened or harassed by neighbors (Lasher & McGrath, 2012). Beyond criminal acts, between 40 percent and 60 percent of participants reported negative psychological consequences such as feeling lonely, isolated, embarrassed, and hopeless (Lasher & McGrath, 2012). Again, the methodological approaches used in the reviewed research studies do not allow the reader to differentiate between the negative ramifications of being an ex-convict or living in a disorganized community from those brought on by the registry or environmental conditions.

Comparisons to Other Former Offenders

Much of the previous work that focuses on sex offenders implicitly assumed that the negative interactions these offenders might encounter in the community were due to the public nature of the sex offender registry. Unacknowledged in these studies was the plausible possibility that these integration difficulties could be explained by their status

as ex-convicts or by the nature of the communities in which they lived. If accurate, the difficulties and stigma sex offenders face should also be experienced by other types of offenders as they attempt to reestablish lives in the community following prison.

The literature has been fairly consistent in documenting that parolees experience stigma and structural disadvantage resulting in collateral consequences similar to those documented among sexual offenders (Petersilia, 2009; Travis & Visher, 2005), as do the families of those returning home from prison (Uggen, Wakefield, & Western, 2005; Wildeman & Wakefield, 2014). The broad and far-reaching collateral consequences for general offenders released to the community are attributed to processes similar to those found in the sexual offender literature. That is, one's status as an ex-inmate is often public or hard to hide. Like sexual offenders, for example, general parolees often have to signify their status on applications for employment and housing and may be revealed as an ex-criminal by other public symbols of status (e.g., ankle monitors or visits by parole officers). Collateral harm to the general parolee population has been tied to structural impediments (e.g., housing or employment restrictions) alongside informal sanctions (e.g., a marriage penalty as described by Uggen et al., 2005) that emerge because one's status as an ex-offender is generally fairly obvious and stigmatized.

It remains unclear whether sexual offenders experience stigma more often or to a larger degree than the general population of returning inmates. However, the few studies that exist today suggest there may be important similarities. Mingus and Burchfield (2012), for example, found that sex offenders reported an average score of 3.87 out of 5 on a stigma scale. This is roughly similar to the finding reported by Winnick and Bodkin (2008), in which general ex-offenders reported an average score of 4.15 out of 6 on the stigma scale. Although suggestive, conclusions on this question remain speculative until more studies have been conducted. Regardless, the larger point here is that the theoretical and empirical literature on the existence and pathway to collateral consequences for sexual offenders on the registry and general reentry population remains strikingly similar.

The literature is also clear in showing that sexual offenders have a tendency to reside in areas of social disorganization and disadvantage (Hipp, Turner, & Jannetta 2010; Mustaine & Tewksbury, 2011b; Mustaine, Tewksbury,

& Stengel, 2006). This is, of course, a pattern similar to that observed among parolees in general (Hipp, Turner, & Petersilia, 2010; Kubrin & Stuart, 2006). This pattern is particularly important because of the broad and consistent literature showing that these areas pose a higher risk of disorder and victimization for residents and their families (Bursik, 1988; Rose & Clear, 1998; Sampson & Groves, 1989; Shaw & McKay, 1942), as well as problems for other quality of life factors, such as stress, depression, and isolation (Wilson, 1987).

Suggestions for Future Research

The work performed to date has provided a strong foundation for understanding the perspective of registered sex offenders. However, the methodologies employed to date have demonstrated two consistent limitations. In this section, we provide suggestions for expanding the methodology for collateral consequences research to address these two potential sources of bias. Two primary suggestions for future work include: 1) surveying sex offenders without the researchers admitting knowledge of the participants' past sexual crimes, and 2) using comparison groups of other offenders or other residents in the community.

Surveying offenders without acknowledging their registration status may provide additional insight into how sex offenders reintegrate into their communities. To date, researchers have informed offenders that they are being surveyed because of their sex offender status; in other words, the offenders are specifically told they are being sampled because of their stigma. This sets the context for all the questions that follow—the respondent is fully aware that his or her appearance on the sex offender registry is the reason for the outcomes on the survey questions. This priming may influence how sex offenders answer the survey questions (Podsakoff, MacKenzie, Lee, & Podsakoff, 2003; Salancik, 1984; Salancik & Pfeffer, 1977). Studies that communicate they are focused on the subjects' experience on the registry could generate bias in responses in at least two ways. Many could see this as an opportunity to help eliminate the registry (e.g., perhaps if they can explain how terrible it is their responses will help efforts to limit the registry). Second, survey instruments which include a list of items on potential problems that may be caused by the registry could be priming subjects to report problems—to generate confirmation or social desirability bias (Tourangeau & Yan, 2007). This may be

magnified if questions on a survey list myriad potential harms. At the least, priming toward a negative account of life when the survey topic is one's experience on the sex offender registry is more likely than when a survey's outward purpose was to measure satisfaction with one's life in his or her community.

Not only may priming bias responses, but it may lead to higher non-response rates. The strong majority of previous survey research had response rates of less than 20 percent (Burchfield & Mingus, 2008; Mustaine & Tewksbury, 2011a; Tewksbury & Zgoba, 2010), and some that were less than 10 percent (Ackerman & Sacks, 2012; Jeglic, Mercado, & Levenson, 2012). This is lower than national average-response rates in mail survey data, which hover currently around 45 percent (Shih & Xitao, 2008). It is plausible that these low response rates are in part due to sex offenders not wanting to participate in a survey that focused on the past crimes they committed.

Beyond proposing that researchers surreptitiously survey sex offenders, we also suggest the use of comparison groups to provide an opportunity to determine how similar sex offenders are to others in their neighborhoods or to other ex-offenders. Without a comparison group it is not possible to attribute negative experiences, such as vandalism or depression, to being on the registry with any degree of confidence. For example, a survey mailed to registered sex offenders in New Jersey contained questions about their experiences of being a sex offender, such as: "My property has been damaged by someone who found out I am a sex offender" (Jeglic, et al., 2012, p. 51). Levenson and Cotter (2005) assessed offenders' level of agreement with the statement "I feel alone and isolated because of Megan's Law" (p. 58). A registered sex offender may attribute an act of vandalism or social isolation to his or her appearance on the registry, but a comparison group of neighbors and other ex-felons from the same community would allow for a better understanding to determine if vandalism and social isolation are common within the neighborhood. If researchers simply asked, "My property has been damaged" and a similar percentage of registered sex offenders and neighborhood residents reported damage to their property, it would present a different story about the impact of registries and illustrate that registered sex offenders may be personalizing crimes and incorrectly attributing normal neighborhood crimes to their sex

offender status. The same logic holds true if a comparison group shows that sex offenders are equally as isolated as other residents in their neighborhoods. Comparison groups are even more vital when one considers that sex offenders tend to live in socially disorganized areas (Mustaine & Tewksbury, 2011b), where crime is higher and social connections tend to be limited (Sampson & Groves, 2009). It therefore would not be surprising if other residents of the community experienced the same difficulties that registered sex offenders are attributing to the registry.

Future research must expand to provide a more comprehensive picture. One way that this might be accomplished is through mail surveys. Although obtaining a sufficient sample size of both offenders and neighbors for such a survey requires some work, it is possible. Craun and Freisthler (2008) applied a combination of mapping and mail surveys to reach neighbors of registered sex offenders. A similar technique could be employed to survey neighbors and sex offenders under the guise of a community safety or neighborhood satisfaction survey. By comparing registered sex offenders to others in the neighborhood (or to other convicted felons in the same communities), valid comparisons could be made on items such as crime experienced, employment instability, social isolation, and mental health issues, which would lead to a more informed understanding of registry consequences.

New research using the ideas discussed here may find that sex offenders still report worse outcomes than those in the comparison groups. However, relying on the self-report of offenders who are asked to attribute experiences *due to their registry status* leads to unnecessary uncertainty and potentially exposes the analysis to bias.¹ Correcting for these two methodological limitations in future research will allow for a stronger foundation of knowledge from which policy makers and practitioners can draw to develop evidence-based policies and interventions for the successful reintegration of sex offenders. Unless research corrects for these two sources of bias, the field will continue to have a difficult time convincing policy makers of the magnitude of the problems posed by the registry. If the registry is truly causing harm, and that harm is significant and independent of these methodologies, then measuring the registry effect independent of these other pathways

to collateral consequences will provide more persuasive evidence to policy makers of this fact than extant research, along with helping to identify effective strategies to minimize difficulties with reintegration.

References

- Ackerman, A. R., & Sacks, M. (2012). Can general strain theory be used to explain recidivism among registered sex offenders? *Journal of Criminal Justice*, 40(3), 187-193.
- Burchfield, K. B., & Mingus, W. (2008). Not in my neighborhood: Assessing registered sex offenders' experiences with local social capital and social control. *Criminal Justice and Behavior*, 35(3), 356-374.
- Bursik, R. (1988). Social disorganization and theories of crime and delinquency: Problems and prospects. *Criminology*, 26(4): 519-51.
- Craun, S. W., & Freisthler, B. (2008). Using tax parcels to select a location-based sample: An illustration that examines residents' awareness of sex offenders in neighborhoods. *Evaluation Review*, 32(4), 315-334.
- Hipp, J. R., Petersilia, J., & Turner, S. (2010). Parolee recidivism in California: The effects of neighborhood context and social service agency characteristics. *Criminology*, 48(4), 947-979.
- Hipp, J. R., Turner, S., & Jannetta, J. (2010). Are sex offenders moving into social disorganization? Analyzing the residential mobility of California Parolees. *Journal of Research in Crime and Delinquency*, 47(4), 558-590.
- Jeglic, E. L., Mercado, C. C., & Levenson, J. S. (2012). The prevalence and correlates of depression and hopelessness among sex offenders subject to community notification and residence restriction legislation. *American Journal of Criminal Justice*, 37(1), 46-59.
- Kubrin, C. & Stewart, E. (2006). Predicting who reoffends: The neglected role of neighborhood context in recidivism studies. *Criminology*, 44(2):165-97.
- Lasher, M. P., & McGrath, R. J. (2012). The impact of community notification on sex offender reintegration: A quantitative review of the research literature. *International Journal of Offender Therapy and Comparative Criminology*, 56(1), 6-28.
- Levenson, J. S., & Cotter, L. P. (2005). The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21(1), 49-66.
- Levenson, J. S., D'Amora, D. A., & Hern, A. L. (2007). Megan's Law and its impact on community re-entry for sex offenders. *Behavioral Sciences & the Law*, 25(4), 587-602.

¹ In fact, future research could test this supposition by determining how answers differ between those informed of the reason for their selection versus those sex offenders who are not.

- Mingus, W., & Burchfield, K. B. (2012). From prison to integration: applying modified labeling theory to sex offenders. *Criminal Justice Studies*, 25(1), 97-109.
- Mustaine, E. E., & Tewksbury, R. (2011a). Assessing informal social control against the highly stigmatized. *Deviant Behavior*, 32(10), 944-960.
- Mustaine, E. E., & Tewksbury, R. (2011b). Residential relegation of registered sex offenders. *American Journal of Criminal Justice*, 36(1), 44-57.
- Park, J.H., Bandyopadhyay, D., & Letourneau, E. (2014). Examining deterrence of adult sex crimes: A semi-parametric intervention time-series approach. *Computational Statistics & Data Analysis*, 69(0), 198-207.
- Petersilia, J. (2009). *When Prisoners Come Home*. New York, NY: Oxford University Press.
- Podsakoff, P. M., MacKenzie, S. B., Lee, J. Y., & Podsakoff, N. P. (2003). Common method biases in behavioral research: a critical review of the literature and recommended remedies. *Journal of Applied Psychology*, 88(5), 879.
- Robbers, M. L. P. (2009). Lifers on the outside: Sex offenders and disintegrative shaming. *International Journal of Offender Therapy and Comparative Criminology*, 53(1), 5-28.
- Rose, D. & Clear, T. (1998). Incarceration, social capital, and crime: Implications for social disorganization theory. *Criminology* 36(3), 441-79.
- Salancik, G. R. (1984). On priming, consistency, and order effects in job attitude assessment: With a note on current research. *Journal of Management*, 10, 250-254.
- Salancik, G. R., & Pfeffer, J. (1977). An examination of the need-satisfaction models of job attitudes. *Administrative Science Quarterly*, 22, 427-456.
- Sampson, R., & Groves, W. (1989). Community structure and crime: Testing social-disorganization theory. *American Journal of Sociology*, 94(4), 774-802.
- Shaw, C. & Henry, M. (1942). *Juvenile Delinquency and Urban Areas*. Chicago, IL: University of Chicago Press.
- Shih, T.H., & Xitao, F. (2008). Comparing response rates from web and mail surveys: A meta-analysis. *Field Methods*, 20(3), 249-271.
- Tewksbury, R. (2012). Stigmatization of sex offenders. *Deviant Behavior*, 33(8), 606-623.
- Tewksbury, R., Connor, D. P., Cheeseman, K., & Rivera, B. L. (2012). Female sex offenders' anticipations for re-entry: Do they really know what they're in for? *Journal of Crime and Justice*, 35(3), 451-463.
- Tewksbury, R., & Zgoba, K. M. (2010). Perceptions and coping with punishment: How registered sex offenders respond to stress, internet restrictions, and the collateral consequences of registration. *International Journal of Offender Therapy and Comparative Criminology*, 54(4), 537-551.
- Tourangeau, R., & Yan, T. (2007). Sensitive questions in surveys. *Psychological Bulletin*, 133(5), 859.
- Travis, J. & Visher, C. (2005). *Prisoner Reentry and Crime in America*. New York, NY: Cambridge University Press.
- Uggen, C., Wakefield, S., & Western, B. (2005). Work and family perspectives on reentry. In Travis & Visher (Ed.), *Prisoner Reentry and Crime in America*. New York, NY: Cambridge University Press.
- Wildeman, C. & Wakefield, S. (2014). *Children of the prison boom: Mass incarceration and the future of American inequality*. New York, NY: Oxford University Press.
- Wilson, W. J. (2012). *The truly disadvantaged: The inner city, the underclass, and public policy*. University of Chicago Press.

A Difficult Position: A Feasibility Analysis of Conducting Home Contacts on Halloween

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THE ISSUE OF how to best manage sex offenders under community supervision has been a source of much debate. A number of measures have been incorporated by probation and parole departments across the country. Many of these measures are now viewed as commonplace and a part of standard operating procedure when supervising sex offenders in the community. Restrictions such as community notification, housing restrictions, and the use of electronic monitoring have all been used to attempt to supervise this clientele more closely and prevent future victimization. The effectiveness of such measures has been the focus of much research (see Zevitz, 2006; Levenson & Cotter, 2005; DeMichele, Payne, & Button, 2008). The results of such measures have ranged from mixed success in the case of community notification to proving counterproductive where housing restrictions are concerned (Tewksbury & Jennings, 2010; Levenson & Cotter, 2005).

One measure that has been employed recently has been for probation, parole, and other law enforcement agencies to contact sex offenders at home on Halloween night to ensure they are following their regular conditions of release and also special conditions unique to this night (see Appendix A, for example). Often offenders are forbidden to set up decorations outside their residence particular to the holiday, answer the door except for corrections/law enforcement, or hand out treats (See Appendix A for further details). Some jurisdictions have codified such measures, making noncompliance with some of these measures a new crime as opposed to a technical violation of release (O'Connor, 2005).

This measure and those like it appear to be premised on the notion that children trick or treating on Halloween offer an offender a wide variety of victims to choose from right at their doorstep. Offenders essentially have carte blanche of victims to choose from. This opportune time further allows sex offenders to easily conceal their identity by allowing them to wear costumes as part of the festivities (O'Connor, 2005). In essence, Halloween provides a plethora of targets (i.e., children) and a potential lack of guardianship or adult supervision, as older children and young adolescents are frequently without direct adult supervision. In fact, older children or adolescents may be providing supervision to young children trick or treating. Thus the level of guardianship may be lacking. Last, this measure relies on the supposition that sex offenders are highly motivated to sexually recidivate. Conducting home visits of sex offenders on Halloween and prohibiting them from participation are grounded on these notions that, although well-intentioned, do not appear to be based on empirical support.

Home contacts conducted on sex offenders during Halloween are intended to curb opportunities for offenders to recidivate against children that are strangers or not well known to the offender. Thus, home contacts rely on the concept of "stranger danger." This approach can be misleading and perpetuate a misperception of abuse as largely or primarily confined to strangers. While abuse at the hands of a stranger does occur, is not as likely as the general public may believe. Only about 10 percent of children who are sexually victimized are assaulted by someone considered to be a stranger (Bureau of Justice Statistics,

2000, 2004). Those offenders considered to be strangers to victims often recruit victims from shopping malls, arcades, and other retail stores (Elliot, Browne, & Kilcoyne, 1995; Wortley & Smallbone, 2006). In such instances children are often recruited from those places after some period of grooming, albeit a relatively short period. By recruiting from an area away from an offender's home, the sex offender can also make it more difficult, if the offense is reported to police, to identify the offender as a suspect (Petrosino & Petrosino, 1999). So, although children approaching an offender's door, as on Halloween, can appear to offer a prime opportunity for offending, this may in fact be a poor time to offend against a child, as child sexual offenses often occur in relative secrecy with no or very few others around (Seto, 2008). Thus trick or treaters may be less suitable as targets, especially if they are in groups or if a number of people may also be in the area trick or treating, thus increasing guardianship.

Perhaps the most contentious premise relating to this measure is a sex offender's proclivity to sexually recidivate. Empirical data suggests that re-offense rates among sex offenders are relatively low. Hanson and Bussierre (1998) conducted a meta-analysis of sexual recidivism among offenders from Canada and the United States and reported that 13 percent of sex offenders sexually recidivated within five years. Other studies concerning sexual recidivism have found varied rates, but all find that recidivism is relatively low when compared to other types of recidivism (Bureau of Justice Statistics, 2003; Hall, 1995; Hanson & Morton-Bourgon, 2004). However, there is a small segment of

offenders within the sex offender population that appear to represent a significant chance of re-offense (Wortley & Smallbone, 2006).

The thought of an offender under some form of community supervision sexually assaulting another child on Halloween understandably alarms probation and parole officers and agencies, given this seemingly opportune time for re-offense. The social sentiment towards sex offenders is inimical (Spencer, 2009). Sexual re-offense is devastating for the victim and the victim's family; in addition, for the assigned supervising officer, such re-offense can result in direct repercussions such as termination of employment or even litigation for the officer and the agency. Indirectly it can erode community confidence in the efficacy of probation/parole supervision. Many agencies wish to protect themselves against such unfortunate occurrences even if the chances of re-offense on Halloween are remote. Chaffin, Levenson, Letourneau, and Stern (2009) examined child sex-crime rates on Halloween and found "no significant increase in risk for non-familial child sexual abuse on or just prior to Halloween" (p. 371); they termed Halloween "just another autumn day where rates of sex crimes against children are concerned" (p. 371). Even when empirical data is considered, some probation and parole agencies may wish to err on the side of caution. This study will focus on the costs of conducting home contacts, specifically on Halloween. I will also examine manifest and potential latent benefits of conducting these contacts, though the costs and benefits will not directly be compared. Through examining costs, agency administrators can determine if home contacts conducted specifically for Halloween are feasible. In an era of accountability and the wide acceptance of evidence-based practices, it behooves correctional administrators to examine the feasibility of measures employed.

Method

Data for this study was procured from the United States Probation Office (USPO), District of Kansas, and the United States Marshals Service (USMS), District of Kansas. Probation and Marshal's Service offices are located in the federal courthouses of Kansas City, Topeka, and Wichita. The area of responsibility for the probation office and the Marshal's Service comprises the 105 counties in the state. Probation officers supervise criminal offenders released into the community under federal indictment on bond supervision, probation, and for terms of supervised

release. Some of these offenders may be dually supervised through state or local community corrections agencies for state or local crimes. Deputy marshals conduct a variety of security and apprehension duties. In this case they operate as a law enforcement counterpart to the probation officers.

Probation officers and deputies were asked to complete three surveys in order to examine financial costs of conducting these targeted visits as well as collect data about benefits. An offender information sheet was completed by probation officers. This form allowed officers to enter offenders' demographics as well as offense characteristics. Officers were also asked to collect information about the relationship the offender had with the victim(s). As stated previously, offenders very often know their victims. Halloween restrictions are targeted toward stranger victims. An offender's criminal history was also ascertained, as well as the criminal conviction that placed the offender under supervision. Officers were also asked to give their view of the likelihood of an offender's risk of re-offense at the time. This is important because offender re-offense risk is dynamic (Marshall & Barbaree, 1990). The second survey centered on the home contact. This form served two purposes. First, it allowed a measure of cost to be assessed, as total number of people conducting the visit, mileage, and any materials used for each visit was collected. This form also allowed a measure of benefit to be considered. Officers reported what happened during the contact, as home contacts are inherently beneficial for officers because such contacts allow them to verify that conditions of release are being met. The form also asked officers to collect data on collateral contacts, which can reveal more information about offender compliance and function as a public relations measure by displaying a presence in the community. Finally, officers completed an officer summation sheet, which also collected data relating to preparation time before conducting these contacts. Procedures such as coordinating with other agencies and selecting and contacting offenders about home visits took time. Officers were also asked to include their subjective comments about conducting these comments. This form was completed anonymously to ensure that officers would provide candid answers.

I used the ingredients method to examine costs. This straightforward approach to estimating costs relies on the idea that every intervention uses ingredients or resources that

have some value (Levin, 1983). When each ingredient is identified and affixed a value, practitioners can then assess which ingredients need fewer or more resources devoted to them and also examine cost per unit of work (in this case, a cost per home visit is identified as well as a total cost). Levin (1983) identifies 5 major categories of ingredients: personnel, facilities, materials/equipment, other, and value of client time and other client input. Personnel, materials and equipment (i.e., vehicles), and other (i.e., postage) were the categories used. Client time and input was not accessible, but would have been meaningful.

Results

Probation officers filled out offender information sheets for 22 offenders ($n=18$). The median age of offenders was 43 years old. All of the offenders were male and 90 percent were white, with the remaining 10 percent (2 cases) Hispanic. The offense(s) that offenders were currently under supervision for varied from sexual offenses to nonsexual offenses; however, those currently not under supervision for a sexual offense but previously convicted of a sex offense still had to abide by Halloween restrictions. For example, 7 (or 39 percent) offenders were not currently under supervision for a sexual offense. Of those, 5 were under federal supervision as a result of failing to register as a sex offender. (The Adam Walsh Act of 2006 made failure to register as a sex offender a federal offense.) The other two offenders had convictions for weapons and fraud but had previous convictions for sex offenses that made them eligible for Halloween restrictions.

Sexual offense types were coded into three different categories: offenders convicted of an offense involving child pornography, contact offenses, or offenses involving both contact and child pornography. The majority of offenders, 61 percent, had convictions for either possession/distribution or trafficking in child pornography. These were not considered contact offenses unless the offender participated in the abuse in connection with child pornography or was simultaneously convicted of a sexual offense. Only one person had a conviction under such circumstances. Six (33 percent of the offenders) were coded as contact offenders.

All of the offenders under supervision in this study for whom an offender information sheet had been completed either had child victims as a result of a previous conviction or were being supervised for a conviction

involving a child victim. Offenders with convictions involving child pornography were coded as having child victims. The relationship of the offender to the victim was coded as either being a family member (e.g., brother, stepfather, stepbrother), acquaintance (e.g., neighbor or friend of the family), or a stranger to the victim. In the cases involving child pornography where the child was not specifically identified as an acquaintance or family member, the children were coded as strangers to the offender. For this study, 17 percent of the victims were family members, 39 percent were acquaintances, and 44 percent were classified as strangers. A total of 9 of the 18 offenders had a previous sexual offense(s). Those with a past sexual offense averaged 1.54 offenses (std. .97), with a range of 1 to 3 past victims. Offenders who had prior arrests without a conviction did not have those victims included as past victims.

Officers rated the likelihood for each offender to reoffend sexually against a child using a Likert scale: 1= very unlikely to reoffend, 3= no opinion, and 5= very likely to reoffend. Of the 18 surveys submitted, 11 either omitted answering this question or answered 3. Those offenders for whom no answer was given to this question were coded as 3, or no opinion. Thus, for 11 or 61 percent of the offenders, the officer did not offer an opinion. Those officers who did rate the offender's risk of re-offense against a child rated 3 offenders as somewhat unlikely to reoffend, 3 offenders as somewhat likely, and 1 as very likely to recidivate against a child. Thus 4 offenders appeared to be a concern for sexual re-offense against a child.

Probation officers (PO) and deputy U.S. marshals (DUSM) filled out offender contact logs pertaining to the home contacts conducted on Halloween. A total of 37 (n=37) different offenders were contacted on Halloween. These logs collected a variety of information about participants of the visit as well as about what occurred at the home contact. POs and DUSMs usually conducted home contacts in groups of 2 or 3, although some went out singly. There were a total of 9 teams: 2 in Topeka, 4 from the Kansas City office, and 3 from the Wichita office. The total time spent for a home contact ranged from 2 to 26 minutes but averaged 7 minutes (std. 5.2 min.). In all but two instances offenders were home, and in 47 percent of the contacts a collateral contact was made. All of these contacts occurred as a result of the home visit. Collateral contacts are considered contacts

with others beside the offender. No arrests were made and no violations were noted. In one instance officers reported smelling marijuana in an offender's home, but no further action was noted. In two cases officers reported having contact with members of the public asking their business. Officers reported returning to 7 offenders' homes to conduct surveillance. Surveillance activity usually consisted of driving by the offender's home to ensure that lights were off and the offender was still abiding by Halloween conditions.

POs and DUSMs also completed Officer Summation Sheets. This data was quantitative as well as qualitative in nature. Officers kept track of the amount of time spent preparing for home contacts. This might involve developing a list of offenders to be contacted or coordinating schedules with coworkers or other agencies. Officers reported an average of 1.6 hours preparing for contacts (st. dev. 1.3 hours). Officers drove a total of 476 miles. The 9 teams averaged 53 miles per team but ranged widely (14–171 miles). The cost per mile was fixed at \$.56 per mile, thus the average mileage cost per team was \$29.68. The 9 teams consisted of some combination of 2-3 personnel. Some teams comprised only probation officers while others were a combination of DUSMs and probation officers. The total time spent conducting home contacts was also recorded. The average cost of the nine teams was \$83.89 per hour (st. dev. \$27.97).

The probation office incurred most of the cost (see Table 1). All the offenders contacted were under the supervision of the probation office. DUSMs provided an extra measure of security. A total of 37 different home contacts were conducted on Halloween. The cost per actual home contact was \$73.79. The teams

averaged 2.3 hours conducting home contacts. Total time spent out of the office ranged from 1.25 to 5 hours. However, officers spent an average of 7 minutes actually in the offender's home conducting probation supervision. Thus for every 1 minute spent with the offender conducting supervision, 19.5 minutes were spent driving or conducting some other business. Table 1 illustrates that salary was the major expense, as it was expected to be.

Officers provided feedback for an open-ended question concerning their impressions of home contacts made specifically on Halloween. Responses were largely positive about conducting unscheduled home contacts. However, the value of conducting home contacts specifically for Halloween was at times met with skepticism. One officer commented, "I have doubts as to whether these home contacts yield an actual deterrent effect" (anonymous officer). Another responded, "not sure if Halloween is any different than any other evening" (anonymous officer). These contacts were all unscheduled, so offenders were not aware that officers would be visiting their homes. Officers reported that all the offenders were compliant with their regular conditions of release as well as with special conditions for Halloween. A majority of the officers reported views similar to this one about the public, "the public feels assured that on a night in which children are going door to door convicted sex offenders are being monitored" (anonymous officer). Officers did report having contact with other members of the public (47 percent of home contacts resulted in a collateral contact). These contacts were all the direct result of the home contact (e.g., the offender's spouse, family member, or friend's home). Officers noted

TABLE 1.
Costs of Halloween Home Contacts

Ingredients	Total Cost	Cost to Sponsor	
		Agency (US Probation Office)	Government Agency (US Marshals Service)
Personnel			
Probation Officer	\$2,130.50	\$2,130.50	
Dep. USM	\$275.00		\$275.00
Admin. Assist.	\$40.50	\$40.50	
Materials and Equipment used			
Mileage	\$169.68	\$169.68	
	\$96.88		\$96.88
Other			
Postage	\$17.78	\$17.78	
Total Ingredient Costs	\$2,730.34	\$2,358.46	\$371.88

that collateral contacts can be very important because they can provide more information than some offenders reveal and they can become a good future resource. No officer reported being contacted by a member of the community outside the offender's home.

Discussion

Placing Halloween restrictions on sex offenders is an attempt to prevent child victimization. Restrictions include a number of different conditions, and officers conduct home contacts to ensure that these conditions are followed. This study examined the costs of conducting Halloween home contacts as well as providing a glimpse of what that population looks like. The federal District of Kansas offered an examination of a jurisdiction with offenders in rural and urban areas. Conducting home contacts is a significant investment of an officer's time and agency resources. The total cost of Halloween home contacts (\$2,358.46) is, however, not very substantial considering that the district's 2013 operating budget was \$7.4 million. However, administrators are constantly looking for ways to streamline costs and be efficient when using resources. In addition, utilizing evidence-based practices is increasingly mandated in corrections as a way to achieve the best results with the least waste of resources. However, in some areas other factors—such as public expectations—can influence the decision to implement certain practices congruent with public sentiment.

Officers conducted 37 home contacts on 37 different offenders, but only 18 offender information sheets were returned, giving only a rudimentary picture of those being contacted. All of the offenders had or were under supervision for an offense involving a child; thus it appears that children would be logical targets for future offending. However, a large majority of sexual offenders with child victims sexually offend against children that they know or are related to. The stranger offender relationship dynamic was quantitatively different here, as 44 percent of the offenders had stranger victims. Then again, offenders with child pornography convictions were coded as having a stranger victim relationship. Four child pornography offenders had past sexual offenses against children, but only one of them had a past stranger child victim. Halloween

prevention efforts concentrate on preventing stranger victim perpetration based on previous offending behavior; however, it does not appear that the offenders in this population present much of a danger to stranger child victims. When asked to rate the risk of prospective offenders again victimizing a child, only one officer responded that the chances were "very likely." This low result does need clarification, as 11 of the 18 completed surveys either skipped this question or responded with no opinion. Probation officers are the ones most proficient in the correctional community to judge dangerousness, often assessing offenders to determine risk level and recommending to the court special conditions to address risks; in the case of repeated violations of supervision or other extreme provocations, officers can also ask the court to terminate supervision, generally leading to incarceration.

Probation officers routinely conduct home contacts of most offenders while on supervision. Offenders are usually seen multiple times at home or at their place of employment. Sex offenders, in particular, normally receive a heightened level of supervision based on their status as a sex offender. Home contacts also take place throughout the year and at various hours of the day. Despite the benefits of home contacts, particularly in the case of sex offenders, the need to conduct them on Halloween and to impose specific conditions relating to Halloween activities can and has been disputed. For example, Chaffin, Levenson, Letourneau, and Stern (2009) found no spike in child sexual abuse rates during Halloween.

Conducting home visits on Halloween can be handled in differing ways. First, the status quo does not misuse resources, because there are benefits to be had; for example, it gives agencies an opportunity to work more closely with one another. This type of cooperation has latent benefits that carry over to other endeavors. Second, officers might wish to identify those offenders most likely to reoffend against children, especially those that tend to target child strangers or might be at a point in their life considered to present an elevated risk of re-offense. Many agencies have adopted a containment strategy to supervise sex offenders (English, Pullen, & Jones, 1996), a strategy that uses the probation officers as well as sex offender treatment staff and polygraphers

to more efficiently supervise sex offenders. These partners identify not only changing risk but also triggers and condition or law violations. Thus a more offender-specific Halloween home contact list could be procured. Finally, local law enforcement could be used in rural as well as urban areas to ensure that, if Halloween restrictions are required, offenders are following conditions. Although mileage was not a big expense, the time it took for officers to reach offenders did have a big impact on cost, considering that encounters between officers and offenders averaged 7 minutes. The presence of marked police cars and uniformed police officers could also provide a measure of public assurance, as they are more identifiable than non-uniformed probation officers in unmarked vehicles.

Not all of the sex offenders were contacted for Halloween visits: As of September 30, 2013, there were 59 sex offenders under federal supervision in Kansas, of whom 37 were visited at home on Halloween. Of the 37 home contacts conducted, only 18 offender information sheets were completed; thus a partial picture of the group contacted on Halloween was presented here. Levin (1983) notes that including costs of the client is important when considering a full assessment of the costs. It would therefore have been beneficial to examine any costs, financial or other, incurred by offenders. It may be the case that offenders incurred no direct financial loss, as they may have been home anyway, but other intangible costs such as reintegration difficulties or relationship hardships could have been incurred. The challenge of supervising sex offenders in the community is not enviable. Agencies and officers often walk a tightrope where one false move can have enormous repercussions for the officer and the agency, including causing the public to question the effectiveness of community corrections. However, in an era of evidence-based practices, agencies should examine their practices and make decisions that are in the best interests for the community they protect, the offenders they supervise, and the agency itself.

Appendix

Guideline Letter to Offenders for Halloween 2013 From the District of Kansas Probation Office

October 15, 2013

FIELD(Display Name)
 FIELD(Street)
 FIELD(City), FIELD(State/Province) FIELD(Zip/Postal Code)

Dear Mr. FIELD(Last Name),

The District of Kansas is implementing the following guidelines/restrictions for Halloween to correspond with treatment rules and some state requirements. Please sign the acknowledgment and return in the enclosed envelope no later than 10/30/13.

GUIDELINES FOR OFFENDER SELF-MANAGEMENT FOR 10-31-2013

1. I will not have any decorations, lights, etc., on my house, on windows, doors, or in my yard, that could attract minor children.
2. I will not leave candy/treats on my front porch or anywhere else on my property that could attract minor children.
3. I will turn off all lights to my front porch and garage area and remain in my home from 5pm to 10pm.
4. I will not answer my door to anyone, unless it is an adult family member, adult friend, or emergency personnel (i.e. police officer, fireman, EMT, etc.) Under no circumstances will I answer the door for a minor child.
5. I will post a sign on the front door that indicates "No Candy or Treats at this Residence."
6. I will not take walks in my neighborhood.
7. I will not attend any Halloween/Fall Festival parties.
8. If I live at home with another person that participates in Halloween/Fall Festival parties, I will provide a WRITTEN safety plan to my parole officer in advance. The safety plan will include where I will be & how I will be spending my time.
9. If I need to be out of my residence for any other reason, I will notify my officer in advance of where I will be, and the reason for being away from my residence.

I acknowledge that I have been given a copy of these guidelines & that they have been explained to me. I further acknowledge that failure to abide by them could result in sanctions being imposed. Name _____

Date: _____

References

- Bureau of Justice Statistics. (2004). National crime victimization survey (No. NCJ205455). Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics. (2003). Recidivism of sex offenders released from prison in 1994 (No. NCJ198281). Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics. (2000). Sexual assault of young children as reported to law enforcement: Victim, incident, and offender characteristics (No. NCJ 182990). Washington, DC: U.S. Department of Justice.
- DeMichele, M., Payne, B. & Button, D. (2008). Electronic monitoring of sex offenders: Identifying unanticipated consequences and implications. *Probation and Parole: Current Issues*, pp. 119-135.
- Chaffin, M., Levenson, J., Letourneau, E., & Stern, P. (2009). How safe are trick-or-treaters? An analysis of child sex crime rates on Halloween. *Sexual Abuse: Journal of Research and Treatment* 21 (3), 363-374.
- Elliott, M., Browne, K., & Kilcoyne, J. (1995). Child sexual abuse prevention: What offenders tell us. *Child Abuse and Neglect* 19(5), 579-594. London, UK: Pergamon Publishing.
- English, K., Pullen, S., & Jones, L. (1996). Managing adult sex offenders: A containment approach. Lexington, KY: American Probation and Parole Association.
- Hall, G. C. N. (1995). Sexual offender recidivism revisited: A meta-analysis of recent treatment studies. *Journal of Consulting and Clinical Psychology*, 63, 802-809.
- Hanson, R. K., & Bussiere, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66, 348-362.
- Hanson, R. K., & Morton-Bourgon, K. (2004). Predictors of sexual recidivism: An updated meta-analysis. Ottawa, Ontario, Canada: Public Works and Government Services.
- Levenson, J., & Cotter, L. (2005). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy*, 49(2), 168-178.
- Levin, H. M. (1983). *Cost effectiveness: A primer*. Volume 4. Beverly Hills, CA: Sage Publications.
- Marshall, W. L., & Barbaree, H. E. (1990). *Handbook of sexual assault: Issues, theories, and treatment of the offender*. NY: Plum Press.
- O'Connor, A. (2005, October 26). Sex offenders see new limits for Halloween. *New York Times*.
- Petrosino, A., & Petrosino, C. (1999). The public safety potential of Megan's Law in Massachusetts: An assessment from a sample of criminal sexual psychopaths. *Crime and Delinquency* 45(1), 140-158.
- Seto, M. (2008). Pedophilia and sexual offending against children: Theory, assessment, and interventions. Washington, DC: American Psychological Association.
- Spencer, D. (2009). Sex offender as homo sacer. *Punishment Society* 2009, 11; 219.
- Tewksbury, R., & Jennings, W. G. (2010). Assessing the impact of sex offender registration notification on sex-offending trajectories. *Criminal Justice and Behavior* 37 (5), 570-582.
- Wortley, R., & Smallbone, S. (2006). Situational prevention of child sexual abuse. *Crime Prevention Studies*, 19.
- Zevitz, R. G. (2006). Sex offender community notification: Its role in recidivism and offender reintegration. *Criminal Justice Studies: A Critical Journal of Crime, Law and Society*, Volume 19 (2).

Interagency Collaboration Along the Reentry Continuum

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IN OCTOBER 2012, the U.S. Probation Re-Entry Expert Working Group conducted a national survey of federal probation and pretrial services officers regarding a variety of reentry practices, with a goal of establishing a baseline of certain collaborative practices along the federal reentry continuum. The survey provided valuable insight into the level of collaboration between U.S. Probation and Pretrial Services and the Federal Bureau of Prisons. In this article we highlight some of the survey's findings regarding ways to improve federal reentry.

Background

Formed in 2005, the National Offender Workforce Development Partnership (NOWDP) focused on coordinating workforce development efforts between the Bureau of Prisons (BOP), the National Institute of Corrections, the Department of Labor, and the Probation and Pretrial Services Office (PPSO) of the Administrative Office of the U.S. Courts (AO). NOWDP placed particular focus on promoting the Offender Workforce Development Specialists curriculum (OWDS), often with a regional focus that includes local and state-level partners. Over time, however, additional federal agencies that focus on a variety of reentry concerns joined the NOWDP.

In 2012, the NOWDP members, realizing that this expanded membership necessitated a reassessment of the group's mission, agreed to expand their focus to *all aspects of reentry*,

but to concentrate on the unique circumstances and barriers facing *federal* defendants, inmates, and offenders. Contributing to these unique circumstances is the fact that the largest correctional system in the country, the BOP, houses over 219,000 inmates, many of whom are imprisoned far from the communities to which they will ultimately return on supervision. This creates special challenges.¹ Reflecting their new mission, the group renamed itself the Federal Offender Reentry Group or FORGe.²

One of FORGe's first efforts was to create a network of reentry points of contact (POCs), primarily to disseminate information and to promote communication among BOP staff and U.S. probation officers. In 2010, the BOP put in place Regional Re-entry Affairs Coordinators in each of the six BOP regions, as well as a Re-entry Affairs Coordinator in each institution. The Reentry Affairs Coordinators comprised the BOP's half of that network. In 2010, the AO selected an Expert Reentry Working Group that worked in partnership with the BOP Regional Reentry Affairs Coordinators and at the national level

¹ Many federally funded programs that could assist returning federal inmates are organized and administered at the state level. This greatly complicates the initiation of services or benefits for inmates imprisoned away from their home state.

² FORGe Mission: to foster collaboration among federal agencies and with national organization to equip federal defendants/offenders with the necessary skills and resources to succeed upon release.

to enhance reentry collaboration. In 2011 PPSO solicited volunteers from each probation and pretrial services office to likewise serve as points-of-contact (POCs). Some districts identified one POC, others identified multiple volunteers. Unifying these points of contact was the FORGe Listserv, in which all POCs were enrolled. There are also regional listservs that facilitate discussion and planning between POCs within the six BOP regions.

The Survey

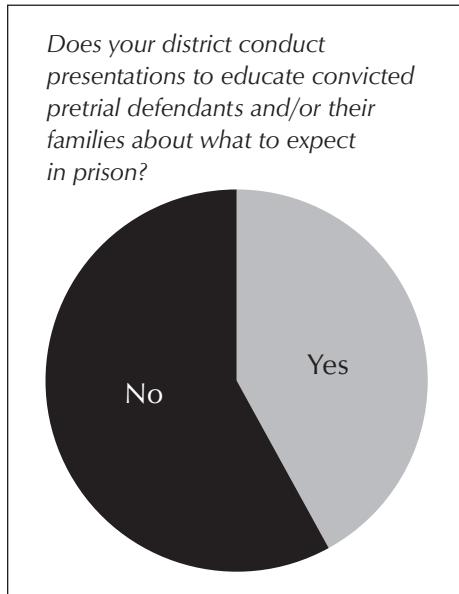
The past 10 years has seen a flurry of reentry-related activity and legislation affecting the U.S. probation and pretrial services system. This activity has included efforts to improve employment prospects for those leaving prison through job training, collaboration between criminal justice partners and community-based agencies, reentry courts, and expanded authority to expend funds under the Second Chance Act. While some of this activity was initiated at the national level, districts have engaged in different initiatives, creating a patchwork of reentry-related programming across the federal system that reflects the variety of needs and priorities of each district, as well as district autonomy.

Because of the wide variation in practices, PPSO sent a survey through the FORGe Listserv to the U.S. Probation and Pretrial Services POCs to establish a baseline of various activities for defendants/inmates/offenders navigating the federal criminal justice process. Responses were received from

107 of 120 separate offices, an 84 percent response rate. The following graphics and commentary provide significant insight into reentry operations between the BOP and U.S. probation and pretrial services offices across the country.

Preparation for Prison

Forty-two percent of respondents indicated that they conduct presentations to educate convicted pretrial defendants about what to expect in prison.



Defendants face great stress and anxiety during the prosecutorial process. If convicted, and if facing custodial sentence—which the vast majority will—defendants are typically unfamiliar with both the restrictions and the opportunities within federal prison. Many districts conduct regularly scheduled presentations, often in collaboration with BOP staff, to educate convicted defendants and their families on life under incarceration (e.g., child support issues, available programming within prison). Increased awareness can decrease defendant anxiety (potentially mitigating risk of nonappearance and better ensuring the safety of the community) and help defendants to better prepare. Preparation enables inmates to adjust to incarceration and to make better use of BOP available programming. Similarly, inmates fare better upon reentry when they have made the most productive use of their time in custody.

It is also important to educate families. When families are prosocial, it is critical for inmates to maintain those connections and that support, both while they are in prison and after their return. Research has shown that

inmates with higher levels of visitation have lower recidivism rates once they are released back into the community.³

Districts have created a variety of preentry programs that range from informal meetings between officers and defendants to formal panel presentations with representatives from BOP, ex-offenders, treatment staff, attorneys who advise on guardianship and other family matters, and pretrial services and probation officers. Some districts offer the presentations monthly; others offer presentations bi-monthly, quarterly, or twice yearly. Participation is generally voluntary, although some districts mandate attendance through court order. Family members are usually welcome to attend. A few districts provide preentry orientation to detained defendants, although most programs are geared towards defendants on pretrial release.

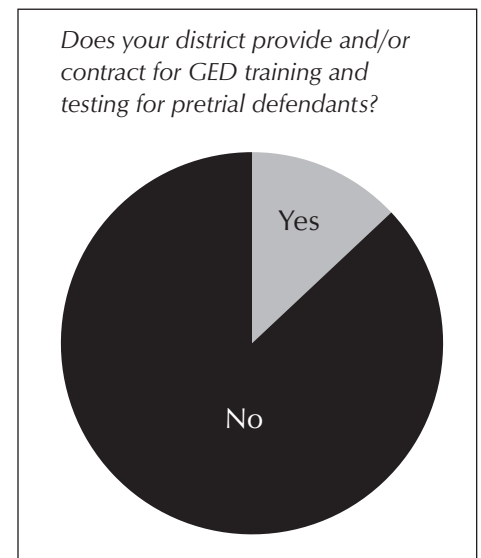
While the districts vary in their curricula, in general preentry programs educate defendants about the presentence process, sentencing, and the BOP. In addition, defendants may be encouraged to research BOP facilities to learn about educational or vocational programs in which they may want to participate. Presenters provide guidance regarding transition planning, including taking care of personal and legal affairs, obtaining identification that will be valid upon release, documenting medical conditions and medication, storing important documents in a safe place, and informing about prerequisites for certain BOP programs (e.g., GED or high school diploma, payment of special assessment fee). Practical information about the BOP is also shared, ranging from the logistics of self-surrender (How do I get there? What do I bring? What happens when I get there?), to visitation and communication with family, commissary and daily life, and reintegration upon release. Ex-offenders share their unique perspective about the transition into and out of the BOP, and offer their experience on how to structure the pretrial and prison time as productively as possible. Finally, some orientation programs focus on the emotional aspect of the transition, providing coping tools and resources to ease the anxiety and stress that defendants and their families' experience.

Districts that have engaged in preentry services have received positive feedback from defendants, family members, and BOP staff. In general, defendants are better

prepared—practically and emotionally—when they enter prison.

Pretrial GED programs

In the survey, 13 percent responded that they provide GED assistance to pretrial defendants. In a follow-up question for those who provide GED training or testing, 32 percent indicated that they have used court funding to provide these services.⁴



Many defendants on pretrial release have significant educational deficits. Districts can use appropriated funds or free community resources to help defendants attain the General Equivalency Degree (GED) while their cases are pending. The lack of a high school diploma or GED increases an inmate's risk score during the BOP's security designation process. It also precludes inmates from pursuing more advanced educational services in the BOP. Success and rehabilitation while on pretrial release are also more likely to be considered at sentencing in the post-Booker environment.⁵ Research has shown that, even when controlling for defendant risk levels, improved pretrial outcomes lead to improved reentry outcomes, specifically, lower re-arrest rates.⁶

⁴ The federal courts suspended Second Chance Act funds halfway through fiscal year 2013, and no funds were allocated during fiscal year 2014 due to budget constraints.

⁵ *United States v. Booker*, 543 U.S. 220 (2005). This ruling struck down the requirement that federal judges sentence offenders within the Federal Sentencing Guidelines.

⁶ Cadigan & Lowenkamp (2011). Preentry: The key to long-term criminal justice? *Federal Probation*, 75(2), 74-77.

³ Joshua Cochran (2014). Breaches in the wall: Imprisonment, social support and recidivism. *Journal of Research in Crime and Delinquency*, 51(2), 200-229.

Although courts have always had the authority to impose release conditions of education and employment (18 U.S.C. 3142 (c)(1) (B)(ii) and (iii)), a 2009 study of federal pretrial services enhanced the focus on this issue.⁷ The study found that 41.4 percent of pretrial defendants lacked a high school diploma or GED. It also found that, on average, 52 percent of defendants were unemployed at the time of their initial appearance. The study also demonstrated that education and employment status were related to the risks of nonappearance and danger to the community. Therefore, some pretrial services agencies have developed more robust programs, targeting those without high school diplomas or GEDs. They have also provided vocational, educational, and employment assistance by way of skills assessments and job readiness training for those who have met the basic educational requirements of the BOP.

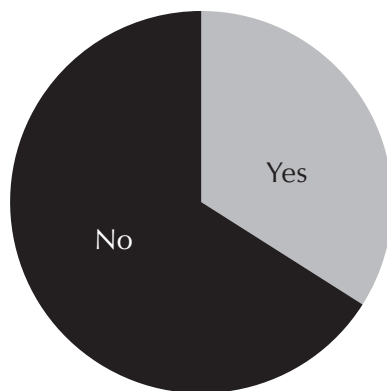
Some pretrial services agencies have appointed Workforce Development Coordinators, who are tasked with resource development in the community. Partnering with community-based organizations is essential to provide educational, vocational, and employment assistance to the pretrial population. Coordinators work with community colleges, Goodwill Industries, Offender Aid and Restoration, and others. Defendants are given opportunities to attend English as a second language (ASL) classes and various computer classes. Program coordinators also partner with the federal public defender's office to provide orientation meetings for unemployed defendants released on supervision. Emphasis is placed on ensuring that these defendants have birth certificates, social security cards, and photo identification, which are vital for defendants' educational, vocational, and employment endeavors.

⁷ Marie VanNostrand, Gena Keebler. (2009). Pretrial risk assessment in the federal court. *Federal Probation*, 73(2), 3-29.

Reducing Child-Support Obligations

Thirty-four percent of respondents reported that they educate defendants about the importance of pursuing modifications of child-support orders before incarceration.

Does your district educate defendants about the benefits of modifying child support payments prior to incarceration? (Excessive child support arrears can be a disincentive for offenders to join the legitimate labor force.)



Many offenders are released owing tens of thousands of dollars in child support. The federal Office of Child Support Enforcement (OCSE), part of the Department of Health and Human Services (HHS), conducted an analysis of 51,000 federal inmates and found that 29,000 had past-due child support.⁸ On average, an inmate who enters prison owing \$10,000 will owe \$20,000 upon release.⁹

Some districts are carefully documenting any and all child-support obligations and encouraging defendants to seek modifications of their child-support orders before incarceration. The survey shows clearly, however, that two-thirds of districts do not address child support with defendants facing incarceration. Taking the long view, educating defendants who have child-support obligations could improve offenders' chance of success upon

⁸ *Project to Avoid Increasing Delinquencies*. Office of Child Support Enforcement Child Support Fact Sheet Series Number 5

⁹ Nancy Thoennes. (2002, May). *Child Support Profile: Massachusetts incarcerated and paroled parents*. Center for Policy Research.

reentry.¹⁰ The research is encouraging. A six-month evaluation was conducted on 350 paroled and released offenders who participated in Denver's Work and Family Center (WFC). WFC is a voluntary multi-service site that offers employment assistance and services for child support and family integration in one setting. The evaluation showed that employment rates rose for participants from 43 percent to 71 percent, and average quarterly earnings among clients increased from \$3,178 to \$3,853. Child-support payments were higher as well. On average, parents served at the WFC paid 39 percent of what they owed in child support, compared to 17.5 percent paid during the 6 months prior to using the program. Those paying no child support dropped from 60 percent to 25 percent. Additionally, WFC clients were returned to prison in lower numbers than those reported for all DOC inmates. WFC clients were returned at a rate of 28.6 percent, compared to a state-wide average rate of 40 percent.¹¹

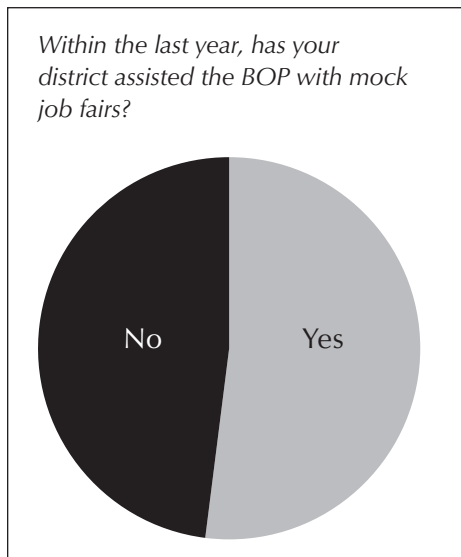
Support and encouragement for offenders to maintain prosocial ties is critical to reducing recidivism. Offenders excessively burdened by child-support orders may be less inclined to pursue a non-criminal lifestyle. Accepting financial responsibility for one's children and engaging in the legitimate workforce marks a major transition for many offenders. Coordination between U.S. probation and pretrial services officers and BOP case managers could ensure that offenders have more manageable child-support burdens upon reentry.

¹⁰ Office of Child Support Enforcement. (2007). *Project to avoid increasing delinquencies*. Office of Child Support Enforcement Child Support Fact Sheet Series Number 4. OCSE argues that inmates should seek to have their child-support orders modified, if possible, *prior* to incarceration. Excessive child support debt is considered a disincentive for parents to join the legitimate economy. Child support rules vary by state, but the federal government is trying to educate and encourage the states to be more open to modifying child support rules. In fact, some states consider incarceration as voluntary unemployment and therefore refuse to modify orders. HHS would rather have offenders who are non-custodial parents make some smaller manageable payments toward child support (as opposed to making none and having no contact), so that they might still be involved in the lives of their children.

¹¹ Jessica Pearson & Lanae Davis. (2001). *Serving Parents who Leave Prison—Final Report on the Work Family Center*. Center for Policy Research.

Mock Job Fairs

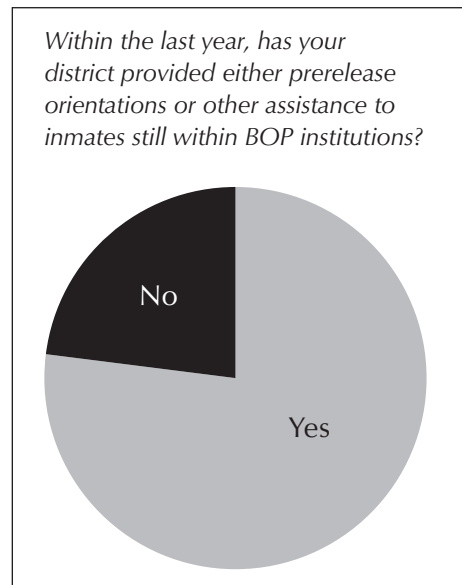
Fifty-two percent of survey respondents reported that they assist with BOP mock job fairs.



Mock job fairs provide incarcerated inmates with an opportunity to practice interview skills. Inmates practice the difficult conversations they will have when they seek employment. By helping with these mock job fairs, probation officers show inmates that employment will be a major focus and expectation upon their release. Being community-based, probation officers have greater awareness of the employment challenges and opportunities offenders encounter upon their release. To assist the BOP with job readiness training, officers from some districts present soft-skill programs directly to BOP inmates. Officers can also provide general release information, particularly concerning what offenders should expect from supervision. Officers also identify inmates who have participated in vocational training and connect them with employment upon release.

Prerelease orientations

Seventy-seven percent of survey respondents reported that they provide assistance to inmates while they are in BOP institutions.

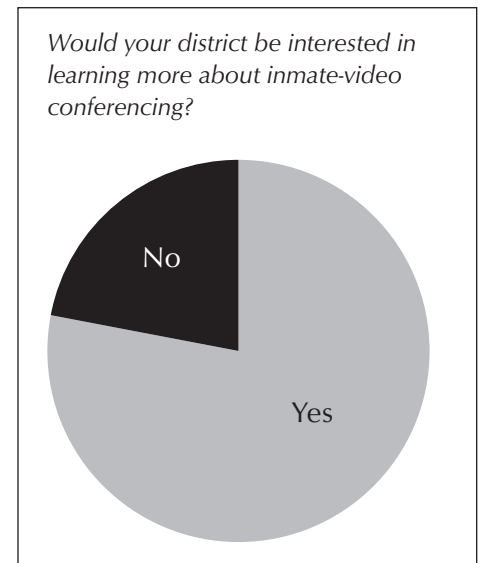


As shown in the survey, many districts engage with inmates and staff at nearby BOP institutions. As mentioned earlier, many inmates are in institutions far from their home communities. Not surprisingly, BOP staff members often have limited knowledge of the communities to which inmates are returning.

One district conducts in-reach at federal prisons in its local area. Probation officers go to the prisons at least quarterly to inform inmates about Selective Service Registration, employment, education, family, home ownership, and other programs. The district's Community Resource Specialist also provides information to inmates to assist with transitional planning, such as information regarding schools and training.

Video Conferencing—Inmates Preparing for Release

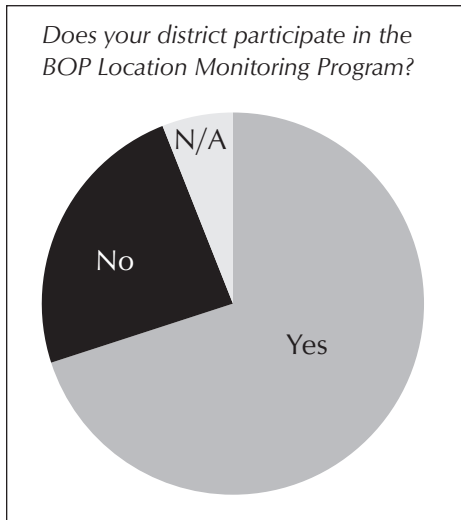
Seventy-eight percent of respondents reported that they would like to learn more about inmate video-conferencing with BOP.



Very often federal inmates are incarcerated too far for family to visit or for staff to conduct prerelease seminars. A district in the Midwest conducts video conferencing with 11 institutions. The BOP identifies the inmates, and probation officers invite the family to come to the courthouse. This offers an opportunity to start family reunification and also provides a joint orientation regarding programs and resources available to build motivation and family support. At times, inmates have not seen family members at all while incarcerated. Since the technology and equipment are available, video conferencing can be implemented at no cost to either agency.

For Low-Risk Inmates—BOP Location Monitoring

Over 70 percent of the survey respondents reported that they participate in the BOP Location Monitoring program.



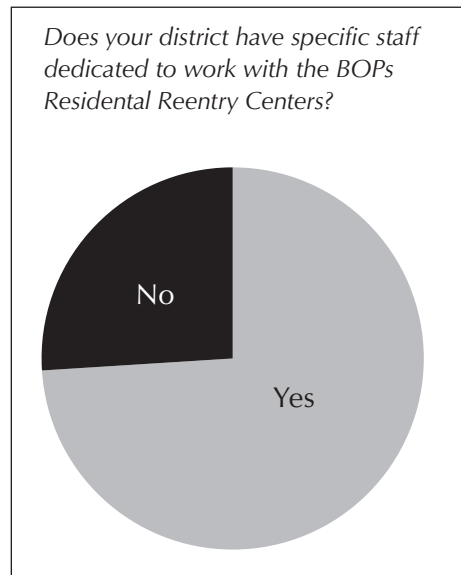
The adoption of evidence-based practices has been a major focus in community corrections for the past decade, emphasizing applying the principles of Risk, Need, and Responsivity (RNR) to reduce recidivism. Simply put, the risk principle directs that there must be increased interventions for higher-risk offenders in order to reduce recidivism. Correspondingly, there should be decreased interventions with lower-risk offenders, to avoid increasing the likelihood that they will recidivate. The redesign of the BOP location monitoring program represents a major step by federal corrections to adopt the risk principle. It also saves the BOP money that would otherwise be paid to the contract Residential Reentry Centers (RRCs).

Under the BOP-AOUSC Inter-Agency Agreement revised in 2011, BOP institutions may refer inmates (generally only those at the minimum risk level according to the BOP Security and Classification tool) directly onto home confinement with location monitoring and under the supervision of U.S.

probation officers. The BOP’s Residential Reentry Managers assess the referrals and then forward them to U.S. probation. If accepted by the probation office, these inmates are supervised according to probation policies, as detailed in the *Guide to Judiciary Policies and Procedures*. The probation office also retains the discretion to select the most appropriate type of location monitoring technology. The BOP reimburses the AOUSC through quarterly payments based upon the number of cases referred and any other associated costs.

Working with Residential Reentry Centers

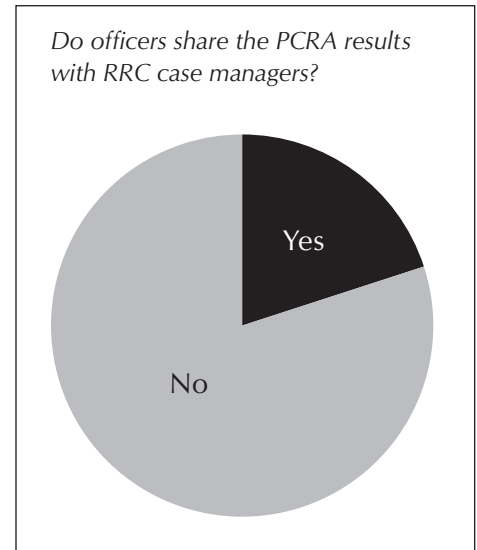
As shown here, 74 percent of respondents have staff dedicated to working with the RRCs.



Over 80 percent of BOP inmates are released to RRCs before their term of supervision begins. The goal of the RRCs is to allow inmates to assimilate more gradually into their local communities and to receive necessary programming. Inmates may now spend up to 12 months of their sentence (or 10 percent, whichever is less) in an RRC. The average length of time inmates spent in the RRC was 131 days during fiscal year 2011, but it appears to be increasing.

Sharing Risk Assessment Results

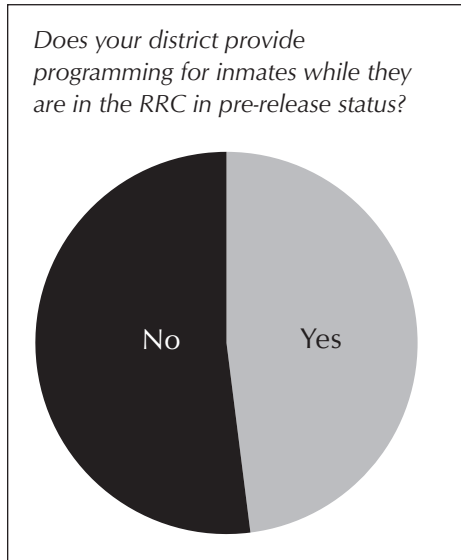
In 2011, PPSO released the Post Conviction Risk Assessment (PCRA), which is now the primary actuarial risk prediction tool that informs case planning. As shown below, 20 percent of respondents reported that they share PCRA scores with RRC case managers.



To become a more streamlined collaborative reentry system built upon evidence-based practices, it is essential that we share actuarial risk prediction information data along the continuum. The PCRA identifies each offender’s risk of recidivating, dynamic risks, responsivity factors, and criminal thinking styles. Providing PCRA results to RRC case managers would more fully inform their efforts to improve each inmate’s transition back into the community.

Programming for RRC Inmates

Forty-eight percent of respondents reported that they provide programming to inmates residing in the RRCs.



In contracting for services, the government uses a statement of work to delineate the contractor's responsibilities. The BOP's statement of work specifies the scope of activities and interventions that the RRCs must provide to residents. Although these services assist the inmate with reentry challenges, many U.S. probation staff noted that they provide additional services, such as a general orientation to supervision to RRC inmates. Respondents noted that they provide a variety of services, including cognitive behavioral therapy classes, job readiness, basic computer skills, journaling groups, resume writing, etc. These take place either in the RRC or at the probation office, and RRC inmates are allowed to participate. Some districts also invite RRC inmates when they hold job fairs.

Future Directions

The survey paints a promising picture of how BOP and U.S. probation and pretrial services officers can work together to improve federal reentry. The federal reentry continuum is complex—spanning two branches of federal government, 94 federal districts, and 119 institutions—but progress in overcoming obstacles continues. At least as important, there is tremendous innovation and commitment at the local level among institutions, RRC staff, and U.S. probation and pretrial services staff. Advances require building working relationships with our counterparts who share the mission of improving federal reentry and reducing recidivism. Progress has been made despite physical distances between institutions and probation offices, differences in organizational cultures, and lack of data integration. Nevertheless, it is a time of optimism, for the fiscal challenges facing the federal criminal justice system will increasingly demand improved process efficiency and demonstrable outcomes. These will likely only be realized as we improve interagency collaboration.

How Far Have We Come? The Gluecks' Recommendations from *500 Delinquent Women*

Mary Ellen Mastrorilli, Boston University
 Maureen Norton-Hawk, Suffolk University
 Danielle Rousseau, Boston University

IN 1934, SHELDON and Eleanor Glueck published a richly detailed empirical study on women prisoners in Massachusetts entitled *500 Delinquent Women*. It was one of the few published studies on female offenders at the time, and it is considered the “companion volume” to their previous work on men, *500 Criminal Careers* (1930). In the final chapter of the book the researchers proposed a wide-ranging set of crime, justice, and punishment policy recommendations that addressed four fundamental realms—the community, the administration of justice, the reformatory, and parole. Within these areas they put forth evidence-based and well-reasoned arguments for systemic change in the way deviant, marginalized women should be managed by criminal justice authorities. In the article that follows, we demonstrate that some of the need areas of almost 80 years ago persist, while in other ways, the Gluecks’ vision was realized.

Community Recommendations

The Gluecks asserted that the community had two significant failures—it did not do enough to prevent delinquency, and it did not coordinate and integrate existing community resources. Calling for a safety net that would identify, redirect, and support delinquents at risk for developing criminal careers, they discussed how the “belated furnishing of medical treatment, education, trade instruction, and wholesome recreational outlets” catalyze “the accident of arrest and conviction” (Glueck & Glueck, 1934, p. 311). Specifically, they recommended the creation of marital/family clinics to address this deficiency. As a key agent of socialization, the family is expected to be a source of nurturance, moral development,

and safety for children. All too often in impoverished communities, healthy family attachments are strained or even absent, resulting in environments of neglect, abuse, and violence. Through their research, the Gluecks came to believe that supporting at-risk families was fundamental to preventing delinquency. Eighty years later, research shows that while there is no single cause of deviant behavior among children, family dysfunction continues to be a common predictor of delinquency (Steinberg, 2000, p. 33).

Exacerbating community shortcomings in supporting distressed families was the lack of integration of existing community resources. The Gluecks rightly noted that cities are equipped with a variety of social agencies to improve community life, but went on to say that “too often each agency does not see its goals and processes as organically related to a larger whole” (Glueck & Glueck, 1934, p. 311). Thus, they recommended establishing “coordinating councils” to harness community resources to “stamp out the breeding spots of delinquency” (Ibid.: 312). Coordinating councils, designed to marshal community resources to promote a synchronized response to a complex social problem, became widespread in the 1990s (Allen, 2005, p. 49). There is evidence that this approach to solving social problems does produce positive outcomes, especially in the area of domestic violence (Javdani & Allen, 2010). One example is Oregon’s Family Violence Coordinating Council. It comprises law enforcement, courts, health care, substance abuse, victim advocacy, and child services all working collaboratively to eliminate family violence (<http://web.multco.us/fvcc>).

Administration of Justice Recommendations

Concerned about the overly repressive tactics of police and the corrupt practices of the time, the Gluecks recommended that police departments establish “professionally staffed crime-prevention units that lend the arm of the law to community efforts at curbing the development of delinquent careers” (Glueck & Glueck, 1934, p. 316). The Gluecks regarded police roles as including, in addition to law enforcement role, crime preventive and rehabilitation. They felt that the measures used to evaluate police (number of arrests and convictions) needed to “evolve more fundamental tests of good police work” (Ibid.). Today’s School Resource Officer appears to fulfill the Gluecks’ vision of law enforcers as agents of prevention. These are specially trained police officers who patrol schools, educate students about crime prevention, and serve as mentors to students. However, more research is needed to determine their effectiveness inside schools. According to an empirical study that examined 28 schools over a three-year period (Theriot, 2009), increased criminalization of students occurred due to arrests for disorderly conduct, a behavior that the study author describes as “subjective, situational, and circumstantial” (Ibid., p. 285); while arrests for assault and weapons-related charges decreased, suggesting a possible deterrent effect through the presence of school resource officers. It is unclear whether these types of partnerships between police and schools prevent crime or begin the process of labeling juveniles as delinquents. The Gluecks surely would have approved of at

least the instructive role that School Resource Officers play.

The Gluecks called for “specialized courts dealing with female offenders,” especially in the area of prostitution. Calling one such court in Chicago a “Morals Court,” they described its purpose in the words of Judge Harry Fisher from the Municipal Court of Chicago: “to avoid waste of judicial power, save time, promote efficiency of administration, and lastly to deal more wisely with offenders and to marshal the social agencies organized for the assistance of such cases” (Ibid., p. 317). The Gluecks saw criminal offending as stemming from a set of circumstances unique to each offender, rather than lending itself to a broad brush of adjudication and punishment. In line with their idea of individualized justice was a type of prison/jail diversion program that they called “treatment tribunals.” Instead of the courts incarcerating offenders with limited criminal identities, the Gluecks proposed that court personnel should do a thorough classification of the offenders’ risks and needs and divert them to “remand stations” where medical (i.e., venereal), educational, and vocational services could be provided, reserving prison beds for those deemed most delinquent. The Gluecks’ description of specialized courts and “treatment tribunals” strongly resembles today’s problem-solving courts. There has been a proliferation of these courts in recent years to address the criminal violations and treatment needs of different categories of offenders, such as the mentally ill, the drug addicted, and those who batter. Numerous studies suggest that these courts are associated with reduced criminal behavior, but Weiner et al. (2010) point to a dearth of critical analysis that rigorously tests the effectiveness of these specialized judicial processes.

Sheldon and Eleanor Glueck deeply believed that offenders could change. Therefore, their support for indeterminate sentences was not only steeped in a moral philosophy about the inherent resilience of human beings but based on empirical observations, citing evidence that women in their study showed substantial improvements on a number of key factors (family relationships, economic responsibilities, etc.) with the passage of time. They acknowledged that not all offenders can be rehabilitated; nonetheless, they called for periodic reviews by “treatment tribunals” to determine the readiness of a prisoner’s release to the community and to avoid arbitrary and unfair release decisions. Indeterminate sentencing began a decline

after the publication of a book by legal scholar and federal judge Marvin Frankel, who described federal sentencing as: “a nonsystem in which every judge is a law unto himself or herself and the sentence a defendant gets depends on the judge he or she gets” (Frankel, 1973, p. 1). Ultimately, in 1984 the Sentencing Reform Act was passed, creating the United States Sentencing Commission to promulgate sentencing guidelines. The guidelines severely reduced judicial discretion in sentencing and abolished federal parole (although still existing in grandfathered cases as well as in a limited category of cases). “Get tough” punishment policies and truth-in-sentencing movements produced a wave of mandatory sentencing and habitual offender initiatives, for example, Three Strikes laws. More recently, however, the pendulum appears to be swinging in the direction of “less tough” sentencing policies but not so far as to revive wholesale the indeterminate sentence. Twenty-one states have active sentencing guidelines that determine or recommend a sentence or sentencing range with the intent of reducing sentencing disparities (National Center for State Courts, 2008). While reducing sentence variances is a worthy goal, overlooked in these specifications are the situational aspects and personal characteristics of the criminal offender that in themselves constitute a social harm (Alschuler, 1991, p. 901). Even though judicial discretion is allowed under the guidelines to address mitigating and aggravating circumstances, Egen et al. (2006) found that 85 percent of sentences fall within the standard range (2006: 121).

The Gluecks asserted that the criminal justice system is not a system at all, but a collection of disjointed, inefficient agencies with competing interests and goals. They went on to say that in many jurisdictions the releasing authority (typically an independent parole board) makes a key decision in the life of the offender without the benefit of fully tracking her treatment progress. They proposed that treatment tribunals, as described earlier, would be best equipped to make release decisions. In this way, the correctional experience could be a continual, integrated, and rational process. According to the 2012 Directory of the American Correctional Association, 13 out of 50 state departments of correction have paroling authority. Such an organizational structure allows correctional agencies to monitor their offenders from the first to the last day of sentence, including community placement. Predictive instruments are routinely used in prison settings for classification purposes; and

correctional programs are designed to prepare the inmate for eventual release. It follows, then, that this consequential decision should be made by the entity that is most familiar with the prisoner. In a national survey of state paroling authorities, 32 (out of 37 reporting) use predictive instruments to inform release decisions (Caplan & Kinney, 2010). It is unknown whether or not the 13 non-reporting authorities use such instruments.

As scientists, the Gluecks valued the idea of predicting behavior. Therefore, they promoted the use of “prognostic devices constructed upon analyzed experience with numerous offenders of different types” (Ibid., p. 324). They saw these tools as a way to match offenders’ changing risks and needs with treatment options from when the offender entered the system up to the time of their eventual release. The use of predictive instruments in criminal justice accelerated in the 1990s, particularly with the treatment and detention of youthful offenders. Since that time researchers have expanded the development of risk assessment tools to include other subgroups of criminals such as sex offenders, female offenders, and violent offenders. Generally, the literature suggests that predictive instruments are only one tool in the overall management of offender risk and needs; and that their optimal use should be tied to specific theoretical constructs to target defined behaviors for more appropriate and effective clinical intervention (Kroner, Mills, & Reddon, 2005).

Concerned about a “sinister partnership of politics and vice” (Ibid., p. 325), the Gluecks favored citizens’ oversight boards to monitor the proper and lawful enforcement of crime, especially commercialized vice. The movement for citizen oversight of police has ebbed and flowed with the times. In the 1920s it was considered a “radical idea.” In the 1950s to 1960s it was highly controversial due to the tensions between police and citizens at the start of the civil rights era. The 1970s saw a revival as political and community leaders demanded more police accountability. Today, it has received widespread acceptance in large urban police departments, although only a small fraction of police agencies nationally have any form of citizen review (Finn, 2001).

Reformatory Recommendations

The structure of the reformatory, according to the Gluecks, hampered its ability to rehabilitate offenders. Therefore, they proposed the building of “cottages,” reminiscent of homes, to replace the impersonal environment that a

large institutional setting begets. Within the cottage system, prisoners amenable to rehabilitation could be separated from those who were perceived to be “irreformable”—the mentally defective, dangerous, or “chronic alcoholics.” Within these cottages experimental treatment approaches could be undertaken, thereby transforming a prison into a more treatment-oriented, evidence-driven establishment. The “cottages” at the Women’s Reformatory in Massachusetts (now known as Massachusetts Correctional Institution—Framingham) still stand but are called “compound units.” Those units and additional living areas constructed over time house groups of offenders similar to what the Gluecks envisioned, but without the experimental protocols. One of the original cottages, called the Townline Unit, is home to the Women’s Recovery Program—a 6-month residential treatment program that addresses substance abuse and addiction. Another unit is the Residential Mental Health Treatment Unit, which focuses on offenders who suffer from serious mental illness but are able to participate in group programming in a meaningful way. Two cottages (Laurel and Pioneer) house NEADS (National Education for Assistant Dog Services) and America’s VetDog. These are programs that teach inmates how to train canines to be service dogs for individuals who are physically disabled. Many prisons today contain program-oriented housing units similar to what the Gluecks endorsed. However, prisoner experimentation does not routinely occur inside the walls of correctional facilities. Experiments on prisoners ended by the mid-1970s as ethical standards evolved to protect this vulnerable population (Hornblum, 1997).

Even more important than the physical structure of the reformatory was its daily regime. Following Reformatory Superintendent Jessie Hodder’s lead to “counteract the routinizing influences of an institution” (Ibid., p. 327), the Gluecks proposed three major changes. The first was to assess the willingness of psychiatric staff to take a “dynamic approach” to the inmate population. By this they meant implementing treatment programs as not only a therapeutic attempt to reform, but also as a way to formally study the etiology of delinquency. Second, they supported the idea of “indenture,” in other words, an apprenticeship-type placement in the community while still serving one’s sentence. This activity would allow prisoners to learn an employable skill while also being able to more fully participate in the community. Finally, the Gluecks supported a

robust prison industries program where every prisoner would be given a work assignment to learn a trade and increase future employability. They recognized the limits of the industries program at the Massachusetts Reformatory in being able to assign full-time work to every incarcerated. Thus, they proposed a half-day schedule to employ all of the prisoners, with the remaining time devoted to education, recreation, and health activities. They concluded their discussion on the Reformatory by stating that without proper personnel—those with “constructive ingenuity, the scientific attitude, and the love of humanity” (Ibid., p. 329), the most helpful regime would accomplish very little. The ideal prison regime described by the Gluecks bears little resemblance to how prisons operate today. Correctional facilities are very much routinized institutions organized around the single most important security procedure—the daily counts. Work assignments in industries programs are limited, waiting lists for program/treatment slots are long, and correction officers, despite their growing professionalism and more rigorous training requirements, have yet to be described as a group of personnel with a “love of humanity.” The field has become increasingly militarized and punitive, focused predominantly on security needs and disturbance control, and to a lesser extent on treatment and rehabilitation.

Parole Recommendations

One of the findings in *500 Delinquent Women* is that parole had a deterrent effect on recurring criminal and/or noncompliant behavior. The revocation rate among the Glueck sample was 20.7 percent, with only 13.8 percent being returned to the Reformatory and the remaining 6.9 percent having absconded (Ibid.: 209). Through the Gluecks’ in-depth analysis of the case histories of 11 women, they were able to contextualize the parole experience and advanced the following recommendation to improve parole supervision: Parole agents should follow family casework practices. Not only does the offender need to prepare for her freedom, but the family that awaits her must adjust to her homecoming. Because parole agents walk a thin line between being helpful supervisors and enforcers of the law, ex-prisoners might not turn to them in times of need or crisis, thus creating the very situation everyone is looking to avoid—criminal relapse. Thus, the Gluecks put forth the idea of creating “out-patient departments of hospitals—places to which ex-offenders could

return at any time for constructive, confidential guidance” (Ibid., p. 331).

The Gluecks’ vision of parole has never materialized. In fact, almost a third of all jurisdictions in the United States have rescinded discretionary parole, and those who have maintained it have increased parole conditions both in number and in punitiveness (Travis & Stacey, 2010). Further, the effectiveness of parole has been called into question. The Bureau of Justice Statistics (2009) reports that more than one-third of all parolees (36 percent) were reincarcerated in 2008. One promising innovation, however, is the emergence of reentry courts. In 2001, the Justice Department funded nine pilot reentry courts to support offenders through the process of reentry. Currently, there are approximately 80 state and federal reentry courts that use “incentives and sanctions with judicial oversight to effectively address the complex challenges of offender reintegration” (McGrath, 2012, p. 114).

Additionally, in 2008 Congress passed the Second Chance Act—legislation designed to provide non-profit and government agencies with federal monies to assist in the reentry of prisoners returning to their communities and families. According to the Council of State Governments Justice Center, this law is a first of its kind and has been described as “a common-sense, evidence-based approach to reducing crime and improving public safety” (Second Chance Act Talking Points, 2008). In many ways the Act addresses each of the community recommendations put forth by the Gluecks, but it was created in response to the mass incarceration policies of the 1980s and 1990s and the reentry crisis that ensued, rather than as a forward-thinking policy of prevention. The Act was reauthorized in 2013 and guarantees funding through 2018 for programs that have demonstrated reductions in recidivism.

Conclusions

Revisiting the work of the Gluecks allows us to assess the gains that have been made in the field of criminal justice as we attempt to hold criminals accountable in a humane and effective way. In the eighty years since these visionaries’ recommendations were proposed, criminal justice policy that reflects their ideals remains a mixed bag. Recommendations such as the creation of specialized courts, the implementation of residential treatment programs inside the walls of prisons, and expanded use of valid predictive instruments

appear to have taken hold, although full integration of community services remains a rarity, and a return to the rehabilitative ideal seems unlikely in the foreseeable future.

The women Sheldon and Eleanor Glueck so empathically and thoroughly studied look very much like the women that have captured the attention of contemporary criminologists. Entrenched in poverty, low-skilled, poorly educated, and beset by obstacles attributable to childhood trauma, the enduring status of marginalized, and therefore criminalized, women says something about society's attitude toward the underclass, that is, to invoke Irwin's (2013) term, "the rabble" is best left to law enforcement to manage.

The Gluecks envisioned a criminal justice system that held individuals accountable in a humanistic manner first because they believed it was the moral thing to do and second because they had faith in the ability of people to change. By looking back in time, we gain the benefit of seeing how far we have come while realizing there is still a long road ahead to create a fair, effective, and efficient system that does more than simply punish offenders.

References

- Allen, N. (2005). A Multi-level analysis of community coordinating councils. *American Journal of Community Psychology*, 35, 49-63. <http://www.springerlink.com/content/u735308263388551/fulltext.pdf> Retrieved November 12, 2012.
- Alschuler, A. (1991). The failure of sentencing guidelines: A plea for less aggregation. *The University of Chicago Law Review*, 58(3), 901-951.
- Caplan, J., & Kinnevy, S. (2010). National surveys of state paroling authorities: Models of service delivery. *Federal Probation*, 74(1), 34-42.
- Council of State Governments. http://www.reentry-policy.org/documents/0000/1277/2.14.12_Second_Chance_Act_Fact_Sheet_.pdf. Retrieved November 3, 2012.
- Egen, R., Gainey, R., Crutchfield, R., & Weis, J. (2006). Discretion and disparity under sentencing guidelines: The role of departures and structured sentencing alternatives. *Criminology*, 41(1), 99-130.
- Family Violence Coordinating Council, <http://web.multco.us/fvcc>. Retrieved February 17, 2014.
- Finn, P. (2001). *Citizen review of police: Approaches and Implementation*. Washington, DC: National Institute of Justice. NCJ 184430.
- Frankel, M. (1973) *Criminal sentences: Law without order*. New York, NY: Farrar, Strauss, and Giroux.
- Glaze, L., & Bonczar, T. (2009). *Probation and parole in the United States, 2008*. Washington, D.C.: Bureau of Justice Statistics.
- Hornblum, A. (1997). *They were cheap and available: Prisoners as research subjects in twentieth century America*. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2127868/pdf/9418095.pdf>. Retrieved November 4, 2012.
- Irwin, J. (2013). *The jail: Managing the underclass in American Society*. Berkeley, CA: University of California Press.
- Javdani, S., & Allen, N. (2010). Proximal outcomes matter: A multilevel examination of the processes by which coordinating councils produce change. *American Journal of Community Psychology*. <http://link.springer.com.ezproxy.bu.edu/article/10.1007/s10464-010-9375-0/fulltext.html#Sec15>. Retrieved February 13, 2014.
- Kroner, D., Mills, J., & Reddon, J. (2005). A coffee can, factor analysis, and prediction of antisocial behavior: The structure of criminal risk. *International Journal of Law and Psychiatry*, 28(4), 360-374.
- McGrath, E. (2012). Reentry courts: Providing second chance for incarcerated mothers and their children. *Family Court Review*, 50(1), 113-127.
- National Center for State Courts. (2008). *State Sentencing Guidelines: Profiles and Continuum*. http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/sentencing_and_corrections/NCSC%20Sentencing%20Guidelines%20profiles%20July%202008.pdf. Retrieved November 6, 2012.
- Steinberg, L. (2000). Youth violence: Do parents and families make a difference? *National Institute of Justice Journal*, April, 31-38.
- Theriot, M. (2009). School resource officers and the criminalization of student behavior. *Journal of Criminal Justice*, 37, 280-287.
- Travis, L. F., & Stacey, J. (2010). A half century of parole rules: Conditions of parole in the United States, 2008. *Journal of Criminal Justice*, 38, 604-608.
- Weiner, R., Winick, B., Georges, L., & Castro, A. (2010). A testable theory of problem-solving courts: Avoiding past empirical and legal failures. *International Journal of Law and Psychiatry*, 33, 417-427.

JUVENILE FOCUS

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Indigent Defense Services

Attorney General Eric Holder has announced \$6.7 million in grants to improve criminal and civil legal defense services for the poor at the state and local levels. The grants—which the Office of Justice Programs’ Office of Juvenile Justice and Delinquency Prevention, National Institute of Justice, and Bureau of Justice Assistance will administer—will support training, mentoring, technical assistance, leadership development, and research to improve indigent defense practices for adult, juvenile, and tribal populations nationwide. Announcing the grant awards, Holder said, “The Department of Justice has made a commitment to improving the delivery, quality, and availability of legal services for everyone in our country, including the very poor. Today’s significant grant awards will help ensure America’s criminal justice system is fair for every defendant, regardless of wealth.” Other Justice Department initiatives include the Access to Justice initiative, which works to strengthen and improve legal services for disadvantaged groups, and OJJDP’s Juvenile Indigent Defense National Clearinghouse.

Suicide Prevention Publications

The National Action Alliance for Suicide Prevention has released nine suicide prevention publications to support the work of juvenile justice professionals. These online publications address critical program areas and promote life-saving practices, including effective screening, risk assessment, and the drafting of model policies in collaboration with other child-serving agencies, particularly those addressing mental health issues. The resources were developed by the Alliance’s Suicide Prevention for Youth in Contact with the Juvenile Justice System Task Force, co-led by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Center for Mental Health and

Juvenile Justice. In the upcoming months, OJJDP and the Substance Abuse and Mental Health Services Administration will host several Webinars on the contributions of these resources.

Law Enforcement Practices

The International Association of Chiefs of Police, with support from the John D. and Catherine T. MacArthur Foundation, has released “Law Enforcement’s Leadership Role in the Advancement of Promising Practices in Juvenile Justice: Executive Officer Survey Findings.” This report summarizes the attitudes, knowledge, and practices of nearly 1,000 law enforcement leaders nationwide on strengthening the role of law enforcement in the juvenile justice system.

High Speed Apps

NIJ offers its latest Challenge—“Ultra-High-Speed Apps: Using Current Technology to Improve Criminal Justice Operations”—to promote the development, use and evaluation of criminal justice software applications that are compatible with ultra-high-speed (UHS) networks. With the increased proliferation of UHS networks, developers are no longer impeded by the previous constraints: how to get as much data as possible to end users through increasingly restrictive data pipelines. Instead, they are free to create apps with greater capability than previously possible.

Using data already in the public domain, and aided by newly emerging UHS bandwidth systems, software developers are now able to develop apps that can significantly improve criminal justice and public safety operations in numerous ways, including:

- Alerting the criminal justice and public safety communities to predictable threats and disasters.
- Providing timely information necessary to mitigate the impact of unpreventable disasters and to avoid preventable disasters.

- Enhancing modeling and simulation capabilities for law enforcement and first-responders.
- Enhancing resource management and analytical tools.
- Improving training experiences and opportunities for first-responders, law enforcement officers and others who provide public safety services.

Trauma-Informed Approaches for Women and Girls

The Federal Partners Committee on Women and Trauma has released “Trauma-Informed Approaches: Federal Activities and Initiatives,” developed with support from the Substance Abuse and Mental Health Services Administration’s (SAMHSA’s) National Center for Trauma-Informed Care. The report documents the scope and impact of violence and abuse on women and girls and highlights gender-responsive, trauma-informed approaches that more than three dozen federal agencies, departments, and offices have implemented. The report encourages other governmental and nongovernmental agencies to adopt a cross-sector, interagency, intersystem recognition of and response to trauma. Download the full report. Read SAMHSA’s working document on trauma, principles, and guidance for implementing a trauma-informed approach and provide your feedback.

Organization and Operations of State Courts

The Bureau of Justice Statistics (BJS) has released *State Court Organization, 2011* (NCJ 242850), which presents 2011 data on the organization and operations of state trial and appellate courts and examines trends from 1980 through 2011.

Federal Criminal Case Processing

An interface that can be used to analyze federal case processing data within the criminal justice system. Users can generate various statistics on federal law enforcement, prosecution, courts, incarcerations, and title and section of the U.S. Criminal Code.

Partner Violence Against Females

The Bureau of Justice Statistics (BJS) has released *Intimate Partner Violence: Attributes of Victimization, 1993–2011* (NCJ 243300), which presents data on trends in nonfatal intimate partner violence among U.S. households from 1993 to 2011. Intimate partner violence includes rape, sexual assault, robbery, aggravated assault, and simple assault by a current or former spouse, boyfriend, or girlfriend.

Promising Practices in Juvenile Justice

The International Association of Chiefs of Police has completed a nationwide survey of nearly 1,000 law enforcement executives to assess the current state of attitudes, knowledge, and practices regarding how law enforcement agencies deal with juvenile offenders and collaborate with juvenile justice system partners. Detailed survey findings are available on the IACP website.

The IACP conducted the survey from February to April 2013 with support from the John D. and Catherine T. MacArthur Foundation, as part of a multiyear initiative to increase the leadership role of state and local law enforcement executives to effectively address systemic juvenile justice issues as well as improve local responses to juvenile offenders.

IACP's detailed report on the survey findings includes information on the following:

- Law enforcement leaders' knowledge, understanding, & beliefs about the juvenile justice system
- Law enforcement leadership practices
- Agency resources & data collection
- Community resources & collaboration
- Diversion & other alternatives to formal processing

Suicide Prevention

Recently, the U.S. Department of Justice and the OJJDP initiated the Youth in Contact with the Juvenile Justice System Task Force as part of the National Action Alliance for Suicide Prevention. This Task Force was co-chaired

by Joseph J. Coccozza, Ph.D., Director of the NCMHJJ, and Melodee Hanes, Acting Administrator of OJJDP. The Task Force had four key objectives:

- **Objective 1:** To support research on suicide and suicide prevention among youth in contact with the juvenile justice system
- **Objective 2:** To develop and implement suicide prevention training and programs within juvenile justice
- **Objective 3:** To improve collaboration between the mental health and juvenile justice systems, including community providers, to develop and promote clinical and professional practice
- **Objective 4:** To develop and implement a public awareness and education campaign on suicide risk and prevention for juvenile justice staff and administrators

To accomplish these objectives, four workgroups were established:

- Public Awareness and Education
- Suicide Research
- Suicide Prevention Training and Programming
- Mental Health and Juvenile Justice Systems Collaboration

See more at: <http://www.ncmhjj.com/projects/other-activities/#sthash.tCT90sx7.dpuf>

Intimate Partner Violence

The Bureau of Justice Statistics (BJS) has published a report on trends in nonfatal intimate partner violence among U.S. households from 1993 to 2011. Intimate partner violence includes rape, sexual assault, robbery, aggravated assault, and simple assault by a current or former spouse, boyfriend, or girlfriend. This report focuses on attributes of the victimization such as the type of crime, type of attack, whether the victim was threatened before the attack, use of a weapon by the offender, victim injury, and medical treatment received for injuries. The report also describes ways these attributes of the victimization may be used to measure seriousness or severity of the incident. Data are from the National Crime Victimization Survey (NCVS), which collects information on nonfatal crimes reported and not reported to the police. The NCVS is a self-report survey administered every six months to persons age 12 or older from a nationally representative sample of U.S. households.

Highlights:

- From 1994 to 2011, the rate of serious intimate partner violence declined 72% for females and 64% for males.

- Nonfatal serious violence comprised more than a third of intimate partner violence against females and males during the most recent 10-year period (2002–11).
- An estimated two-thirds of female and male intimate partner victimizations involved a physical attack in 2002–11; the remaining third involved an attempted attack or verbal threat of harm.
- In 2002–11, 8% of female intimate partner victimizations involved some form of sexual violence during the incident.
- About 4% of females and 8% of males who were victimized by an intimate partner were shot at, stabbed, or hit with a weapon in 2002–11.

Corrections Expenditures from FY 2005 to 2011

The Bureau of Justice Statistics (BJS) has released *Local Government Corrections Expenditures, FY 2005–2011* (NCJ 243527), which presents data on local government corrections expenditures from fiscal years 2005 to 2011. This report examines trends in local government spending to build and operate correctional institutions and spending for other corrections functions such as probation.

Juvenile Indigent Defense

Developed by the Juvenile Justice Information Exchange and the National Juvenile Justice Network with support from the MacArthur Foundation, the Juvenile Justice Resource Hub provides timely research and information on juvenile justice issues and trends. In addition to sections on mental health and substance use disorders and community-based alternatives, the Hub recently added a section on juvenile indigent defense. This section includes a story series on juveniles in contact with the justice system from juvenile defense experts, public defenders, and system-involved youth and families, in addition to key defense issues and access to experts and resources for juvenile justice stakeholders. Future topics currently planned for the Hub will focus on racial/ethnic fairness, evidence-based practices, and aftercare.

OJJDP Fiscal Year 2012 Annual Report—OJJDP Annual Report 2012: How OJJDP Is Working for Youth Justice and Safety

Provides an overview of the Office's activities in fiscal year (FY) 2012. In FY 2012, OJJDP awarded nearly \$268 million in grants to reduce children's exposure to violence,

intervene in and prevent girls' delinquency, support mentoring activities and promote family engagement, address the "school-to-prison" pipeline, facilitate reentry efforts, prevent bullying, improve conditions for tribal youth, fight child exploitation, strengthen the juvenile justice system, and enhance public safety. The report also highlights how OJJDP provides resources, research and evaluation findings, and training and technical assistance to the juvenile justice community. View or download the FY 2012 report.

OJJDP FY 2013 Award Information

OJJDP has posted data on its fiscal year (FY) 2013 awards on its website. The information can be sorted by solicitation, grantee, award number, award amount, and state. In FY 2013, OJJDP awarded more than \$271 million in formula, block, and discretionary grants to states, territories, local governments, and private organizations to administer programs in support of OJJDP's mission to prevent and respond to juvenile delinquency and child victimization.

Journal of Juvenile Justice

OJJDP has released the fall 2013 issue of the online "Journal of Juvenile Justice." This issue features articles that focus on early diversion and assessment to screen youth out of the juvenile justice system, the lack of research on teen courts and recidivism, the effectiveness of intervention programs and mental health courts for delinquents with mental health issues, and recidivism and delinquency risk factors for male and female offenders. Other articles describe a 1-day police-youth team-building program, the impact of Internet-based mindfulness meditation/guided relaxation on incarcerated youth's self-regulation, and a critique of place-based "hot spots" policing in preventing delinquency.

Research Report Digest

NIJ has released the twelfth issue of the *Research Report Digest*, a publication that presents brief descriptions of studies in various criminal justice disciplines, such as criminology and forensic sciences, and evaluations of technologies in the law enforcement and corrections fields. This issue includes reports based on NIJ-funded research that were added to the NCJRS Abstracts Database from April through June 2013. View the *Research Report Digest*, Issue 12.

Status Offenses

As part of the SOS Project, CJJ has created the *National Standards for the Care of Youth Charged with Status Offenses*. A status offender is a juvenile charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. The most common examples of status offenses are chronic or persistent truancy, running away, violating curfew laws, or possessing alcohol or tobacco. *The National Standards* aim to promote best practices for this population, based in research and social service approaches, to better engage and support youth and families in need of assistance. Given what we know, the *National Standards* call for an absolute prohibition on detention of status offenders and seek to divert them entirely from the delinquency system by promoting the most appropriate services for families and the least restrictive placement options for status-offending youth.

The National Standards were developed by the Coalition for Juvenile Justice (CJJ) in partnership with the National Council of Juvenile and Family Court Judges (NCJFCJ) and a team of experts from various jurisdictions, disciplines and perspectives, including juvenile and family court judges, child welfare and juvenile defense attorneys, juvenile corrections and detention administrators, community-based service providers, and practitioners with expertise in responding to gender-specific needs. Many hours were devoted to discussing, debating, and constructing a set of ambitious yet implementable standards that are portable, easily understood, and designed to spur and inform state and local policy and practice reforms.

Local Government Corrections Expenditures, FY 2005–2011

Presents data on local government corrections expenditures from fiscal years 2005 to 2011. This report examines trends in local government spending to build and operate correctional institutions and spending for other corrections functions such as probation. It compares trends in local government spending on corrections with trends in local spending on police protection, judicial-legal services, public welfare, education, health and hospitals, and highways. It also compares state and local expenditures on correctional institutions. Data are from the Census Bureau's State and Local Government Finance Survey, which

collects information on state and local expenditures and revenues.

Highlights:

- In fiscal year 2011, local governments spent \$26.4 billion on corrections. Between 2005 and 2011, the annual expenditures by local governments varied between \$25.8 billion and \$28.4 billion.
- Corrections expenditures represented 1.6% of total local government expenditures between 2005 and 2011.
- Education was the largest component of local government expenditures, varying between 36.0% and 38.4% from 2005 to 2011.
- Local governments spent more than 80% of total corrections expenditures on correctional institutions, such as jails, between 2005 and 2011.
- Between 2005 and 2011, local governments annually spent over a third (34.4% to 37.0%) of all funds spent by state and local governments on correctional institutions.

Youth Leadership in Indian Country

OJJDP recently announced a new partnership with United National Indian Tribal Youth (UNITY), a national organization promoting personal development, citizenship, and leadership among American Indian/Alaska Native (AI/AN) youth ages 14–24. OJJDP has awarded UNITY \$850,000 to plan and implement the National Intertribal Youth Leadership Development Initiative, which will offer regional and national youth gatherings, opportunities, and services to develop leadership skills among yearly cohorts of tribal youth. Announcing the partnership, OJJDP Administrator Robert L. Listenbee said, "The initiative will build on the successes of past OJJDP National Intertribal Youth Leadership Summits and further expand the leadership development support that OJJDP offers to tribal youth." Learn more about UNITY and OJJDP's programs for tribal youth. Access resources from the OJJDP Tribal Youth Program website.

Functional Impairment in Delinquent Youth

OJJDP has released "Functional Impairment in Delinquent Youth." The bulletin is part of OJJDP's Beyond Detention series, which examines the results of the Northwestern Juvenile Project—a large-scale longitudinal study of youth detained at the Cook County Juvenile Temporary Detention Center in

Chicago, IL. This bulletin presents findings on juvenile functional impairment in the school, work, home, and community settings; and in terms of behavior toward others, mood and psychiatric concerns, self-harm, substance use, and rational thought assessed 3 years after the youth were released from detention. The authors also assess youth functioning by gender, race/ethnicity, and age and discuss future implications. Learn more about the Northwestern Juvenile Project, co-sponsored by OJJDP and find more bulletins in the Beyond Detention series.

Identity Theft

The Bureau of Justice Statistics (BJS) has released *Victims of Identity Theft, 2012* (NCJ 243779), which presents findings on the prevalence and nature of identity theft from the 2012 Identity Theft Supplement to the National Crime Victimization Survey.

Law Enforcement Youth Programs

The International Association of Chiefs of Police (IACP), in collaboration with the Office of Juvenile Justice and Delinquency Prevention, has launched online program impact tools to assist law enforcement agencies in evaluating the effectiveness of their youth programs in reducing and preventing juvenile crime, delinquency, and victimization. This free resource includes an eight-step guide to identify youth-specific problems, articulate program goals and activities, and measure program outcomes to determine the impact on youth.

Correctional Population

The Bureau of Justice Statistics (BJS) has released *Correctional Populations in the United States, 2012* (NCJ 243936); *Prisoners in 2012: Trends in Admissions and Releases* (NCJ 243920); 1991-2012; and *Probation and Parole in the United States, 2012* (NCJ 243826).

Correctional Populations in the United States, 2012 (NCJ 243936) summarizes data from various correctional collections to provide statistics on the number of offenders supervised by the adult correctional systems in the United States.

Prisoners in 2012: Trends in Admissions and Releases, 1991-2012 (NCJ 243920) presents final counts on prisoners under the jurisdiction of state and federal correctional authorities on December 31, 2012, collected in the National Prisoner Statistics (NPS) program.

Probation and Parole in the United States, 2012 (NCJ 243826) presents data on adult offenders under community supervision while on probation or parole during 2012.

Corrections Statistical Analysis Tool (CSAT) —Prisoners (Updated)—Allows you to examine National Prisoner Statistics (NPS) on inmates under the jurisdiction of both federal and state correctional authorities.

Truancy

The Center on Youth Justice at the Vera Institute of Justice has released “From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses.” This report, supported by funding from the MacArthur Foundation’s Models for Change Resource Center Partnership, raises awareness about law enforcement responses to noncriminal status offenses, such as truancy, running away, curfew violations, and other risky youth behaviors. The report encourages conversations about the circumstances behind youth misbehavior and explores whether courts are equipped to address status offenses effectively.

Girls’ Delinquent Behavior

OJJDP has released the bulletin “Developmental Sequences of Girls’ Delinquent Behavior.” The bulletin is part of a series on the findings of the Girls Study Group, which OJJDP established to guide the development, testing, and implementation of strategies to prevent and intervene in girls’ delinquency. The bulletin summarizes the methods, findings, and implications from a collaborative analysis of data that the Denver Youth Survey and the Fast Track Project collected on the developmental patterns of girls’ offending from childhood through adolescence.

Juvenile Justice Reform

The Vera Institute’s Cost-Benefit Knowledge Bank for Criminal Justice (CBKB) recently posted a blog that examines the Juvenile Justice Reform and Reinvestment Initiative (JJRRI), which the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funds through the Office of Management and Budget’s Partnership Fund for Program Integrity Innovation. JJRRI is a comprehensive approach to improving the program outcomes and cost-effectiveness of evidence-based programs for justice-involved youth. Pilot testing is being conducted at sites in Milwaukee, WI; Iowa; and Delaware.

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