JUNE 2015

Federal PROBATION

a journal of correctional philosophy and practice

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PUBLISHED BY
The Administrative Office of the U.S. Courts

James C. Duff, *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.

Federal Probation
Administrative Office of the U.S. Courts
Washington, DC 20544
telephone: 202-502-1651
fax: 202-502-1677
email: Ellen_Fielding@ao.uscourts.gov

Postmaster: *Please send address changes to the editor at the address above.*

THIS ISSUE IN BRIEF

Towards An Empirical and Theoretical Understanding of Offender Reinforcement and Punishment

Charles Robinson, Chief Probation Officer
Travis County Adult Probation Department, Austin, Texas
Melanie S. Lowenkamp, Core Correctional Solutions, LLC, Hudson, Ohio
Christopher T. Lowenkamp, Administrative Office of U.S. Courts, Probation & Pretrial Services Office
Mikayla N. Lowenkamp, Ohio State University, Columbus, Ohio

Regina, a client in a specialty program, struggled early, but turned it around late and finished the program with a fresh perspective and new outlook. Early in the client's transition, the court rewarded positive behaviors with candy bars. One day, she explained to me, her supervising officer, that she didn't need or want the candy. She explained that the candy isn't and wasn't a reason to show up for, and participate in, group activities. Regina, now several months clean, shared that she typically gave the candy to another participant who was much more interested in chocolate. If not the chocolate, then why did she show up, try new things, and eventually learn a new way of responding to situations that would have normally led her to use drugs? Maybe it was the public praise that accompanied the chocolate. Perhaps it was the improved family relationships that grew with each passing day of sobriety. If we're guessing, it might have been any number of things that might come to mind. There is one way to find out for sure why she continued to replicate a behavior that led to lasting change—just ask! Imagine the impact we could've had and the timing of the impact if we'd just asked Regina what motivates her to do things differently.

COMMUNITY SUPERVISION has undergone significant change in the past several years. Specifically, the role of the community supervision officer has evolved from a condition-driven brokerage and monitoring specialist to a risk-focused direct-service interventionist that uses behavioral change strategies to promote public safety and reduced victimization (Bonta, Rugge, Scott, Bourgon, & Yessine, 2008; Robinson, Lowenkamp, VanBenschoten, Alexander, Oleson, & Holsinger, 2012; Bourgon, 2013). The shift in expectations now encourages the officer to score and make use of information derived from a validated risk and needs instrument. Beyond classification, the shift has pushed officers in this new paradigm to develop supervision plans that translate the assessment output into a meaningful plan for change, and asked officers to use a newly defined skill set to encourage compliance and influence change. The evidence of the shift can be easily seen in the training provided to community supervision officers. For example, Trotter (1996, 1999) provided five days of training on prosocial modeling, empathy, and problem solving to examine whether the use of these approaches relates to reduced recidivism. The change agent evolution can also be seen in other skill-training programs for probation officers. Bonta et al. (2008); Raynor, Ugwudike, and Vanstone (2013); Lowenkamp, Lowenkamp, and Robinson (2010); and Lowenkamp, Alexander, and Robinson (2013), for example, helped community supervision officers connect the risk assessment outcome to the content and style of client interactions using adaptations of core correctional practices.

Similarly, Taxman (2008) introduced the Maryland Proactive Community Supervision Model to help reengineer probation supervision by integrating five key supervision tenets derived from research. The same trend can be seen in other programs that reinforce a changing landscape in community supervision. The National Institute of Corrections (Carter & Sankovitz, 2014), for example, recently partnered with the Center for Effective Public Policy to release a conceptual guide to risk-based supervision that articulates a prescription for service delivery that partners dosage hours delivered by a corrections professional (i.e., community supervision officer) with dosage hours delivered through referral services. The model purports that a client's face-to-face contact with an officer can impact criminal justice outcomes, and therefore that the new role of the community supervision officer is critical to the change process.

One interesting denominator for many of the training programs and the proposed dosage supervision model is the use of reinforcement and punishment. Wodahl, Garland, Culhane, and McCarty (2011), using a sample of 283 randomly selected criminal justice clients, investigated the impact of rewards and sanctions in an intensive supervision setting. More specifically, the group examined whether the rewards-to-sanctions ratio predicted program completion. The findings suggest that as the proportion of reinforcers-to-punishers widened, the odds of program success improved. These findings are good news for the many community corrections agencies that have designed and adopted behavioral response grids with the hope of creating credible alternative responses to non-compliance and revocations and acceptable

reinforcements for compliance and demonstrated behavioral change.

Community corrections professionals, however, still face a knowledge gap in the attempt to use operant conditioning to supervise clients. Specifically, with a few exceptions, the literature lacks an understanding of the way the offender perceives commonly used community supervision responses. The offender's thoughts and perceptions are important when we apply incentives and sanctions because they help us better understand the kinds and magnitude necessary to extinguish undesirable behaviors and encourage replication of more desirable replacement behaviors, and the client's likely reaction. That is, what one person might consider a strong reinforcement another might consider a weak reinforcement or even a punishment. The recipient's perception is important, and understanding that perception is critical when choosing reinforcements and punishments (Spiegler & Guevremont, 2003). For example, using a survey of 107 offenders, Wodahl, Ogle, Kadleck, and Gerow (2013) examined how offenders perceive commonly used sanctions. The survey data suggest that offenders viewed a three-page written assignment as roughly equal to a two-day jail sanction.

The point to take away from this discussion is that correctional staff might make assumptions about the impact and intensity of a response to offender behavior, whether that response is a reinforcement or punishment. Such an assumption might be completely right or completely wrong, although Bassett, Blanchard, and Koshland (1977) demonstrated that correctional staff erred in rank-ordering inmate reinforcements.

One method to learn how offenders perceive a particular action is to use group-level data to develop a list of general reinforcements and punishments. A second method is to ask a given offender what would be perceived as a reinforcement or punishment and how intense or potent a particular action is perceived by the recipient. Both of these methods can be achieved by the use of a survey. Reinforcement survey schedules have a long history in behavioral therapy (see Cautela & Kastenbaum, 1967 for an example of a reinforcement survey and Rimm & Masters, 1979, as well as Spiegler & Guevremont, 2003, for general discussions about their use). While we could not find an analogous punishment survey in the published literature, given corrections' penchant for punishment, it seems advantageous to begin to think about how to use the intentional and tailored use of punishment to decelerate or eliminate risky behaviors of offenders under supervision. As such, it seems logical to begin developing an understanding of what might be used as a punishment and how to survey offenders to gather this information.

Given what is known about contingency management, it is important to develop an understanding of what *offenders* under supervision find, generally, to be reinforcing and what they find, generally, to be punishing. Moreover, we would argue, it is equally if not more important to survey what an *individual offender* finds reinforcing and punishing. Given the new goals of supervision (i.e., behavioral change), it is also important to understand the magnitude of reinforcements and punishments from the offender's perspective. Although many agencies have developed sanction grids and to a much lesser extent reinforcement grids,[1] we are unsure of the degree to which offenders were consulted in developing the general response list and the degree to which an individual offender is surveyed to determine what he or she, specifically, might find reinforcing or punishing and how much so. Further, although many of these grids vary in some way based on risk or a variant of risk (Hickert, Prince, Worwood, & Butters, 2014), it is unclear how those variances are developed and if they are based on data or just a good guess. These gaps are what led to the current research.

Method

This study involved the development of a survey asking clients currently under community supervision to rate, on a scale of 1 to 7, how much they would like or dislike a particular action an officer might take in response to his or her behavior (1 = dislike a lot; 7 = like a lot). The survey contained a total of 45 actions that can conceptually be thought of as three types of actions: reinforcement, punishment, and referrals for service. We hypothesized that clients would indicate that they liked the reinforcements, disliked the punishments, and were neutral about referrals for services. We also believed that average responses would vary by risk level, race, and/or gender.

Table 1 lists the items included on the survey as well as the type of item (reinforcement, punishment, or referral), based on assumptions regarding clients' perceptions of these items. For example, we believed that "sitting in the waiting room for 30 minutes before seeing your officer" would be perceived as a punishment by offenders. In contrast, we believed that "verbal praise/reinforcement" would be seen by clients as a reward or reinforcement. Finally, we believed that, on average, clients would be neutral when it came to service referrals like "job placement," "outpatient treatment," or "inpatient treatment."

Out of 496 clients newly ordered to serve a term of community supervision, 250 completed the survey. Of those 250 surveys, 8 were excluded from analysis due to missing data, incomplete surveys, or responses that were not usable. The final number of surveys included in these analyses is 242. Seventy-seven percent of the sample was classified as white and 31 percent of the sample was female. Data on risk category were available for 216 of the 242 offenders and indicated that 22 percent of the sample was low risk, 39 percent was moderate risk, and 39 percent was high risk. One quarter of the sample was under supervision for a felony offense.

Results & Discussion

Table 2 presents the average ratings for each of the 45 items on the survey. The items are arranged in Table 2 in ascending order based on the average rating for the entire sample of offenders. Again, for reference, the scale ranged from "1" to "7" with the following anchors: 1 = dislike a lot; 2 = dislike; 3 = dislike a little; 4 = neither like nor dislike; 5 = like a little; 6 = like; and 7 = like a lot. We estimated the average scores for the sample overall, by offender sex, race, ethnicity, and (when available) offender risk. The average ratings for each item for the entire sample and all subgroups are contained in Table 2. Significant differences between groups are flagged with various symbols (see note to Table 2). Table 2 also contains a column labeled "Type" which represents our beliefs about how offenders would see the listed actions (R = reinforcement, S = service, and P = punishment) and therefore how they would rate the items.

Statistical tests were calculated to determine if the average ratings for each item were different across offender sex, offender race, offender ethnicity (Hispanic), and offender risk (low, moderate, or high). This process led to the calculation of 180 statistical tests. From this number 33 significant differences were identified and are flagged in Table 2.

[1] See Hickert, Prince, Worwood, and Butters (2014), which indicates that 37 states have formal graduated sanction policies. Of those 37 states, 29 have some sort of sanction grid, but only 7 states have an incentive grid.

TABLE 1.
List of Survey Items and Assumed Client Perception

Item #	Item	Type
2	Sitting in waiting room for 30 minutes before seeing officer	Punishment
4	See officer more often	Punishment
5	Removal of driving privileges	Punishment
7	You have to pay for drug test confirmation	Punishment
8	Court hearing from judge because of violations	Punishment
9	Verbal reprimand from officer	Punishment
10	Prison	Punishment
17	No contact with peers	Punishment
19	Alcohol monitoring device	Punishment
21	Additional community service hours	Punishment
24	Electronic monitoring	Punishment
29	More days added to supervision	Punishment
30	Home visits	Punishment
36	Increase curfew hours (you have to be home earlier)	Punishment
41	Jail time	Punishment
1	Skip court cost payments around holidays	Reinforcement
6	Coupons for food	Reinforcement
11	Reduce curfew hours (you can stay out later)	Reinforcement
12	Remove from electronic monitoring	Reinforcement
13	Chance to share my story (with peers, officers, judges)	Reinforcement
14	Coupons to go to a movie	Reinforcement
15	Verbal praise/reinforcement	Reinforcement
16	Supervision fees removed	Reinforcement
18	Certificate of achievement	Reinforcement
22	Letter of recognition from judge	Reinforcement
23	Letter of recognition from supervising officer	Reinforcement
25	Bus passes	Reinforcement
26	Drug testing coupon to cover drug test fees	Reinforcement
27	Your story in agency newsletter	Reinforcement
28	Letter or recognition from chief probation officer	Reinforcement
31	Ceremonial court hearing in recognition of your achievements	Reinforcement
32	Day pass (from residential treatment center)	Reinforcement
33	Pick a day and time for office reporting	Reinforcement
34	Lunch with chief probation officer	Reinforcement
37	Officer tells someone important to you how well you are doing on supervision	Reinforcement
38	Ability to skip an appointment with your officer	Reinforcement
40	A pass to go out of state or jurisdiction	Reinforcement
42	Scholarship towards school	Reinforcement
43	Good time—get off supervision sooner	Reinforcement
45	Court hearing to recognize your achievements	Reinforcement
3	Job placement referrals	Services
20	Reporting to a day reporting center	Services
35	Outpatient treatment	Services
39	Halfway house	Services
44	Inpatient treatment	Services

Note that, based on chance alone, one would expect to identify nine statistically significant differences. Also note that without exception the differences are small and are always less than one point. Some of the differences are greater than one half of one point; while they do not lead to the conclusion that what one subgroup sees as a reinforcement another sees as a punishment, nevertheless, the observed differences might be helpful in developing policy and individual practice.

Before administering the survey, we hypothesized that clients would indicate that they generally disliked the items considered as punishments, view services as neutral, and generally like those things that were reinforcements. A second hypothesis was that average responses would vary by risk level, race, ethnicity, and/or sex.

There are several noteworthy findings in Table 2 that relate to the first hypothesis. First, all the items hypothesized to be sanctions in Table 1 do receive average ratings that would lead to the conclusion that they are aversive stimuli. Further, while the differing magnitude of the punishments is clear in some instances (for example, comparing going to prison to a court hearing with the judge for violations), some items are surprisingly similar in magnitude (for example, "sitting in the waiting room for 30 minutes prior to seeing officer" is rated the same as "electronic monitoring" and "additional community service hours").

Review of sanctions and incentives grids from 18 states (see Table A-1) revealed that verbal reprimand was referenced 29 times as an appropriate response to negative behavior. Verbal reprimand, an item hypothesized to be a punishment and one that is often used by probation officers in response to noncompliance or negative behaviors, was rated on average a 3.4, which fell between the "dislike a little" and the "neither like or dislike" categories, indicating that the average offender is indifferent to this type of approach.

One might ask whether each of these sanctions represents similar or different goals on the part of the officer. In other words, are they primarily intended for behavior management or behavior modification? If the intended goal of the response is public safety, then increased sanctions such as electronic monitoring might be deemed appropriate. However, if our intention is to change or motivate behavior, is there an equally or more effective and cost-effective choice? One incentive and sanction grid that was reviewed for the study identified electronic monitoring as the appropriate response

TABLE 2.

Average Ratings Overall, by Offender Sex, Race, Ethnicity, and Risk Category

Item	Type	All	M	F	W	NW	H	NH	High	Mod	Low
Prison	P	1.3	1.3	1.2	1.3	1.4	1.4	1.2	1.2	1.4	1.2
Jail time‡	P	1.5	1.6	1.3	1.5	1.6	1.6	1.4	1.7	1.4	1.2
More days added to supervision±	P	1.8	1.9	1.7	1.7	2.1	1.7	1.9	1.9	1.7	1.9
Removal of driving privileges‡±	P	1.9	1.9	1.8	1.7	2.3	1.9	1.8	1.9	1.8	1.6
You have to pay for drug test confirmation	P	2.1	2.2	1.9	2.0	2.2	2.0	2.1	2.0	2.1	2.3
Additional community service hours*	P	2.1	2.3	1.8	2.1	2.3	2.0	2.2	2.2	2.0	2.3
Electronic monitoring‡	P	2.2	2.3	2.0	2.1	2.4	2.2	2.2	2.5	2.0	2.0
Sitting in waiting room for 30 minutes before seeing officer*	P	2.2	2.4	1.8	2.2	2.4	2.3	2.2	2.3	2.1	2.0
Increase curfew hours (you have to be home earlier)	P	2.4	2.4	2.4	2.3	2.5	2.5	2.3	2.6	2.2	2.1
See officer more often	P	2.6	2.6	2.5	2.5	2.8	2.7	2.5	2.8	2.4	2.3
Alcohol monitoring device‡±	P	2.6	2.7	2.3	2.4	3.2	2.4	2.7	2.9	2.4	2.1
Home visits‡	P	2.6	2.6	2.7	2.7	2.5	2.6	2.6	2.9	2.4	2.3
No contact with peers±†‡	P	2.6	2.7	2.6	2.5	3.0	3.1	2.4	3.0	2.4	2.3
Reporting to a day reporting center±	S	2.7	2.8	2.4	2.5	3.1	2.6	2.7	3.0	2.5	2.4
Halfway house±	S	2.9	3.0	2.7	2.8	3.3	2.8	2.9	2.9	2.7	2.8
Your story in agency newsletter†‡	R	3.1	3.1	3.0	3.0	3.2	2.8	3.2	3.3	3.1	2.5
Court hearing from judge because of violations	P	3.3	3.3	3.2	3.3	3.3	3.3	3.2	3.4	3.2	3.2
Inpatient treatment	S	3.3	3.4	3.2	3.3	3.3	3.3	3.3	3.2	3.2	3.6
Verbal reprimand from officer	P	3.4	3.5	3.3	3.4	3.5	3.5	3.4	3.5	3.3	3.4
Outpatient treatment	S	3.8	3.9	3.5	3.8	3.7	3.7	3.8	3.9	3.6	4.0
Ceremonial court hearing in recognition of your achievements‡	R	3.8	3.9	3.8	3.8	4.0	4.0	3.8	4.2	3.5	3.7
Lunch with chief probation officer	R	3.9	3.9	3.9	3.9	4.0	3.9	3.9	3.7	4.0	4.1
Day pass (from residential treatment center)‡	R	4.4	4.3	4.4	4.4	4.2	4.3	4.4	4.8	4.3	4.0
Court hearing to recognize your achievements‡	R	4.4	4.4	4.5	4.4	4.6	4.5	4.4	4.8	4.1	4.2
Chance to share my story (with peers, officers, judges)±†	R	4.5	4.5	4.4	4.6	4.1	4.2	4.6	4.4	4.7	4.3
Officer tells someone important to you how well you are doing†	R	4.6	4.5	4.7	4.6	4.3	4.8	4.4	4.8	4.5	4.5
Letter or recognition from chief probation officer	R	4.9	4.9	4.8	4.9	4.9	4.7	5.0	4.8	4.9	5.0

(Continued on next page)

to noncompliance behaviors, such as failure to complete community service. According to the ratings from the survey, both items ("additional community service hours" and "electronic monitoring") carried equal weight (2.1 and 2.2, respectively) in terms of offender sentiment. Perhaps one solution is to identify and separate behavior management strategies for increasing public safety from behavior modification strategies for changing behavior.

Also of interest is the order of the punishments, aside from prison and jail time. For example, respondents disliked "more days added to supervision" to a greater degree than "see officer more often." Although we could continue to point out interesting differences in how offenders perceive these punishments, the most important point for those developing policy or working with offenders is that offenders do judge punishments differently than we might expect, and any *single offender* might judge an item differently than the average for the sample. For example, although 86 percent of the sample indicated they would "dislike a lot" going to prison, 7 percent indicated they would "dislike" it, while 6 percent indicated they would "neither like or dislike" it and 1 percent indicated they would "like it a little." Although we have yet to determine how these differences might translate to outcomes, they may present an opportunity for officers to select the most effective responses for each offender. How offenders' perceptions of punishment differ from those of practitioners, and how they differ on an individual basis, are both critical to developing individualized and effective contingency management schemes, sanction and incentive grids, or behavioral programming.

The five items that were categorized as services and therefore hypothesized to be perceived as neutral by offenders received average ratings ranging from 2.7 to 4.9 (dislike a little to like). Among these, only "job placement referrals" received an average rating that fell above the neutral range. Within treatment services, there was a distinguishable variation between two groups of items ("report to a day reporting center" and "halfway house"; and "inpatient treatment" and "outpatient treatment"). Average survey ratings for the first group ("report to a day reporting center" and "halfway house") were 2.7 and 2.9, respectively, indicating that survey responders viewed these items in the range of "dislike" and "dislike a little." The second group ("inpatient treatment" and "outpatient treatment") was viewed more favorably, with ratings of 3.3

TABLE 2. *continued*

Item	Type	All	M	F	W	NW	H	NH	High	Mod	Low
Job placement referrals	S	4.9	4.9	4.9	4.8	5.1	4.7	5.0	4.9	5.0	4.6
Reduce curfew hours (you can stay out later)	R	5.0	4.9	5.1	5.1	4.7	4.9	5.0	4.9	5.1	5.0
Letter of recognition from judge	R	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.1	4.9	5.2
Remove from electronic monitoring	R	5.1	5.0	5.3	5.2	4.9	5.0	5.2	5.1	5.0	5.3
Letter of recognition from supervising officer	R	5.1	5.1	5.1	5.1	5.1	5.0	5.2	5.1	5.1	5.3
Bus passes‡	R	5.3	5.4	5.1	5.2	5.4	5.2	5.3	5.8	5.1	4.9
Verbal praise/reinforcement±†	R	5.3	5.3	5.2	5.4	5.0	4.8	5.5	5.1	5.4	5.5
Certificate of achievement	R	5.3	5.3	5.4	5.3	5.3	5.4	5.2	5.5	5.2	5.2
Coupons for food	R	5.3	5.3	5.4	5.3	5.4	5.2	5.4	5.5	5.2	5.0
Ability to skip an appointment with your officer*	R	5.5	5.4	5.8	5.6	5.3	5.3	5.6	5.4	5.6	5.6
Skip court cost payments around holidays*	R	5.5	5.4	5.9	5.6	5.3	5.5	5.6	5.6	5.3	5.7
Coupons to go to a movie	R	5.6	5.6	5.7	5.7	5.5	5.6	5.6	5.7	5.8	5.3
A pass to go out of state or jurisdiction†	R	5.7	5.7	5.8	5.8	5.5	5.5	5.9	5.7	5.8	5.7
Scholarship towards school	R	5.8	5.7	6.0	5.9	5.7	5.8	5.8	5.8	5.9	5.7
Pick a day and time for office reporting±	R	5.8	5.7	6.1	5.9	5.5	5.8	5.9	5.7	5.9	5.9
Drug testing coupon to cover drug test fees‡	R	5.9	5.8	5.9	5.9	5.9	5.7	5.9	5.9	6.1	5.5
Supervision fees removed±	R	6.3	6.3	6.4	6.4	6.0	6.2	6.4	6.2	6.5	6.3
Good time—get off supervision sooner±	R	6.5	6.4	6.6	6.5	6.2	6.4	6.5	6.4	6.5	6.5

Type of item: P = punishment; S = service; R = reinforcement
All = average ratings for entire sample
M = average ratings for male offenders; F = average ratings for female offenders
W = average ratings for White offenders; NW = average ratings for non-White offenders
H = average rating for Hispanic offenders; NH = average ratings for non-Hispanic offenders
High = average rating for high-risk offenders; Mod = average rating for moderate-risk offenders; Low = average rating for low-risk offenders
* $p < .05$ comparison based on sex
‡ $p < .05$ comparison based on risk category
± $p < .05$ comparison based on race
† $p < .05$ comparison based on ethnicity

and 3.8, respectively, falling between "dislike a little" and "neither like or dislike." Services that could be perceived as more punitive and less helpful (such as day reporting and halfway house) were viewed differently from those that provided an identifiable service like inpatient and outpatient treatment or job placement referrals.

Table A-1 (Review of sanctions and incentives grids from 18 states) revealed that referrals to treatment and other treatment-related activities appear as sanctions 62 times. This approach of using corrective responses as punishment may not represent the best approach to positively shape behavior. The approach, delivering therapeutic adjustments as punishment, can impact the offender's thoughts about the corrective response and may influence the client's willingness to engage in the treatment process. Equating corrective responses to punitive actions may also impact the professional's delivery of the response. For example, the corrections professional might deliver the response with a punitive connection—"you broke rule X so we are going to make you go to treatment." An alternative would be to separate the therapeutic response from the contingent punishment that goes with the behavior. For example, "you broke rule X—so you are going to be put on curfew. Our intent is to help you avoid this behavior in the future. We believe the treatment center is an opportunity to acquire the skills necessary for that to happen." The point of the separation is presenting the corrective response as an opportunity instead of a punishment.

One possible consideration might be better education on the part of the supervising officer in helping the offender understand what the program has to offer and the purpose and benefits of sending him or her there to change the way the offender views these items.

Finally, turning to hypothesized reinforcements, a number of items hypothesized to be reinforcement were seen as punishments or neutral by the offenders completing the survey. For example, "having your story printed in an agency newsletter," "a ceremonial court hearing in recognition of your achievements," "lunch with the chief probation officer," and a "day pass from a residential treatment center" were all, on average, ranked less than 4.5, meaning they were at best seen as neutral by the overall sample. For many other items it is apparent that, for the most part, offenders completing this survey rated hypothesized reinforcements as things that they would at least "like a little." Again, it is important to note that there is variability in the average ratings across the items and within these ratings.

The ordering, based on average offender ratings, is interesting. For instance, being released from supervision earlier than planned ("good time—get off supervision sooner") is ranked similarly to having "supervision fees removed." Both of these items are substantially higher than the average ratings for reducing curfew hours (reduce curfew hours—you can stay out later) or getting off of electronic monitoring (remove from electronic monitoring). In reviewing the sanctions and incentives grids from 18 states, we found that only two contained incentives. While the majority of states have structured sanction grids, very few contained recommendations or suggestions for responding to positive behaviors. For the two states that did so, incentives fell into three main categories: supervision-related (e.g., released from supervision early or remove conditions), verbal (e.g., praise from officer or supervisor), and written (e.g., certificates).

The second hypothesis examined in the study was that average responses would vary by risk level, race, ethnicity, and/or gender. The basic precept inherent in the RNR principle is that not all offenders are the same, and thus our strategies and interventions must reflect the individual constellation of risk, needs, and responsivity factors of the offender as well as how the offender responds to correctional services provided (Andrews, Bonta, & Hoge, 1990; Lowenkamp, Holsinger, Robinson, & Cullen, 2013). Within this framework, offenders will be motivated by different contingencies.

The theoretical principles of RNR have been applied to support the formulation of calculated incentive and sanctions grids based on risk level, seriousness of the violation, and other miscellaneous offender characteristics, with the premise that as offender classifications of risk change, so should the offenders' response to various incentives and sanctions. If this assumption were correct you would expect to see a difference in the identified desirability of various incentives and sanctions based on offender risk. However, this assumption was not supported by the findings from the survey. Only 12 items listed on the survey showed statistically significant differences related to risk. The widest disparity between high-risk offenders and low-risk offenders occurred in ratings of "bus passes" (high: 5.8, moderate: 5.1, low: 4.9), "alcohol monitoring device" (high: 2.9, moderate: 2.4, low: 2.1), "day pass (from a residential treatment center)" (high: 4.8, moderate: 4.3, low: 4.0), and "your story in agency newsletter" (high: 3.3, moderate: 3.1, low: 2.5). The vast majority of the punishment, reinforcement, or service items did not produce a statistically significant difference across offender classifications of risk, sex, race, or ethnicity.

Survey findings and lessons learned from this research have helped us identify some practical implications for considering the best response to positive and negative behaviors of those under community supervision.

Effective case management begins with an actuarial risk/needs assessment tool. The results of the assessment form the basis of supervision, from the level of supervision to the interventions and referrals necessary to address the offender's risk to reoffend. Within this case plan there are several considerations to be made. Some of those considerations include the offender's risk level, criminogenic needs, strengths, and responsivity factors, including motivation to change. Just as the case plan should include specific plans to address the offender's unique criminogenic needs and skill deficits, an individualized system of incentives and sanctions should encourage and support compliance, reward prosocial behavior, and extinguish antisocial behavior, violations, and noncompliance. Very few incentive and sanctions grids tailor the actual reward or punishment to best meet the motivation of the offender. This research suggests that by better understanding what motivates the offender individually and giving the offender the opportunity to create his or her own menu of options, officers can better influence how they respond to efforts to change their behavior and minimize their risks to reoffend.

Limitations and Future Directions for Research

The current study advances our understanding of rewards and sanctions by providing a better understanding of how one group would perceive the suggested responses. Moreover, the data suggest that rewards and punishers might best work when responses are individualized based on client-specific variables. The study, however, has a number of limitations that should be considered. The sample size is small and the participants are volunteers from a single jurisdiction.

Although we now know more about the varied response to the proposed stimuli, we still do not know if the suggested responses effectively extinguish undesirable behavior or lead to replication of desired behaviors. For example, the client may receive something rated as "like a lot," but fail to connect the response to performing the desired behavior and fail to replicate the behavior in future situations. This might suggest that the efficacy of the response is related both to the client's perception of the response and how the helping professional administers the reinforcement or punishment.

The current study also stops short of examining the offender's perception of the intensity required to modify behavior. Understanding the client's perception of intensity will help agency leaders understand resource needs and provide front-line staff with valuable "how much" guidance. For example, a client reports to "dislike a lot" a requirement to report more frequently. Understanding the client's perception of intensity will help the officer determine "how much" more often is necessary to extinguish the behavior and create an opportunity to adopt a replacement behavior. Future research should investigate the effectiveness of the proposed behavioral response model. Specifically, future studies should explore how understanding the individual client's perceptions about potential punishers and reinforcers might impact intermediate (for example, client engagement) and ultimate client outcomes. Additionally, future research should examine the intersection between the client's perception of intensity and outcomes.

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* = reviewed for Table A-1.

Appendix

We accessed the sanction grids from 18 states (random sample of 50 percent) that are listed on APPA's website (http://www.interstatecompact.org/StateDocs/ViolationGrids.aspx). We then determined if each sanctioning grid required multiple steps, made use of offender risk information, made use of violation severity information, and included incentives. About one half of the grids require a multi-step process to determine which sanctions can be administered. Just under two thirds (61 percent or 11 out of 18) make use of offender risk information, all grids make use of violation severity information, and two grids included information on incentives while 16 included information on sanctions only.

We also entered all the different sanctions and incentives listed on the 18 grids and then categorized the sanctions and incentives using the following designations: supervision—increases or decreases in supervision level, addition of conditions, and revocations; treatment—any treatment-related activity, including homework assigned by the officer; residential—halfway house or other residential placement that was not designated as treatment; community service—addition of community service as a condition or increases in community supervision hours; drug testing—adding or increasing drug-testing conditions; electronic monitoring—home confinement, GPS, electronic monitoring; hearings—with supervisors, court, paroling authority; incarceration—jail or prison; job referrals—job placement or job programming; verbal—warnings, reviews of rules/conditions of release, discussion; written—warnings, review of rules/conditions, reports

to court; and unspecified—non-specific sanctions or sanctions that were not clearly placed in other categories.

The distribution of the different categories of sanctions is listed in the Table A-1.

TABLE A-1.
Sanctions and Incentives found in Sanction Grids from 18 States

	Sanctions		Incentives	
Category	**n**	**Percent**	**n**	**Percent**
Community Service	18	5		
Drug Testing	20	5		
Electronic Monitoring	32	8		
Hearing	18	5		
Incarceration	25	6		
Job Referral	7	2		
Residential	13	3		
Supervision	103	26	6	35
Treatment	62	16		
Unspecified	36	9		
Verbal	29	7	4	24
Written	32	8	7	41
Total	**395**	**100**	**17**	**100**

Perceptions of Probation and Police Officer Home Visits During Intensive Probation Supervision[1]

Leanne Fiftal Alarid
University of Texas at El Paso

PROBATION SUPERVISION OF youth and adults has evolved over time to respond differently to probationers based on the risk each person poses to the community and according to criminogenic needs that are related to criminal activity. Intensive probation supervision through more conditions and unannounced home visits has been used with probationers deemed at high risk to recidivate with new crimes. The initial purpose of home visits and intensive probation was to deter known offenders from involvement in criminal activity and to decrease the possibility that they would violate conditions of probation (e.g., by associating with criminal friends, violating curfew, or using drugs or alcohol). Deterrence theory assumes that swift and certain punishment is likely to keep people from violating the law. The assumption of home visits is that they help probation officers more readily detect probationers who are not following the conditions of their probation, so that they can act much faster to revoke probation in order to prevent a probation violator from future criminal conduct.

Home visits conducted during the evening hours posed a potentially volatile situation for one officer to handle alone. To address this issue, partnerships between the city police and county probation departments were created throughout the 1990s to encourage both agencies to share information and to participate as a team in evening home visits (Alarid, Sims, & Ruiz, 2011a; Leitenberger, Semenyna, & Spelman, 2003). One such evening home visit partnership called Operation Night Light (ONL) began in Boston, where police and probation officers met to conduct evening home visits of designated probationers. The idea behind ONL was for a designated probation officer to visit probationers at a time when immediate family members were also present. The probation officer, who normally worked during the day, would rotate on ONL for one evening shift every week to conduct nighttime home visits of his or her own caseload. At least one police officer was present during the home visit to address security and safety issues if they arose. Some probation departments used probation officers who worked with police only at night. The evening probation officers did not supervise a caseload of clients; instead, they visited homes of probationers at the request of their probation officer (Condon, 2003; Matz & Kim, 2013). Other police-probation partnerships were created to reduce truancy in schools through communication with school resource officers (Alarid, Sims, & Ruiz, 2011b).

Related Literature

Home visits of probationers have certainly been an important part of probation supervision for nearly a century. However, having probation and police officers conduct home visits *together* has become more prevalent only in the last 20 years. As a result, the academic literature lacks information about how the probation/police home visits are perceived by probationers, parents, and officers or how the home visit might alter probationer behavior (Ahlin, Antunes, & Tubman-Carbone, 2013). Instead, the available literature has focused on how the home visits broadened probation officer roles and responsibilities (Murphy, 2005). Previous research found that the "tone" of a home visit was largely determined by which officer did most of the talking and decision making. The ideal situation was when the probation officer took the lead and asserted the conversation, while the police officer stood by as a passive onlooker (Alarid et al., 2011a).

The home visit also broadened opportunities for police officers. Police were able to enter private homes without warrants, but they were instructed to serve only as backup rather than as interrogators (Byrne & Hummer, 2004; Mawby & Worrall, 2004). In other jurisdictions, police officers conducted random curfew checks of juveniles who were in violation of court-ordered probation. Apparently, these curfew checks were made without a probation officer present and could potentially be problematic if the balance of power shifted from being more rehabilitative to strictly law enforcement (Jones & Sigler, 2002). At times, police have overstepped their legal authority during home visits once probation or parole officers began to conduct searches and have even collected evidence in situations when probable cause or a warrant is required to conduct a home search (Murphy & Worrall, 2007).

Allowing the probation officer to maintain more leverage and having clear written roles and responsibilities was necessary for

[1] This work was supported by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) under Grant #98-JN-FX-0013. The findings were presented at the annual meeting of the Academy of Criminal Justice Sciences, Toronto, Ontario, Canada, March 1–5, 2011. Points of view or conclusions are those of the author and do not represent the official position of OJJDP, the Wyandotte County Juvenile and Adult Court Services, or the Kansas City Kansas Police Department. The author wishes to acknowledge these agencies for their valuable assistance and support in this project.

the home visit to remain related first and foremost to supervision (Murphy & Lutze, 2009; Murphy & Worrall, 2007). The degree to which the home visit achieves these goals, however, is unclear. Furthermore, with the exception of Piquero (2003), who examined home visits of adult probationers, most previous studies examined home visits of youth on probation. This study attempts to fill a gap in the literature by more closely examining both juvenile and adult probationer home visits in two ways: (1) to present viewpoints from police, probation officers, probationers, and parents of probationers who experienced probation/police home visits, and (2) to study probationer activity change as a result of home visits during supervision.

Methods

The ONL program under study was a partnership between the Kansas City, Kansas Police Department (KCKPD) and the Wyandotte County Adult and Juvenile Probation Departments. Research into how the Operation Night Light program worked was obtained through participant interviews, ride-alongs, and official agency data. The three research questions were:

- What experiences do participants of probation/police home visits have?
- Do probation/police home visits allow probation officers to detect probation violations sooner?
- Do these home visits change the behaviors of probationers?

Perceptual data was collected through interviews of 18 ONL officers (7 juvenile probation officers, 4 adult probation officers, and 7 police officers). I conducted individual interviews of a random sample of 49 probationers—27 adult and 22 juveniles. Ten parents of juvenile probationers were interviewed separately. I obtained human subjects' approval for this project, and parental permission for all juvenile interviews. All interviews took place at the juvenile and adult probation department in private rooms. The parents were interviewed separately from the children. Official agency data was also obtained for the number and dates of home visits.

I logged 40 observation hours during home visits and ride-alongs with ONL police and probation officers. Each ride-along lasted 4 hours, usually between 6:30–10:30 p.m. Two police officers accompanied one probation officer per vehicle. The ONL staff devoted approximately 20 hours total per week to ONL home visits. Probation officers in Kansas did not carry firearms at the time of data collection. There were some differences noted between the adult and juvenile ONL visits. The adult ONL lists were generated randomly by the probation supervisor, while the juvenile ONL visits were chosen by each individual probation officer. Second, while the curfew was enforceable for the juveniles according to age, the adult curfew was reportedly difficult to enforce. Other than home visits at random, juveniles in the program had weekday curfew times of 7:00 p.m. for middle school and 8:00 p.m. for high school age. On Friday and Saturday nights, the curfew was 9:00 p.m. for middle school and 11:00 p.m. for high school. In both cases, the curfew did not apply if the youths were accompanied by their parents or an approved guardian.

Youth and adult probationers were selected for the ONL intensive supervision probation if they had one or more of the following risk factors:

- History of family violence, drug, and/or gang activity
- Prior violent offense(s)
- Suspected gang affiliation
- Friend/Family of recent homicide victim/perpetrator
- Suspected drug use/involvement in drug sales while on probation
- Current warrant/probation violation status

The first two risk factors were related only to past behavior that occurred before probation. The third and fourth risk factors were situations that occurred in the recent past or present time. If at least one of these first four factors was present, the probationer was identified as an ONL participant in the beginning. The fifth and sixth risk factors occurred while on regular probation and largely depended on the officer and supervisor's discretion, which might bring a probationer into the program at a later point in time. None of the probationers were on electronic monitoring or any kind of global positioning system at the time of data collection.

Table 1 shows the demographic characteristics of the participants. The average age of juveniles was 15 years of age, ranging between 12 and 18 years. For adults, the average age was 21 years, with a range between 18 and 25. What is perhaps most striking is how similar the juvenile and adult ONL participants were with respect to sex, felony conviction offense, and race/ethnicity. About 8 out of 10 ONL probationers were male, with about 45 percent having been convicted of a property crime, about 20 percent for a felony crime against a person, and the remaining for drug or alcohol-related offenses. Slightly more of the adults than juveniles were African-American (63 percent compared to 53 percent respectively), while Caucasians comprised over 40 percent of juveniles and about 33 percent of adult probationers. Hispanic probationers made up around 5 percent for both groups, which was proportionate to the general population. However, African-Americans were disproportionately over-represented in the probationer population compared to their numbers in the community.

Findings

During my 40 hours of observations during the home visits, the probation officer initiated communication strategies with his or her client. The police officers stood near the front door of the house, but did not interact with the probationer. Characteristics of the home visits, including the number per person, the percentage of time spent on ONL, and the result of each visit, are shown in Table 2.

Characteristics of Home Visits

According to agency data, home visits for juveniles began on average, about 3.8 months (median of two months) after probation supervision started. Home visits for adults began later, at an average of 5.2 months. This was due primarily to the lag time between the initial risk and needs assessment and supervisory approval. The other explanation was the number of probationers who entered ONL as a result of certain types of technical violations that occurred midstream while on regular probation. Once a juvenile probationer was approved to be in the ONL program, the total number of ONL home visits ranged from 1–18, with a median of 3 visits and an average of 4.5 visits per probationer. The number of home visits for adult probationers was lower, with a range of 1–7 and an average of 2.5 visits per probationer.

The time period between the first home visit and the last home visit ranged from one week (33.5 percent of all ONL probationers) to a span of 18 months (0.3 percent). The average amount of time that lapsed between the first home visit and the last home visit was 3.7 months, with a median of 3.0 months. The time period during the ONL visits made up an average of 29 percent of the total time spent on probation (median time on ONL was 18.4 percent of the time). There were a total of 1,420 ONL visits recorded in the chronology notes for the juvenile sample and 520 visits for the adult sample. About 48 percent of the juvenile

TABLE 1.
DEMOGRAPHICS--Raw numbers (%)

Characteristics	Juvenile ONL (n = 314)	Adult ONL (n = 209)
Sex		
Male	247 (78.7)	173 (82.8)
Female	67 (21.3)	36 (17.2)
Race/Ethnicity		
Caucasian	126 (40.5)	66 (31.6)
African American	166 (53.4)	131 (62.7)
Hispanic	15 (4.8)	12 (5.7)
Bi-Racial	4 (1.3)	—
Age		
(average)	15 yrs.	21 yrs.
9–11 years	3 (1.0)	—
12–14 years	87 (27.9)	—
15–17 years	200 (64.1)	3 (1.4)
18–20 years	22 (7.1)	96 (45.9)
21–23 years	—	86 (41.1)
24–25 years	—	24 (11.5)
Conviction Offense		
Property	100 (45.5)	90 (43.1)
Person (Violence, Sex)	50 (22.7)	43 (20.6)
Drugs	33 (15.0)	40 (19.1)
Other (Alcohol)	37 (16.8)	36 (17.2)

visits yielded no response or no one was at home, whereas a much higher percentage of visits to adult probationers yielded no answer (73.5 percent). The juvenile probationer was at home over 28 percent of the time, while only 15 percent of adult probationers were at home. In 22.5 percent of juvenile visits and 8.5 percent of visits to adult probationers, collateral contact was made through a third party, such as a family member who resided with the probationer. In about 1 percent of juvenile and 2 percent of adult home visits, the address did not exist, the probationer never lived there, or the probationer no longer lived there.

Table 2 also shows that over half of all technical violations and/or new crimes discovered that led to juvenile probation termination resulted directly from the ONL home visit. Only 22.5 percent of adult probation technical violations and new crimes were detected through home visits. The other violations noted/crimes filed were discovered at some time other than during the home visit.

Interviews with Police

The ONL program paid the police officers overtime, and officers were chosen based on availability and seniority. Both regular street police officers and community police officers were given the opportunity to sign up for specific evenings. The police who were interviewed were members of both groups and all had direct experience with the ONL program. They understood that their role was not to participate in decision making, but to act as security for probation officers, intervening only if necessary for safety reasons. Most of the police officers interviewed felt that probation officers were being too lenient and giving the probationers too many chances. One officer said: "ONL provides a community presence, but it needs harsher penalties."

ONL served a vital public safety function. Should the need arise to remove a probationer from the community, ONL allowed warrants to be served immediately. Police officers mentioned that if they've been inside the house before, they are able to remember the layout. One police officer shared a story about how both agencies were able to work together:

> "Frank" was suspected by some of our detectives of shooting [a loaded weapon] into vacant houses around 12th and Quindaro. A detective phoned one of the probation officers to see if he knew anything about Frank. Due to previous probation contact with Frank, the probation officer shared enough information on where Frank lived, his friends, and even the car he drove. This was enough to assist detectives in finding and arresting Frank.

It was interesting to observe how two agencies, each with different training and emphases, were able to work together to achieve the same goals. The police were more likely to be oriented toward control and efficiency in singular events, while probation emphasized case management and repeated communication over a longer period of time. Thus, members of each respective agency are more likely to perceive a difference with the other.

Probation Officer Interactions with Police

Probation officers clearly recognized the importance of police officers to the safety of the home visit. However, probation officers had more positive experiences with community police officers than with regular street police officers. The street officers stayed in the car and used the time to finish their own paperwork, while the community police officers were more likely to accompany the probation officer inside the house. As a result, every probation officer preferred working with the community police officer unit. The street police officer seemed to emphasize quantity and efficiency, with the need to finish all the visits on the list. Probation officers were focused on the quality of each visit and also of gathering more information from collateral contacts by speaking with family members of probationers. One probation officer commented,

> I would rather have fewer visits of higher quality rather than rush through to finish the list of scheduled visits. Many police don't see the value in talking to the parent or another family member. They feel that if the youth is not home, we should just go on to the next house.

Another probation officer said:

> Contact visits take longer. Sometimes I get the feeling that some of the senior [police] officers seem glad that we've had no response because that means that there is less paperwork and they can go home earlier.

The probation officers strongly believed that the success of ONL was largely determined by police familiarity with the area. However, assignment of ONL police officers for overtime was based on seniority, not on

TABLE 2.
HOME VISITS ON INTENSIVE SUPERVISION PROBATION

Time on ONL as a Percent of Total Time on Probation	Juveniles	Adults
1–10%	35.8%	40.5%
11–25%	20.2%	17.3%
26–50%	18.2%	20.5%
51–75%	19.3%	21.7%
Over 75%	6.5%	0%
AVG Time spent on ONL	29% of sentence	20.3% of sentence
AVG Start time	3.8 months	5.2 months
Number of Visits Per Person		
1 visit	19.0%	25.4%
2 visits	20.0%	32.8%
3 visits	13.0%	31.6%
4–5 visits	16.7%	5.2%
6–7 visits	11.0%	5.0%
8–9 visits	9.3%	—
10–11 visits	5.7%	—
12–18 visits	5.0%	—
AVG	4.5 visits	2.5 visits
Result of Home Visit	**(n=1,420)**	**(n= 520)**
Probationer Face-to-face	403 (28.4%)	82 (15.7%)
Collateral contact	320 (22.5%)	44 (8.5%)
Not at home/no response	681 (48.0%)	382 (73.5%)
Address Does not Exist	16 (1.1%)	12 (2.3%)
Technical Violations/New Crimes Discovered		
Exclusively during home visit	50.3%	22.5%
Time other than the home visit	49.7%	77.5%

knowledge of the area or of particular houses (e.g., a known crack house in the area). The probation officers were in favor of rotating more police officers into the program to expose them to a wider variety of officers from other districts or working exclusively with the community policing unit.

Probation Officer Experience with Home Visits

The probation officer interviews indicated that the home visits were an insightful tool for them to gain information and increase understanding about their client. The officers believe that ONL has assisted them to better tolerate cultures, income levels, and living situations that may differ from their own. A greater understanding of challenges that the probationers face may contribute to the probation officer being more likely to work with the client rather than be quick to file a violation. A home visit also allowed the officer to establish relationships with family members and friends of the probationer that would prove useful if probation conditions were ever breached. Verifying that the probationer is living at the claimed address is equally important. In comparison to an office visit, clients tended to be more honest and open when they were at their own home.

Home visits also allowed probation officers to detect earlier probation conditions that were not being followed, and to investigate why the condition was not being followed. For example, a home visit may provide clues about the client's financial situation or the reason why restitution payments are not being made.

The following situation was described by a juvenile probation officer:

> "Jessica" had once again not shown up for her scheduled appointment with me. I wanted to find out what the problem was before I filed a motion with the court. On the next ONL visit night, I visited Jessica's house with police officers. As we pulled up to her house, one police officer said: "I know this address. We come here all the time. The mother is always drunk or high on something." I saw that Jessica was home and actually caring for her mother, who was too drunk to drive Jessica to her scheduled appointment. Jessica's UA [drug test] showed that she wasn't drinking or using [drugs]. The visit was productive and the mother has since been court-ordered to treatment. There has been less police calls for service and Jessica is better able to meet her probation terms.

Most probation officers indicated that the home visits increased their visibility in the community. Offenders on probation seemed to get the message that not showing up for office visits increased the chance of getting a surprise home visit. Thus, most officers believed that the home visits led to increases in the rate of in-office reporting. The probation officers expressed the concern that many of their clients who originally did not take probation seriously now had the option to reconsider the significance and meaning of this community sentence. All juvenile offenders with curfews who have home visits yielding no response were considered the equivalent of a "no show." After each "no show" a letter is mailed to the probationer's residence. After the third no show/letter, the probationer is considered in violation of their probation for "non-reporting" and a motion to revoke probation can be considered by the court.

All probation officers agreed that the home visit hours should be more flexible to accommodate work schedules of people on their caseload. They recommended starting later on weeknights (e.g., 7:00–11:00 p.m.) and/or visiting on weekend days. The adults on probation had curfews that were more difficult to enforce than juvenile curfews. There was no incentive for an adult probationer to be home during an ONL visit, nor was there leverage if adult probationers were not at home or refused to answer the door.

The juvenile probation officers were asked about parental support during home visits of youth probationers. The sentiment among all seven juvenile officers was that 90 percent of the parents embraced home visits for their child, while about 10 percent of parents were anti-authority and uncooperative. Most of the cooperative parents were reportedly "in disbelief," "hesitant," and "frightened" at first. A smaller number of parents were

"embarrassed, but cooperative." The probation officers agreed that the home visits allowed them to gain increased support from the parents and to establish a more productive relationship. Many of the parents seemed to be frustrated and to be looking to others to help them manage their child. Good rapport between probation officers and parents seemed instrumental in encouraging consistent prosocial behavior among juvenile probationers and appeared to facilitate successful behavior while on probation.

Probationer Interviews

The juvenile probationers were asked how many hours they engaged in certain activities per week during a three-month time period before they were on probation supervision. They then were asked the number of hours they spent on these same activities during the period they received home visits. Table 3 shows that the most prevalent change for juveniles was that 41 percent spent less time with friends and fewer evenings out using drugs and alcohol. Most of this time seemed to be replaced by quality time spent with family, planned evenings out under parent/adult supervision, and an increase in household responsibilities and/or chores.

The interviews of adult offenders on probation also focused on how the ONL home visits have changed their behavior. Many adult probationers regularly returned home between 10 p.m. and midnight prior to ONL. Since they have been on probation, respondents reported coming home between 8 p.m. and 10 p.m. Over half of the adults reported that quality time spent with family has remained the same since they have been on probation supervision, while the other half reported that quality time has increased. Not one person said that family quality time had deteriorated. Reported use of alcohol and drugs has generally remained the same or decreased while on ONL. Perhaps the most significant difference with adult probationers were the 43 percent who spent less time at home because of the ONL home visits.

Parents of Juvenile Probationers

Ten parents (eight mothers and one couple where mom/dad came together), all who had a son on probation, agreed to be interviewed about the ONL home visits. The interviewed parents liked the idea of the probation officer coming to their home, but did *not* like the police presence. While the parents understood the need for the police, they reported that they were not as open and candid with the probation officer when the police were inside the home listening to the conversation.

TABLE 3.
Probationer Activity Change During ONL (% of probationer sample)

JUVENILE Probationer Activity	No Change	Increase	Decrease
Evenings out—drugs/alcohol	50%	7%	43%
Time spent with friends	41%	19%	40%
Quality time spent with family	61%	39%	0%
Evenings out planned in advance	67%	33%	0%
Household responsibilities/chores	71%	18%	11%
Time spent at home	64%	11%	25%
Hours under parent/adult supervision	71%	29%	0%
ADULT Probation Activity	**No Change**	**Increase**	**Decrease**
Evenings out—drugs/alcohol	70%	16%	14%
Time spent with friends	81%	9%	10%
Quality time spent with family	55%	45%	0%
Evenings out planned in advance	55%	40%	5%
Household responsibilities/chores	69%	26%	5%
Time spent at home	45%	12%	43%

* Each row totals to 100%

Four out of ten parents reported that there was no change when asked how ONL home visits helped or hindered their role as parents. Another four parents reported that parenting has become easier for them due to the close working relationship they have with the probation officer. These parents felt that the home visits were a great opportunity for the probation officer to reinforce behavioral expectations as a "secondary parent." The parents have been able to voice additional concerns about their child to the probation officer while their child is present. One parent stated: "I have seen a complete turnaround in my child following the home meetings."

On the other hand, two parents said that home visits did not seem to be helping. One parent reported that their child has become more defiant and more difficult to handle, and a second parent said their child has become "more secretive" while on probation. These two parents felt that the home visits more easily exposed problems, but one parent still felt hopeful that the visits would "shock my child into realizing the consequences of not doing what he's supposed to." Both parents expressed concern that their child will ultimately be removed from the home if he continued to disobey. One parent stated: "If my boy screws up, he could be taken away from me. I worry because it's out of my control." Parents were asked what program or service would help the most in keeping their child out of trouble or out of the criminal justice system. Big Brothers was the program most often mentioned because it provided positive male role models for their sons in homes where no male role model existed.

Discussion

Home visits remain an important component of probation supervision for high-risk probationers, yet surprisingly little is known about the effects that the visits have on others (Ahlin et al., 2013). This study examined perceptions from individual police and probation officers, probationers, and parents of probationers who experienced home visits during intensive probation supervision. The research also considered probationer behavioral change as a result of home visits. The findings in this study pertain to probation/police officer home visits only, and may not be generalizable to other types of probationer home visits, such as those conducted without police officers, or home visits conducted for family therapy sessions.

The ONL program in this study enjoyed a high level of probation officer and police officer enthusiasm and support. Employee support for an initiative is very important to a genuine interest in its success and future continuation. The police-probation partnership allowed personnel from both departments to broaden their roles in understanding their client's home life and situations different from their own upbringing, which is consistent with previous research (Alarid et al., 2011a; Mawby & Worrall, 2004).

The ONL program allowed probation and police personnel to network and share information which was beneficial for both agencies. Shared information resulted in the added benefit for police officers of locating high-risk individuals who had outstanding warrants. Information sharing is consistent with research in other jurisdictions (Alarid et al., 2011a).

Probation officers generally want to feel that they have explored every angle and done everything they can to help their client, especially if they must recommend revocation. Our findings showed that home visits were a more valuable tool for juvenile probation officers to detect probation violations than they were for adult probation officers, who seemed to detect more violations in ways other than the home visit. Home visits also provided a tool for probation officers to better understand individual probationers. They provide increased visibility in the community and allow officers to verify probationer residences. The evening home visits added more responsibilities for probation officers (Murphy, 2005), particularly when they resulted in increased paperwork resulting from the increased number of violations and new crimes that were detected during juvenile home visits.

In comparison to the juveniles, the home visits for the adults on probation started later, and they received half as many visits on average. This may have been because the adult probation department did not have the resources to devote to the program that the juvenile probation department, which was more organized and goal driven, could command. Nearly half of adults in the intensive probation program spent less time at home than they did before the home visits. Spending less time at home defeated the program purpose and the probationer's absence was likely to avoid seeing their probation officer. Without penalties for not being at home, there was no reason for adult probationers to be at home, and the purpose of the home visits for adults was diminished.

This exploratory study is one of the first that has interviewed probationers about the probation/police home visit component. When comparing juvenile and adult probationers on intensive probation, the findings suggested that home visits did little to change behaviors of adult probationers. The situation was different for juveniles, who spent more time at home, more quality time with their family, and less time out drinking and using drugs with friends.

In conclusion, the policy implications of the research are that the ONL home visits in this jurisdiction had more perceived benefits with high-risk youth than with adults (Matz & Kim, 2013). This was because home visits during intensive supervision probation may be more likely to interrupt youths engaged in a more criminally active lifestyle than they were to disrupt further criminality of adults on probation. One suggestion is experimenting with other times and days of the week to determine when juvenile crimes and/or violations are likely taking place (Matz & Kim, 2013). For example, starting later in the evening (e.g., after 7:00 p.m.), after school hours for juveniles (3:00–6:00 p.m.), and weekend mornings are three options to consider. There was some benefit for adults on ONL, but the officer and probationer perceptions suggested that the magnitude of the change was less for adults than for juveniles. Taken together, the overall characteristics and ideology of ONL such as curfew, parental involvement, and judicial support of the program seemed more conducive to using ONL in juvenile probation than with adult probation departments.

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Untapped Resources: What Veteran Services Officers Can Provide for Probation and Parole[1]

Anne S. Douds
Eileen M. Ahlin
Penn State Harrisburg

THE MOST RECENT data available on justice-involved veterans suggests that about 9 percent of inmates are veterans (Greenberg & Rosenheck, 2008; Noonan & Mumola, 2007). Surprisingly, there is no comparable data for veterans who are serving time in the community on probation or parole. This lack of data on the magnitude of justice-involved veterans under correctional supervision in the community is paralleled by a dearth of information on veteran-specific resources available to assist them during this time. However, a multitude of benefits and community resources supportive of rehabilitation and treatment efforts and analogous life skills are available to probationers and parolees with prior military service (Blodgett et al., 2013; CMHS National GAINS Center, 2008). Further, opportunities are available through state, federal, and local providers to address the unique challenges veterans face due to problems with post-traumatic stress (PTS), traumatic brain injury (TBI), and reintegration issues (National Alliance for the Mentally Ill, 2014; Federal Interagency Reentry Council, 2013).

One federally funded resource is veteran justice outreach officers (VJOs). VJOs link justice-involved veterans with services and benefits by serving as a liaison for criminal justice agencies, the veterans, and their VA benefits and services. With the advent of the veterans' treatment court (VTC) movement, the demands placed upon VJOs have increased dramatically, and many are finding themselves over-extended and under-resourced. These increased VTC responsibilities also impede VJOs' ability to provide assistance to veterans who are not participating in a VTC but require services. An alternative resource for community justice-involved veterans and the probation and parole officers who supervise them are VSOs. VSOs are an existing and seemingly underutilized and lesser known support system with substantial potential to assist probation and parole service providers who work with veterans. This article focuses on providing relevant information about this untapped resource and how practitioners in the criminal justice system can capitalize on the range of available services offered by VSOs.

Who Is a Veteran Service Officer (VSO) and What Do They Do?

Because their identity and function as related to the field of criminal justice are not well-known, we begin with an introduction of the VSO. There are a variety of VSOs who may be employed at the state or municipal level, or at one of the many independent, charitable veterans' service organizations, such as the Veterans of Foreign Wars (VFW), the American Legion, and Disabled American Veterans. Their free services are available in every state, are not restricted to members of service-related organizations, and are one of the many benefits provided to veterans.

While little is known about how VSOs contribute services to justice-involved veterans on a large scale, on the surface there appears to be an overlap in the types of resources needed by veterans and those offered by VSOs. Further, VSOs could offer invaluable assistance to criminal justice professionals responsible for supervising veterans on probation or parole. For example, VSOs can represent veterans in claims for federal VA benefits; they can link veterans and their probation or parole officers with state funding and programs; and they can connect veterans and their probation or parole officers with community-based treatment and transportation. While many of these services are also provided by VJOs employed by the VA, VSOs often have a greater breadth of knowledge about state and community-based resources. Their understanding and access to local programs might exceed that of the VJOs, who have more in-depth knowledge about VA benefits. However, there is a lack of knowledge about what services VSOs can provide and how community corrections officers might benefit from leveraging VA benefits for their justice-involved populations. The objective of this study is to examine the emerging role of VSOs in bridging the gap in services typically provided by VJOs to support veterans in need of community-based services while on probation or parole, while also highlighting their available services for community corrections officers.

The Current Study

Data for this study were collected during a statewide analysis of the characteristics of VSOs, the resources they provide, and how they can assist veterans. The current research is part of a larger Needs Assessment commissioned by the Pennsylvania Department of Military and Veterans Affairs (DMVA). That project sought to examine the service needs of veterans across the Commonwealth, investigate the role VSOs have in meeting these needs, and identify areas of service delivery

[1] Funded by the Pennsylvania Department of Military and Veterans Affairs.

not being met. The research team comprised the lead author and the Center for Survey Research (CSR) at Penn State Harrisburg, and data collection occurred between May 2013 and December 2014.

The Needs Assessment included four stages, two of which concerned only VSOs and are the focus of the current study: a focus group and a statewide web-based survey of VSOs (see Douds et al., 2014). The Research Team hosted three focus groups among VSOs. The lead author, CSR staff, the DMVA, and the DMVA's external advisory group developed the moderator's guide for the focus group sessions. Discussion topics included communication and outreach, social service delivery, barriers to social service delivery, technology, specific veteran programs, social service effectiveness, veterans' treatment courts, incarcerated veterans, veterans on probation and parole, and suggestions for improvements to veteran services. The Research Team also administered a statewide, web-based survey among Pennsylvania VSOs. That survey was developed through collaboration among the lead author, CSR staff, the DMVA, and the DMVA's external advisory group. The survey also integrated information learned during the three focus group sessions from stage one of the study.

Focus Group

Participants

The Research Team requested lists of VSOs from the DMVA's Office of the Deputy Adjutant General for Veterans Affairs (ODAGVA), from the County Directors of Veterans Affairs, and from the DMVA's database on independent veteran service organizations (IVSOs), including the American Legion, VFW, AMVETS, Disabled American Veterans, Military Order of the Purple Heart, and Vietnam Veterans of America. CSR staff contacted each organization and requested a list of service officers or district officers to invite to the focus group. The Research Team then sent emails requesting participation in the focus groups and a scheduling web link. A total of 26 VSO representatives participated in the three focus group sessions. The sessions were held based on professional affiliation for the convenience of the respondents and to facilitate conversation among persons who already were familiar with one another. The ODAGVA session had 12 participants; the County Directors of Veterans Affairs session had 8 participants; and the IVSO session had 6 participants. The participants were mostly male (69 percent).

Data Collection

The focus groups were conducted by CSR staff members experienced in qualitative methods and focus group facilitation. One researcher moderated the discussion while the other served as a note taker. During the ODAGVA session, additional senior DMVA staff members listened to the discussion via speaker phone. The ODAGVA focus group participants were informed that DMVA senior leaders were listening, which may have inhibited their responsiveness. Before each group started, participants were informed of their rights as research participants and were individually asked for both their verbal consent to participate and permission to use direct quotations. CSR staff asked questions and prompted conversation using prescribed prompts in the moderator's guide. The guide was emailed to the participants in advance of the focus groups. The sessions lasted approximately 90 minutes.

Data Analysis

Focus groups' transcript notes were compared to the research questions initially posited by the Research Team, and all data were tagged according to the relevant research question. As expected, additional themes emerged during the focus groups, and additional tags were created for those themes. In the end, the data were divided into six categories: (1) descriptions of veterans' service needs; (2) descriptions of what services VSOs provide directly to veterans; (3) gaps among veterans' service needs and VSO service delivery; (4) how VSOs disseminate information ("information push"); (5) how VSOs collect information from veterans and translate that information into improved services ("information pull"); and (6) how VSOs "connect the dots" for service delivery across multiple disciplines within their communities. This paper focuses on the second and sixth category in order to speak to a seventh research question: How might VSOs improve veterans' experiences with their probation and parole officers?

Web Survey

Participants

The initial sampling frame for the VSO web survey included 165 VSOs from all subsets of VSOs in the Commonwealth of Pennsylvania, including VSOs from ODAGVA, County Directors of Veterans' Affairs, and independent VSOs such as the American Legion, AMVETS, Disabled American Veterans, Military Order of the Purple Heart, VFW, and Vietnam Veterans of America. Nine VSOs were determined to be ineligible for the study due to retirement, death, or change of employment, resulting in a final sampling frame size of 156 veteran service officers for the web survey.

Seventy-eight VSOs completed the web survey, representing three subsets of respondents: ODAGVA, County Veterans' Affairs staff (CVSOs), and independent veterans' service organization staff (IVSOs). ODAGVA staff only account for 14.1 percent of the total sample, but all ODAGVA staff (n = 11; 100 percent) completed the survey. Thirty-eight (49 percent) of CVSOs completed the survey, and 29 (37.2 percent) of IVSOs completed it. As a whole, respondent VSOs have been in their positions for approximately 8 years, and over three-quarters work full-time in their positions (n = 62; 79.5 percent); 11 (14.1 percent) reported that they work part-time; and five (6.4 percent) work as volunteers. All volunteers were affiliated with non-profit IVSOs.

Data Collection

The Research Team built the web survey based on prior research, data garnered from the focus groups, input from the DMVA, and guidance from the DMVA's advisory board. Once the survey was operational, the Research Team sent pre-notification emails to all VSOs in the sampling frame, followed by a personalized email invitation a few days later. The pre-notification email included an attached copy of the survey instrument so that respondents could review the questions in advance and/or complete the survey on paper. Several of the VSOs in the sampling frame did not have an email address; in these cases, the Research Team contacted the respondents by phone several times to try to get an email address or a fax number to send the pre-notification and survey instrument or to allow them to complete the survey by phone. Reminder emails were sent and phone follow-up calls were made to non-respondents to increase response rates. A total of 78 surveys (50 percent response rate) were completed between May 1 and June 30, 2014; 76 were completed online; one was completed by telephone, and one was completed by fax.

Data Analysis

All completed survey data were extracted into Statistical Package for the Social Sciences

(SPSS) software for Windows version 21.0 and verified for accuracy of variable coding. Verbatim text was edited for consistency in formatting before final review by the senior staff of the CSR. Descriptive statistics were generated and are reported.

Results

The following sections describe characteristics of VSOs and the types of assistance they provide to veterans.

Who Are the Veterans Who Receive VSO Services?

VSOs serve a multitude of populations on a daily basis. The VSOs in our study most frequently assist veterans who are older, having served in the military before 9/11 (n = 69; 88.5 percent), male (n = 63; 80.8 percent), and white (n = 55; 70.5 percent). Over half of the VSOs also serve large numbers of younger veterans: persons in the military after 9/11 (n = 42; 53.8 percent). VSO respondents reported that large proportions of veterans they serve every day experience PTS (n = 42; 53.8 percent) or are physically disabled (n = 37; 47.4 percent). Only 8 (10.3 percent) of the VSOs interviewed reported working with incarcerated veterans regularly.

How Do VSOs Help Veterans Access Benefits?

All VSOs, regardless of where they originate, assist with new and existing VA claims, pension claims, and disability claims. VSOs working for ODAGVA stated that they predominantly provided assistance with five main types of claims: service-connected disabilities, pensions, non-service connected disabilities, state benefits, and death benefits. In contrast, CVSOs and IVSOs assist with these types of claims in addition to a myriad of others, including vocational rehabilitation and GI benefits/education. These types of benefits, and the VSOs brokering the services, are invaluable resources to persons doing transitional and reintegration planning with veterans in five main areas: (1) employment, (2) housing and homelessness, (3) education, (4) transportation, and (5) veterans treatment courts. Below we discuss each of these areas.

Employment. The majority of VSOs (n = 45; 65.2 percent) link veterans with employment offices; foster relationships with human resource departments in local businesses through in-person meetings and periodic communication; maintain lists of jobs that are available in their areas; and provide information on the state civil service system, if the veterans meet the eligibility requirements. Some VSOs also take advantage of state-level collaborations among human service agencies, but many VSOs reported that this initiative is unreliable or under-developed. VSOs suggested that veterans would benefit from cross-discipline and cross-agency information-sharing collaborations. Most frequently, VSOs connect veterans to a CareerLink representative (n = 43; 95.6 percent), distribute lists of employment opportunities (n = 30; 66.7 percent), sponsor or promote career fairs (n = 19; 42.2 percent), and provide assistance with employment applications and resume writing (n = 7; 15.6 percent).

Housing and Homelessness. VSOs perceive housing and homelessness to be one of the most serious and fundamental challenges in the veteran community. In particular, VSOs expressed concern about homelessness among younger veterans and the secondary and tertiary consequences of homelessness, including criminal activity and social isolation. Over two-thirds (n = 53; 67.9 percent) reported coordinating with transitional housing organizations to find housing as the top effort taken to assist veterans with residence issues. Almost one-third noted providing temporary financial assistance to help with housing needs (n = 25; 32.1 percent). VSOs also provide transportation to shelters (n = 11; 14.1 percent), housing vouchers (n = 3; 3.8 percent), or other housing services (n = 20; 25.6 percent). In addition, some VSOs serve as the liaison to the local VA homeless coordinators. Only 6 (7.7 percent) VSOs said that they did not provide assistance with housing or homelessness.

Education. Over three quarters of VSOs (n = 57; 78.1 percent) work with veterans to access their education benefits, including the various forms of GI Bill tuition and housing assistance programs (e.g., Montgomery GI Bill, Post-9/11 GI Bill). Specifically, VSOs submit benefit paperwork on behalf of veterans (n = 13; 29.5 percent); provide referrals to state department of education or VA education offices (n = 12; 27.3 percent); advise on education benefits and the application process (n = 10; 22.7 percent); and provide the GI bill hotline phone number to veterans (n = 6; 13.6 percent). The VSOs expressed frustration with the frequent changes to the various GI bill programs and difficulties they had arranging for GI assistance across state lines. Nonetheless, they are in touch with colleges and universities to facilitate use of these benefits, and they are well-versed in the options available under these laws.

Transportation. Over half (n = 41; 52.6 percent) of VSOs frequently, if not daily, work with veterans on transportation issues. VSOs noted that a lack of adequate transportation impacts veterans' ability to access health care, sustain employment, attend school, and make mandatory appointments related to their participation in probation, parole, and veterans treatment court programs. The services VSOs provide include volunteer shuttles, links to local van services, supervision of home visits, and transportation in personal vehicles. Several VSOs expressed particular concerns about rural veterans. Specifically, they noted that new VA rules about providing access to VA clinics that are more than 40 miles from veterans' residences do not account for traffic, road patterns, or construction delays. IVSOs were most likely to report providing transportation via their organization's vehicle(s) (n = 4; 13.8 percent), while ODAGVA staff provided referrals to other organizations that specialized in transportation (n = 6; 54.5 percent).

Over two-thirds (n = 52; 70.3 percent) of VSOs reported that veterans in their area have access to public transportation. A majority of ODAGVA staff noted that veterans in their area had access to public transportation (n = 10; 90.9 percent). Both County Veterans' Affairs and independent VSO staff indicated that about two thirds of veterans in their area had access to public transportation (n = 24; 66.7 percent and n = 18; 66.7 percent, respectively). When asked about the type of public transportation available for veterans in their area, over one-third of VSOs mentioned buses (n = 18; 35.3 percent). Other forms of public transportation mentioned included trains, taxis, trolleys, and volunteer shuttles and vans from organizations such as Disabled American Veterans (DAV).

Veterans Treatment Courts. Over one-quarter of participating VSOs indicated that they provided assistance with veterans treatment courts (VTCs) (n = 20; 29.9 percent). ODAGVA staff were most likely to facilitate access to VTCs, while CVSOs were least likely to assist veterans with VTCs (n = 4; 40.0 percent versus n = 8; 25.8 percent, respectively). Almost a third of IVSOs assisted veterans with VTCs (n = 8; 30.8 percent). Specifically, over half of VSOs provide "monitoring services" for purposes of VTC requirements (n = 12; 60.0 percent). Other VSOs help veterans obtain mental health and social services as required by VTC orders (n = 9; 45.0 percent). Additional

assistance for veterans accessing VTCs includes providing reports and feedback to the VTC judge (n = 7; 35.0 percent); referring veterans to a private attorney (n = 7; 35.0 percent); referring veterans to the police department (n = 4; 20.0 percent); and other services such as referrals, processing claims as needed, recruiting and training mentors, and serving on advisory boards (n = 8; 10.3 percent).

Leveraging VSO Resources for Probationers and Parolees

Persons under community supervision, particularly those who have spent time in jail or prison, often struggle with a variety of health and social problems that may have contributed to their involvement with the criminal justice system. These include being unemployable due to a criminal record, particularly among African Americans (Pager, 2003; Western et al., 2001), barriers to certain jobs (Matthews & Casarjian, 2002), lack of education (Petersilia, 2000), substance dependence or use (Mumola & Karberg, 2006), chronic health and/or mental health problems (Harlow, 2003; Travis, 2005), and limited access to public housing (Department of Housing and Urban Development v. Rucker [122 S. Ct. 1230 2002]). The VSOs in this study demonstrated that they provide support for veterans seeking assistance with these issues. VSOs can also supplement and support the efforts of community corrections officers.

Probation and parole officers are not only tasked with managing the law enforcement aspects of community supervision, they are also charged with supporting and leveraging access to social services that will increase compliance with the terms of supervision. Due to increased focus on the supervision component of community corrections over the past several decades (Bonta et al., 2008; Burnett & McNeill, 2005), probation and parole agents often lack sufficient time to provide or broker the ancillary services that could enhance offenders' attempts to get their lives back on track. Persons on either probation or parole can benefit from resources available through community providers; for justice-involved veterans, there are additional avenues to gaining access to these support systems, such as VSOs.

Conclusion

This study has raised important questions about the nature of services available to justice-involved veterans. The main goal of the current study was to determine whether VSOs are a viable option to supplement the standard community corrections experience for justice-involved veterans. The statewide assessment of VSOs and the services they provide to veterans described in this article underscore an untapped potential for supplementing the services currently available through community corrections with those accessible through VSOs. A further study could assess how community corrections officers and VSOs can collaborate to facilitate delivery of social services to justice-involved veterans while on community corrections.

Being limited to Pennsylvania, the current study only provides the first step in examining the potential of VSO resources to assist community corrections officers and the veterans that they serve. Additional investigation is needed to determine whether VSOs in other states have similar capacities to those available in Pennsylvania to provide services relevant to community corrections populations. The focus group data described in this article provide rich, detailed responses; however, the results may not be generalizable to the larger VSO community outside of Pennsylvania (see Krueger & Casey, 2000). The 50 percent response rate achieved in the web survey also contributes to potential non-response bias. Readers should consider whether the information collected here can be transferred or applied to another environment or situation. Nevertheless, these data provide meaningful insights into potential community-level resources and opportunities for collaboration.

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Mental Health Courts in Illinois: Comparing and Contrasting Program Models, Sanction Applications, Information Sharing, and Professional Roles[1]

Monte D. Staton
Ball State University
Arthur J. Lurigio
Loyola University Chicago

MENTAL HEALTH COURTS (MHCs) originated in late 1997 and were fostered by the growth of drug treatment courts, which emerged a decade earlier in Dade County, Florida (Hodulik, 2001). MHCs were developed in response to the increasing numbers of people with serious mental illness (PSMI) flowing into the criminal justice system. Modeled after drug treatment courts and predicated on the principle of therapeutic jurisprudence, MHC dockets consist mostly of criminal defendants with severe psychiatric problems, including substance use disorders (Bazelon Center for Mental Health Law, 2004). MHC clients are often referred to such courts by judges, public defenders, jail administrators, and probation officers, and then formally screened for program eligibility and acceptance (Bazelon Center for Mental Health Law, 2004). MHCs proliferated throughout the first decade of the 21st century, growing from a reported four operational programs in their first year of implementation to more than 300 programs by mid-2014. MHCs are now active in nearly every state (Council of State Governments, 2014).

Estimates suggest that between 15 and 20 percent of people in correctional populations suffer from a serious mental illness—a significantly higher percentage than the representation of PSMI in the general population (Ditton, 1999). PSMI often cycle repeatedly through the criminal justice system, in part because of the court's failure to recognize that mental disorders can contribute to crime and recidivism (Lurigio & Swartz, 2000). Hence, the progression of MHCs was hastened by a heightened awareness of the substantial numbers of PSMI appearing before the courts (Bernstein & Seltzer, 2003).

According to their proponents, MHCs hold great promise for diverting PSMI from the criminal justice system and ensuring that they receive psychiatric and other supportive services at both the pre- and post-adjudication stages of court proceedings (Bazelon Center for Mental Health Law, 2004). Pioneering MHCs were initiated to ameliorate three critical problems: the perceived public safety risk posed by offenders with serious mental illness; the challenges and costs of housing PSMI in crowded local jails; and the criminal justice system's pervasive inability to manage PSMI effectively and humanely (Goldkamp & Irons-Guynn, 2000). Among the first three jurisdictions to establish MHCs were Broward County, Florida; King County, Washington; and Anchorage, Alaska. Since the inception of these and other bellwether courts, numerous jurisdictions have crafted their own MHC models, tailored to local needs, resources, and political exigencies (Castellano & Anderson, 2013).

This article presents a study of MHC programs in Illinois, which were launched in 2004. Over a two-year period, statewide data were gathered with various approaches. The study examined the adjudicatory and supervisory models of the nine MHC programs that were operating in Illinois by the spring of 2010. The study's methodology and findings from the investigation's screener survey are detailed first. We then describe, compare, and contrast basic features of each of the nine MHC programs' structures and operations, using data from surveys, focus group interviews, and field observations. We discuss conclusions and directions for future study in the final section of the article.

Methods

The Chief Judge's Office in each of the 23 Illinois Circuit Court jurisdictions was contacted in order to help reach the person in the office most knowledgeable about MHCs. The calls identified nine operating MHC programs. The MHC program administrator at each site completed the screener survey. That person or the chief judge of the jurisdiction authorized the program's participation in the study. From 2010 to 2012, researchers made several site visits to each of the nine MHCs, where the program staff were interviewed in focus groups, and MHC staff meetings and proceedings were observed. In order to encourage open discussions, researchers promised to protect the confidentiality of the specific court locations as well as the identities of their staff members. Hence, all MHC programs discussed below are denoted by pseudonyms.

[1] This project was supported by Grant # 06-DJ-BX-0681 and Grant # 08-DJ-BX-0034 awarded to the Illinois Criminal Justice Information Authority by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions contained within this document are those of the authors and not necessarily represent the official position or policies of the U.S. Department of Justice or the Illinois Criminal Justice Information Authority.

Results

Overall Program and Client Characteristics

The nine MHC programs had a total of 302 clients enrolled, 163 (54 percent) male and 139 female (46 percent). Among all participants, 173 were White (58 percent), 99 were Black (34 percent), and 7 were Asian (3 percent). Only 11 participants identified themselves as Latino (4 percent). Blacks were overrepresented and Latinos were underrepresented in all Illinois MHCs. The ages of the MHC participants varied, with roughly 50 percent aged 25 or younger and roughly 45 percent aged 36 or older. Specifically, 77 of the participants were between the ages of 17 and 25 (26 percent), 74 were between the ages of 26 and 35 (25 percent), 69 were between the ages of 36 and 45 (23 percent), 60 were between the ages of 46 and 55 (20 percent), and 7 were between the ages of 56 and 65 (2 percent). Ages were missing from the records of 15 participants (4 percent).

The smallest of the nine programs had five active participants at the time of the survey, and the largest had 102. All of the MHCs were in urban counties as defined by the Office of Management and Budget criteria (Cromartie & Bucholtz, 2008). However, as indicated by respondents, the programs were located in diverse environments: urban, suburban, mixed, and rural (Table 1). All of the programs had been operational for at least a year at the time of the survey. Officials reported that their respective MHCs received financial support from a number of sources, including dedicated county funding, federal grants, local mental health funding, and in-kind contributions from local healthcare agencies.

Illinois MHCs embodied most of the 10 essential elements of the prototypic court, which have been widely discussed and disseminated (Council of State Governments, 2007), such as voluntary participation and informed choice, as well as team approaches to case management with judges, attorneys, probation officers, and mental health professionals closely collaborating to monitor and serve participants. So-called "first-generation" MHCs were created in roughly the first five years of the emergence of such courts in the United States; "second-generation" MHCs were created in 2002 and thereafter (Redlich et al., 2005). First- and second-generation MHCs share many characteristics. However, second-generation MHCs are more likely to accept persons charged with violent or other felony offenses; adopt post-plea adjudication models; use jail as a sanction; and employ probation officers or other court staff to supervise clients.

The survey found that Illinois MHCs had incorporated several characteristics of second-generation MHCs (Redlich et al., 2005). For example, all of the MHCs accepted mentally ill offenders charged with felonies, and only one MHC had adopted a pre-adjudication model (Table 1). Two MHCs had implemented a post-plea, presentence model, indicating that participants plead guilty to enter the program but could have their sentences deferred. Fewer than half of the Illinois MHCs relied on second-generation supervision models in which agents of the court were largely responsible for monitoring clients (Redlich et al., 2005). Specifically, only four of the nine MHCs relied primarily on probation officers for monitoring participants. The remaining five programs relied on a combination of court personnel and community or county mental health workers (external to the court) for supervising participants.

All nine of the MHC programs reviewed clinical criteria to determine client eligibility and accepted people with Axis I diagnoses (Clinical Disorders); two of the MHCs also accepted participants with Axis II diagnoses (Personality Disorders and Intellectual Disabilities), which are cataloged in the DSM-IV-TR, the previous edition of the psychiatric nomenclature (American Psychiatric Association, 2000). None of the courts excluded prospective clients if they had co-occurring substance use disorders. Most of the MHCs excluded individuals from eligibility if they had primary developmental disabilities, primary substance use disorders, or traumatic brain injuries.

In all the MHCs, mental health workers screened referrals to determine client eligibility. As noted above, referrals to Illinois MHCs can originate from judges, probation officers, public defenders, state's attorneys, private attorneys, and potential clients' family members. Respondents at three programs also stated that appropriate referrals were found by perusing daily jail records and talking with jail personnel about eligible participations. Respondents at five MHC programs reported that less than half of those referred entered the programs. Six MHC jurisdictions had a separate specialized probation program for offenders with mental illness, serving as a supervisory option for those who were deemed ineligible for the MHC.

The nine MHCs shared many similar features, but also differed widely in terms of program operations (see below). Most notably, the programs differed significantly in how sanctions were applied to participants who violated program rules, how MHC professionals shared information on participants, and how closely the professionals adhered to the non-adversarial process expounded in the literature on problem-solving courts (see Nolan, 2001; Ostrom, 2003; Berman & Feinblatt, 2005).

TABLE 1.
Environment, Size, and Structure of Nine Illinois MHCs

Program Pseudonym	Environment	Size	Adjudication Model	Offense level	Supervision Model
Burdon County MHC	Suburban/Rural	5	Pre- and post-plea	Felony and misdemeanor	Court and external personnel
Chandler County MHC	Urban/Rural	28	Pre- and post-plea	Felony and misdemeanor	Court and external personnel
Dreja County MHC	Suburban	9	Post-plea/pre-sentence	Felony and misdemeanor	Court and external personnel
Gillan County MHC	Urban/Suburban	62	Pre- and post-plea	Felony and misdemeanor	Court and external personnel
Hopwood County MHC	Suburban	102	Pre-plea	Felony and misdemeanor	Court personnel
Murray County MHC	Suburban	16	Pre- and post-plea	Felony and misdemeanor	Court personnel
Noone County MHC	Urban/Rural	19	Post-plea/pre-sentence	Felony and misdemeanor	Court and external personnel
Pattinson MHC	Urban	55	Post-plea	Felony only	Court personnel
Selway MHC	Suburban	6	Post-plea	Felony only	Court personnel

MHC Program Differences

Burdon County MHC

Burdon County's MHC operated in a mixed rural/suburban area. Of the nine MHC programs, the Burdon County MHC program was the smallest, with only five participants at the time of the survey. During the study, the number of participants fluctuated, increasing to ten and then falling to seven by the end of the data collection period. A supervisor from the probation department oversaw specialty courts in the county, and was also the coordinator for Burdon County MHC. Other members of the MHC team included a judge, case managers from two social service agencies, two probation officers, and an Assistant State's Attorney (ASA). These staff members regularly attended bimonthly court hearings. A public defender could attend court hearings but only as needed.

Participants in the Burdon County MHC followed one of two tracks, depending on their criminal histories and plea status. Track I participants, generally first-time felony offenders with minor or no criminal backgrounds, entered the program on a pre-plea basis, and had their charges dismissed on successful program completion. Track II participants entered the program after pleading guilty and were sentenced to probation (typically a felony conviction) with court-mandated treatment. Track I was more common, because few appropriate misdemeanor defendants opted for Track II participation in MHC rather than standard adjudication. Generally, Burdon County MHC clients agreed to attend treatment sessions for one year; the minimum period for MHC participation was six months.

Burdon County MHC conducted hearings less formally than other Illinois MHCs. The hearings had no stenographer, court secretary, or bailiff. Rather than having staff meetings separate from court calls, the Burdon County MHC team met in a small courtroom with no audience during hearings. Participants waited on seats in a hallway just outside the courtroom. MHC staff discussed and heard participants' cases individually. After all participants scheduled to appear had been heard, the MHC staff then discussed other participants who were not yet scheduled to appear.

Burdon County MHC was the only one of the nine programs that did not use jail (detention) as a sanction for participants. Instead, the judge applied sanctions such as verbal warnings, increased frequency of required court appearances, and community service hours. The Burdon MHC team explained that they consider jail an inappropriate sanction for PSMI.

Chandler County MHC

Chandler County comprised several small cities and rural areas. The judge, ASA, and public defender ran the MHC program along with a program coordinator, probation officers, and mental health workers from two local providers. Nine of the 28 participants in 2010 were charged with misdemeanors, while the other 19 were charged with felonies. Generally, participants enter MHC on a pre-plea basis, but some participants plead guilty to enter the program. Some participants were probationers who had violated probation and were sentenced to participate in the MHC for the violation. The minimum length of participation in the program was 12 months; no maximum length of participation was established. Chandler County MHC was designed as a three-phase program, with each phase representing a different level of supervision intensity. Generally, phase one participants were required to see the MHC judge and program coordinator every week, then gradually progressed to phase two with bi-weekly appearances, and eventually to phase three, with monthly appearances until graduation.

Chandler staff members explained that the program has organizational structure and procedures. Nonetheless, the needs of the individuals superseded the directives of specific protocols or formal operations. For these staff, the concept of putting the participant first meant tailoring the program to be responsive to individuals' needs. Flexibility was also stressed for the performance of work roles. For example, probation officers sometimes performed case management work functions, and case managers sometimes performed probation functions.

The other Illinois MHCs rewarded participants for good behavior by praising their efforts during hearings, lessening the frequency of court appearances, or formally moving them closer to graduation. MHC workers in Chandler County MHC also utilized a "lottery" system to reward participants during hearings, which served as an incentive to adhere to treatment and maintain good behavior. At every hearing, each participant who performed satisfactorily was invited to draw a slip of paper from multi-colored fish bowl, which the coordinator brought to court hearings. Each of the slips had a reward written on them, such as chips, candy, movie tickets, or other small items. The Chandler County team reported that this system motivated participants.

Dreja County MHC

The Dreja County MHC is located in a large suburban community and staffed by a judge, ASA, public defender, head court psychologist, several mental health workers from local agencies, and a program coordinator—a position that served as both the probation officer for all MHC participants and the administrator of the program. The Dreja County MHC had nine active participants and accepted defendants charged with either misdemeanors or nonviolent felonies; at the time of the survey, all nine participants were charged with felonies. All participants entered the program on a "post-plea, pre-sentence" basis, and participants' charges could be dismissed or reduced upon successful program completion.

Akin to the Chandler County program, the Dreja County MHC was designed in three phases. Misdemeanor participants were supervised for approximately a year, while felony participants were supervised for approximately two years. Case management was performed by local mental health agencies. The program coordinator engaged in case management activities as well, and reported participants' treatment progress to the judge and to the rest of the team at weekly staff meetings. When asked about information sharing, Dreja staff responded that "everybody gets everything," explaining that when participants enter the program, they are required to sign releases of information allowing the team to share information. Similarly, information was freely exchanged at all but one of the other MHCs.

Gillan County MHC

The Gillan County MHC is located in a mid-sized city. The MHC team included the judge, ASA, public defender, program coordinator, two probation officers, and community mental health center staff. The latter included a psychologist, a nurse, two therapists, two caseworkers, and three other staff who work at the county jail. At the time of the survey, the Gillan County MHC had 62 active participants. As with other Illinois MHCs, the Gillan County MHC was designed as a three-phase program, with periods of supervision from one to two years.

The Gillan County MHC had both pre- and post-disposition participants, and accepted both misdemeanor (58 percent of participants) and felony (42 percent of participants) cases. With pre-disposition cases,

the court would continue the cases rather than rendering a disposition and, upon successful completion of the program, dismiss the charges. For post-plea cases, the court formally accepted guilty pleas after defendants were accepted into the program.

The majority of services were provided by the local community mental health center. The nurse position was created through specialized funding to focus on medication management and other participant health issues. Three mental health workers were liaisons between the jail and the community agency. As in Chandler County, the Gillan County MHC team members were willing to be flexible in the requirements of their work roles.

The Gillan MHC judge used a variety of techniques to sanction noncompliant participants, including verbal reprimands, public service hours, writing assignments, mandated observations of court hearings from the jury box, and jail for the worst violations. The Gillan County MHC's process for selecting appropriate sanctions for noncompliant participants differed significantly from most other Illinois MHC programs. During staff meetings, sanctioning decisions arose through an adversarial process, with the ASA or others on the team arguing for the imposition of sanctions against noncompliant participants, the public defender arguing for no or less severe sanctions, and the judge rendering the final disposition. During the court call, however, the Gillan County MHC team presented a cooperative, united front.

Hopwood County MHC

Located in a large suburb, the Hopwood County MHC program was the largest program surveyed, with 102 active participants. The MHC team included a judge, an ASA, a clinical social worker from the county health department, three probation officers, a probation supervisor, and a program coordinator. Unlike most other programs studied, in which service providers from outside of government are also MHC team members who regularly attend meetings, the Hopwood MHC team consisted entirely of government (county) employees.

Hopwood County MHC accepted defendants charged with either misdemeanors (51 percent) or felonies (49 percent). A pre-plea program, participants' charges are held in abeyance and then dismissed or reduced upon successful program completion. The minimum length of participation was 12 months, and the maximum was 30 months. Hopwood County MHC staff explained that the clinical social worker, probation officers, and public defender limited the extent of participant information that was shard with the judge and ASA due to pre-plea nature of the program. Unlike other Illinois MHCs, participants signed no overall release that allowed the sharing of information among all staff. However, they did sign releases of information when needed.

The social worker and probation officers spoke of working together to case-manage and monitor participants, instead of playing clearly separated roles. The public defender communicated with these team members regularly and motivated participants to follow their treatment plans and program guidelines when problematic situations arise. However, specifics of these contacts might not be shared with the judge and ASA, as the cases might be adjudicated at later times if participants leave the program. The public defender stated that information on participants' progress is filtered to remove details that could prove harmful to their cases. However, case progress presented to the judge during staff meetings at times brought in negative aspects of participants' performance, suggesting that the redaction of negative information is selective.

As in the Gillan County MHC, decisions regarding sanctions could be determined in an adversarial process, with the public defender arguing for no or less sanctioning and the judge making a final determination. This contrasted with the team-decision process in other Illinois MHCs, in which judges received information on both positive and negative progress from the rest of the team before rendering sanction decisions.

Murray County MHC

The Murray County MHC, in a large suburban county, consisted of a judge, a probation officer who also serves as the program coordinator, a pretrial services officer, two ASAs, two public defenders, and county health department professionals. As in Hopwood County, all were government (county) employees. When surveyed, the Murray County MHC had 16 active participants, five facing felony charges and 11 facing misdemeanors. The program accepted participants charged with misdemeanors and nonviolent felonies on either post-plea or pre-plea bases. Post-plea participants plead guilty and receive probation sentences with mandated treatment. Pre-plea cases generally consisted of low-risk defendants with a minor or no criminal history, and less serious offenses than those of post-plea cases. Overall, clients in the pre-plea program participated for between one and two years. Post-plea clients often served felony probation sentences of more than two years, which could be reduced on the basis of participant progress.

The county health department was the main mental health provider, but a few other agencies were involved in serving participants' behavioral healthcare needs. Therefore, the probation officer and county case managers usually work together in the case management of post-plea participants, and the pretrial services officer worked with the case managers in a similar way. Murray County MHC staff explained that monitoring is similar for pre- and post-trial participants regarding frequency of contact—although pretrial services staff typically make home visits, whereas the probation officer typically scheduled participant visits at the probation department.

Noone County MHC

The Noone County MHC served several small cities and rural areas. MHC staff included a judge, a program coordinator, a probation officer, two ASAs, two public defenders, and two staff from the primary mental health provider in the county. One was a nurse who dispensed medication and monitored the health of MHC participants; the other was a clinician who provided direct services to participants and also served as treatment liaison between the MHC and other community mental health agencies.

At the time of the survey, the Noone County MHC had 19 active participants: five were charged with misdemeanors and 14 with felonies. As in Dreja County, participants in the Noone County MHC entered the program by pleading guilty to their charges and having their sentences deferred. Similar to other Illinois MHCs, the Noone County program was structured in three phases. The minimum time required in the program was 12 months and the maximum was 24 months. Almost all participants who completed the program and successfully graduate have their charges dismissed.

Staff of the Noone County MHC reported that the roles of the probation officer, nurse, and mental health clinician overlapped in their efforts to monitor and support participants. Additionally, the program coordinator was employed by court administration but had a mental health background. As with other Illinois MHCs, these team members

expressed a willingness to be flexible and to share the performance of work functions.

Pattinson MHC

The program in the city of Pattinson was the only MHC divided into separate programs for men and women, with 30 participants and 25 participants, respectively, at the time of survey. The two programs shared most of the same staff, but had two different judges. MHC staff included the two judges, two public defenders, ASA, probation officer, social workers, clinical staff supervisor, program coordinator, and county jail staff.

On behalf of the ASA, the program coordinator screened referrals to the Pattinson MHC. Several staff stressed the importance of a system that cross-references consumer data from the Illinois Department of Mental Health with detainee mental health data from the jail. Detainees identified through the system are screened to determine if they have been diagnosed with mental health disorders and are being charged with non-violent felonies. Eligible detainees are referred to the MHC staff, who approach them to discuss possible participation in the program.

The program worked solely with defendants charged with non-violent and non-sexual felony offenses or felony probation violations. Participants entered the Pattinson program by pleading guilty to their charge and then being sentenced to 24 months of MHC probation. Monitoring during the program was performed by the probation officer and by case management staff, who work for an agency under contract with the MHC. After initial appointments with prospective participants, the case managers developed treatment plans with input from other MHC staff, and then referred participants to mental health and social service programs.

Selway MHC

The Selway MHC is located in a suburb in the same county as the Pattinson MHC. Of the nine programs, the Selway MHC was the second smallest, with only six participants at the time of the survey. The Selway MHC was modeled after the Pattinson program, having the same basic requirements for participation and utilizing a number of the same staff. A number of community service providers, including a local hospital, rehabilitation center, and housing agency, had representatives who regularly attended staff meetings held twice monthly before MHC calls.

The members of the Selway MHC staff who also worked with the Pattinson MHC noted an important difference between the programs. The Pattinson police department had a trained Crisis Intervention Team (CIT), which could be called to the scene of incidents involving offenders with mental illnesses. In the home county of the Selway MHC, a number of different police departments had jurisdiction but no CIT. Selway MHC staff explained that the lack of crisis intervention training created challenges in working with officers. In addition, the program staff had problems cooperating with local providers.

Summary and Conclusions

Although Illinois MHCs varied in size and in adjudication and supervision models, program operations in the nine MHCs were similar. In every program, participants appeared individually before judges in court hearings. Uniformly, judges had a highly motivational and supportive relationship with each participant. All of the programs had staff meetings to discuss participant referrals and progress, and a person who worked as program coordinator, who might also serve as a probation officer. In all but two of the MHCs, ASAs screened referrals; in the Pattinson and Selway MHCs, a program coordinator screened referrals on behalf of the ASA. All but one of the programs had at least one public defender regularly participating in staff meetings and court calls. The Burdon County MHC called on a public defender as needed. All of the programs blended the roles and functions of probation officers and mental health workers monitoring participants and reporting their progress during court hearings. MHC staff often talked about working together and being flexible in order to "get things done" for participants and to meet their individual needs.

Differences among the nine MHCs were notable. In most of the programs, staff explained that criminal and health information for each referral and participant was freely shared among all work roles, which was facilitated by defendants signing waivers. However, in the largest program, Hopwood County MHC, the public defender and mental health workers limited the sharing of case information with the judge and other county staff. Teamwork was stressed in all programs; nonetheless, in two of the programs—the Gillan County and Hopwood County MHCs—the public defenders played an adversarial role during staff meetings.

A diverse set of sanctions (punishments) and rewards were employed with participants at all nine MHCs. Such sanctions included issuing verbal praise and admonishments, lessening or increasing the frequency of court appearances, ordering community service hours, and mandating brief jail stays for the most serious rule violators. However, Burdon County MHC staff explained that they do not use jail as punishment for their participants, viewing it as an inappropriate sanction for PSMI. The Chandler County MHC used a "fishbowl" of small rewards such as candy and movie tickets to motivate participants.

The continued growth of MHCs in Illinois and other states demands further investigation of the operations and staffing of such courts. Future research on MHCs should investigate how limits on information sharing affect the teamwork of MHC staff, and what types of situations warrant the withholding of information about participants from the judge and other MHC team members. Research should also consider the circumstances in which public defenders might need to assume an adversarial role on behalf of MHC participants. Finally, research should examine the use of sanctions and rewards to motivate MHC participants, and whether jail is an effective and humane sanction for PSMI.

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National Public Registry of Active-Warrants: A Policy Proposal

David M. Bierie
University of Maryland, College Park

THERE ARE OVER two million active criminal warrants in the United States on any given day (Bierie, 2014). Over 1 million of these warrants are for felonies and approximately 100,000 are for serious violent crime (Bierie, 2014). Law enforcement agencies invest significant resources in pursuing fugitives and processing warrant arrests (Goldkamp, 2012). For example, Guynes and Wolf (2004) examined police departments across three counties and found that nearly half of all arrests emerged from warrant investigations. Similar patterns are observed in federal law enforcement. The U.S. Marshals Service (USMS) makes approximately 150,000 warrant-arrests per year, a figure that represents just over half of all arrests made by the U.S. Department of Justice (U.S. Marshals, 2013). Warrant investigations, then, represent a major component of policing at the local as well as the federal level.

Warrant investigations are important to the criminal justice system in part because they are pervasive, but also because "fugitives represent not only an outrage to the rule of law, they are also a serious threat to public safety" (Fugitives, 2001, p.1). Fugitives are presumed risky because an elevated propensity for crime likely drove many into the status of "fugitive" in the first place. They are also presumed risky because being a fugitive adds new structures that likely amplify this underlying propensity. That is,

> without resort to the police and the courts, [fugitives] take the law into their own hands. [Fugitives], even more than (unwanted) criminals, can neither use the law nor find stable work in noncriminal enterprises. As a result, crime becomes a natural source of income, moreover, the costs of using violence to solve disputes decreases for people who are already outside the law. (Tabarrock, 2012, p.463)

The evidence to date suggests support for these assertions. Peterson (2006), for example, found that 22 percent of domestic violence fugitives were rearrested for a new crime prior to capture for their active warrant. Though less dramatic, Guynes and Wolf (2004) found that 8 percent of fugitives with warrants for violent crimes were arrested for a new crime prior to their warrant being served.

The literature above suggests that warrants are important in terms of public safety, budgets, and opportunity costs for police time allocated to warrant investigations. Increasing the efficiency of warrant investigations would return substantial benefits to taxpayers. This includes strategies or technologies that would increase voluntary surrender among wanted persons (Flannery & Kretschmar, 2012). It also includes finding ways to increase the ability of citizens to offer tips (Miles, 2005). And finally, it includes addressing other high-cost problems within this arena of enforcement, such as the risk of false arrests due to error in warrant databases. In short, the great cost of warrant investigations suggests an equally great opportunity for police and communities; opportunities for law enforcement and citizens to work together toward increasing the efficiency and effectiveness of fugitive apprehension.

Opportunities Created by a Registry

Warrant investigations present several opportunities to the police as well as the public. The first opportunity is that many fugitives do not know that they have a warrant—but might turn themselves in if they did. Flannery and Kretschmar (2012) show some evidence of this in their analysis of the U.S. Marshals Service program, *Fugitive Safe Surrender.* They found that over 40,000 fugitives voluntarily surrendered across 10 cities when given a platform for doing so. They also found that an additional 8,000 attempted to turn themselves in because they believed they had a warrant, although none could be found by law enforcement officers running the program. This research implies that (a) there are a nontrivial number of people with warrants who would willingly contact law enforcement and process their warrant if given a medium to facilitate that action, and (b) people make errors in assessing their own warrant status.[1] Given the lack of certainty among wanted persons observed in this research, we must wonder how many other fugitives also would have volunteered if they had known about their warrant—how many are *unintentional fugitives.*

A second opportunity is tied to the goal of locating fugitives who would not choose to self-surrender *(intentional fugitives)*. Many fugitive-apprehensions derive from the assistance of other citizens as informants or

[1] It is important to note that the *Safe Surrender* program added motivation for fugitives to surrender, either through the promise of leniency, the threat of a pending sweep by law enforcement, or the convenience of fast processing. However, these aspects of the program are not the point of referencing *Safe Surrender* here. Rather, *Safe Surrender* is used to illustrate the assertion that (a) there is value in making it easier for citizens to turn themselves in, and (b) some citizens mistakenly believe they have warrants.

witnesses: people interviewed by police who offer tips (Miles, 2005). In many cases, fugitives live under their true identity and interact with people who know them (Goffman, 2009). That is, "fugitives often need some connection to the life they had prior to their warrant—few can truly disappear to seek a new life wholly unconnected with their prior one" (Bierie & Detar, 2014, p.18). There are often opportunities, then, for citizens to turn a fugitive in. However, there is often no way for people to realize they are associating with a fugitive; that information is usually hidden from public view. Thus, citizens who could otherwise proactively contact police are not given the chance and police must instead employ alternative and inherently more costly investigative techniques in order to locate the same fugitive.

A third opportunity with fugitive investigations is tied to inaccurate or outdated information in warrant databases. The National Criminal Information Center (NCIC) is the central transactional data system that tracks the nation's warrants. All police agencies can enter their warrants in the system and check the system to identify whether a given individual has a warrant. It is likely that some active warrants are in the system but are associated with the wrong identity. It is also possible for an old warrant to remain active when it previously should have been cleared out of the system. Either case can lead to a false arrest (Holt, 1993).

There is no comprehensive research showing how often false arrests occur nationally. However, an internal audit of one year's worth of arrests in Chicago found that 155 out of approximately 30,000 arrests made were confirmed false arrests due to clerical errors in the warrant system in 1992 (Holt, 1993). This error rate was similar to that derived from an earlier audit, which found 1,271 erroneous warrants in Chicago out of 125,000 reviewed during 1991 (Holt, 1993). A similar analysis of arrests in Denver found approximately 500 false arrests due to erroneous warrants between 2002 and 2009 (Frosch, 2012). Although these mistakes only occurred in a fraction of all warrant arrests, the costs were likely enormous for citizens affected. And the costs are also potentially enormous for law enforcement agencies that may be held liable for a false arrest and ordered to pay substantively large fines (Holt, 1993).

National and Public *Active*-Warrants Registry

Creating a national public registry of active warrants (NPRAW) would likely assist law enforcement and communities in pursuit of these three opportunities presented by fugitive investigations. First, citizens could more easily identify situations in which they could offer tips. This might come from providing various search features (e.g., allowing a citizen to search for wanted people from their geographical area, or a specific name of an individual). To this end, a NPRAW might be created in a similar fashion to the National Sex Offender Public Website.[2] However, a NPRAW might include additional features as well. For example, perhaps citizen motivation could be enhanced by identifying cases in which a reward was offered. Or citizen safety could be enhanced by denoting risk to the public (e.g., fugitive is armed and dangerous; fugitive is a sexual predator).[3] And finally, it could ease reporting for citizens by providing potential informants with instruction as well as actionable options. If a citizen has seen someone he or she knows and wishes to alert police, then a registry could provide contact information for the police department or an on-line tip submission system (Rosenbaum, Lurigio, & Lvrakas, 1989). It is unclear how many citizens would actively assist police, of course. But research has consistently shown that programs that alert the public to specific crimes or offenders generate significantly higher rates of closure through tips by the public (Miles, 2005; Rosenbaum et al., 1989). The value is likely to be far from trivial.

Second, citizens could use this system to monitor their own status.[4] If the warrant was legitimate, then they could obtain step-by-step instructions for contacting police and coordinating surrender. Warrant investigations would benefit because this process could clear out the pool of unintentional-fugitives from warrant investigation caseloads. Law enforcement could then focus resources that would have been used to track down such unintentional-fugitives on those who were actually on the run. This would result in more efficient use of resources and also, by definition, higher warrant clearance rates.

Encouraging more voluntary surrender would lead to increased efficiency beyond police agencies. Arrestees could transport themselves to the court (or jail) to deal with processing rather than invoking the costs associated with a field arrest and police transport. Presumably, a jail or court could schedule a time for the fugitive's arrival to maximize turnaround speed with respect to court appearance. This would reduce the number of jail beds used and other resources needed for fugitives arrested in the field. For example, many warrant arrests that occur in the evening or on a weekend require the arrestee to be housed in the jail overnight or for several days before a weekday court appearance. To the degree that some of these warrant arrests would have resulted in an immediate release after a court hearing, facilitating a fugitive-surrender operation would save local jail space and associated costs. These benefits could represent meaningful direct and indirect saving to local agencies (Flannery & Kretschmar, 2012).

Encouraging self-surrender also has the potential to reduce intrusion on the lives of offenders, their families, and their communities. As noted above, arrests can be costly for offenders and their families. An arrest can set off a cascade of problems such as losing wages, losing jobs, disrupting family obligations (such as the provision of child care by the arrestee), and traumatizing children who witness a family member arrested. These costs may be less likely to emerge if the warrant closure can be timed to eliminate the public display of an arrest—by avoiding the arrest of a fugitive at a place of work, in a car full of children, or in front of neighbors. Certainly, avoiding some collateral costs of an arrest will not always be possible. Those with serious crime warrants may need to be held in custody regardless of self-surrender and for that reason experience job loss or other costs. But the majority of warrants are for nonviolent (Bierie, 2014) or traffic offenses (Guynes &

[2] The National Sex Offender Public Website (NSOPW) is an on-line searchable and national list of all registered sex offenders. It tracks real-time data, includes geographic and other search criteria, and also displays photographs and crime information to the public. The NSOPW tracks just fewer than 1 million sex offenders by linking to state and local registry data systems. As such, the structure of the data and delivery system, size records, and quality of information on a National Registry of Active Warrants could likely be comparable to the NSOPW. The website is operated by the U.S. Department of Justice's SMART office and can be found at: http://www.nsopw.gov/

[3] For an example of this type of system, but limited to warrants from a single agency, see: http://www.fbi.gov/wanted/wanted_by_the_fbi/@@search-fbipersons?CustomSearchableText=&form.button.search=&getPossibleCountries=JPN&mileage=&zipcode=

[4] It is possible that law enforcement would want some warrants to remain undisclosed, and so this functionality would be a necessary feature as well.

Wold, 2004). It is likely that the majority of fugitives who self-surrender would indeed reap these benefits.

Third, a NPRAW would likely reduce personal and social costs associated with a special problem in the context of warrants: people who believe they have a warrant but do not. Flannery and Kretschmar (2012) found that approximately 8,000 people who arrived to voluntarily process their warrants during *Safe Surrender* events had no warrant—nearly 20 percent of the population arriving for the program. Likewise, ethnographic work suggests many people living in areas of concentrated disadvantage are unsure of their warrant status, and so default to a life "on the run" just in case they are wanted. The costs to these offenders, their families, and their communities may have been large regardless. Goffman (2014) describes the many changes appearing in the lives of young men who believe they *may* have warrants:

> He does not show up at the hospital when his child is born, nor does he seek medical help when he is badly beaten. He doesn't seek formal employment. He doesn't attend the funerals of close friends or visit them in prison. He avoids calling police when harmed or using courts to settle disputes. (Goffman, 2014, p.52).

For example, she describes a young man afraid of appearing for a child custody hearing—desperate to gain access to his child, but worried he *may* have warrants and afraid of the trauma his young son would experience seeing his father arrested and hauled from court.

Taken to a national scale, we must wonder how many people have changed their lives through a mistaken belief they were wanted. How many worked in under-the-table employment rather than accepting higher-paying on-the-record jobs? How many avoided volunteering or otherwise altered their behavior in order to avoid background checks or contact with police? How many were victims of crime but did not report for fear they themselves would be arrested when police arrived? What is the cost to citizens, their families, and their communities when they hold an erroneous belief that they are living on the run? Some of these costs can be reduced by providing a comprehensive and easy-to-access registry of active-warrants.

Fourth, a NPRAW could allow citizens to alert police to a mistake in the warrant system and perhaps even obtain access to step-by-step instructions for rectifying that mistake. Some of the citizens who would benefit are those that have never had a warrant (pure mistaken identity). Others are citizens who may once have had a warrant that should have been closed previously. It remains unclear whether false arrests due to warrant-errors are frequent and how often they invoke meaningful harm to citizens. Yet, if 500 false arrests have been documented in Denver, and several hundred more in Chicago, one must wonder how many thousands of false arrests occur at the national level. And equally important, we must wonder whether any level of trauma to these citizens is acceptable if a system or strategy can be created relatively easily to prevent or reduce it.

Importantly, the benefits of preventing mistaken arrests are not limited to the experience of citizens and their families. Reducing these events could reduce liability for individual police agencies, such as the costs of litigation and compensation for errors. It may do so through limiting the number of errors in the system as well as placing a plausible sense of responsibility on citizens to identify and address errors. It is important to note that these arguments should not be considered a negation of responsibility for police to audit their records and processes to reduce error. They should do so. And perhaps embracing the public as auditors, and the transparency of data that is implied, will serve as additional motivation for police to do so. Regardless, reducing the number of false arrests implies a reduction in the myriad ways that arrest can damage a person, their family, police budgets, and the legitimacy of police in that community.

Challenges to Implementation

The technical aspects of producing a national registry of active-warrants are achievable. The data already exist in a single master file maintained by the U.S. Department of Justice (Bierie, 2014). Referred to as the *Wanted Persons* file, this dataset is maintained by the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Division and is the same master file that law enforcement access throughout the nation via National Criminal Information Center (NCIC) terminals. The dataset contains columns of data representing pertinent information about wanted persons, their charges, special risks posed (e.g., armed and dangerous), and the agency requesting the arrest, such as the agency name, location, and contact information (Bierie, 2014). The costs and time needed to supply data for a national public registry would likely be similar to those for the National Sex Offender Public Website.[5] However, there are likely several important legal and technological challenges to consider.

Challenges to a National and Public Registry of Active Warrants

Although creating a registry would be technically feasible, there are important legal questions that must be addressed before doing so. First, would the creation of a national active-warrants registry violate the privacy of fugitives? Is information on active warrants protected from public dissemination, similar to criminal history data? The distinction between warrants and criminal history, which is more protected, is critical. Law enforcement and the public have the right to know and disseminate warrant information. It is for this reason that many law enforcement entities in the U.S. already display active-warrant details on television and websites, and in newspaper ads. Many state, county, and city websites display photos and other information about wanted persons from their jurisdictions. The same is true of federal law enforcement as well. The U.S. Marshals Service posts pictures, personal information, and crime details of wanted persons in local newspapers to solicit tips and maintains a public website displaying most wanted fugitives. The same is true of other U.S. Department of Justice entities (e.g., Federal Bureau of Investigation, Alcohol Tobacco & Firearms, Drug Enforcement Agency). Likewise, the Department of Defense, Department of State, Interpol, and myriad other federal entities all maintain publicly available online displays of fugitives. In fact, displaying information on wanted persons in public has been a tactic by law enforcement consistently for more than 200 years in the U.S. (Fifer & Kidston, 2003). Importantly, however, these city, county, state, and federal agencies have generally only displayed the 10 or so "Most Wanted" fugitives in their particular jurisdiction rather than the universe of wanted persons. Few, if any, of the modern online systems are comprehensive, linked together, consistently designed, or searchable.

A second challenge to the creation of a registry is likely to be a concern over harm.

[5] The cost to maintaining a national registry of warrants would likely be similar to the cost of the NSOPW, which is operated by a private vendor managed by the U.S. Department of Justice's Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) office. That cost is budgeted for up to $500,000 per year: http://www.ojp.usdoj.gov/smart/pdfs/SMARTFY13nsopw.pdf.

What if the information is used as justification for firing an employee, destroys a romantic relationship, or generates other collateral harm to the social standing of a fugitive? Even worse—what about a person who is listed by administrative error? What if being listed leads to social harm for these minor or mistaken cases? There is no easy answer to the questions of potential deleterious impacts of a public registry of active warrants. However, it is important to weigh these concerns against the benefits. The same fugitive that we are concerned about "outing" via a public registry is likely to be "outed" regardless. The current system does this by officers showing up at someone's place of employment, home, or vehicle and placing that person in handcuffs and transporting them to jail. The fugitive's employer, family, and community are likely to become aware of the warrant because of the dramatic and public display of an arrest. Residents, friends, and employers are often left wondering what the arrestee might have done: Is he dangerous? Is he to be trusted? Again, most warrants are for non-violent crimes. Yet the public may assume far worse of an arrestee in these cases than if information came from a registry. Public arrest likely would lead to more stigma than a registry-outing, then, because of the public nature of an arrest and the absence of contextual information available on a registry (e.g., seeing a charge of "failure to appear in traffic court" or "probation violation" on a public registry). Business as usual is likely to be far more damaging to a fugitive wanted for minor offenses or administrative error than the display of that warrant on a public registry, a system which is clear regarding the content of the warrant and, perhaps, allows the fugitive to quickly process and remove that information before it is viewed by people connected to their lives.

Any system that publicly displays personal information is controversial, and this is especially true as the sensitivity or comprehensiveness of the data grows. As such, there is often a very high bar in terms of public demand, efficiency, and legal basis before such data systems can be built. I have argued here that building this system would be relatively cheap. This is because it already exists and is in operational use by all law enforcement across the U.S.; it is merely hidden from the public. Second, transitioning these types of hidden law enforcement systems into publicly available systems has been done before and was fairly easy to accomplish. The National Sex Offender Registry Website was created in approximately one year and cost around $1 million.

I have also argued that a registry would be valuable, because there is some evidence that people do tend to offer tips to police about wanted persons and people do tend to turn themselves in. It would also likely be valuable in providing a way for people with mistaken warrants to learn about a warrant and correct it before they experience a false arrest. But all of these actions are contingent on knowing about a given warrant. Even if a registry only provided a fraction of improved efficiency in warrant investigations, the returns would likely be enormous, because warrant investigations may well account for half of all arrests and thus a significant amount of police resources across the nation.

In short, I argue that the creation of a national public registry of active warrants is a smart policy choice. At the very least, the above arguments suggest that academia, policy makers, and the public should discuss and debate the merits.

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All Implementation is Local: Initial Findings from the Process Evaluation of the Honest Opportunity Probation with Enforcement (HOPE) Demonstration Field Experiment

Gary Zajac, Justice Center for Research, Penn State University
Pamela K. Lattimore, RTI International
Debbie Dawes, RTI International
Laura Winger, Justice Center for Research, Penn State University (now at SUNY)

IDENTIFYING EFFECTIVE and affordable options for successfully managing probation populations is critical to minimizing the impact of probation caseloads on public safety and costs. In 2011, the Bureau of Justice Assistance (BJA) and the National Institute of Justice (NIJ) funded the Honest Opportunity Probation with Enforcement (HOPE) Demonstration Field Experiment (DFE). The HOPE DFE is designed to test the effectiveness of programs replicating the Hawaii Opportunity Probation with Enforcement program that began in October 2004 on Oahu. The Hawaii HOPE program is based on regular random drug testing and "swift and certain" responses to positive drug tests or other violations of the terms of probation. A report by Hawken and Kleiman (2009) noted that "Probationers assigned to HOPE had large reductions in positive drug tests and missed appointments, and were significantly less likely to be arrested during followup at 3 months, 6 months, and 12 months" (p. 4). Given the promising initial results of the Hawaii experience, BJA and NIJ are collaborating to fund a multisite randomized control trial (RCT) of HOPE. Specifically, BJA funded four sites to implement HOPE programs, as well as providing funding to Hawken and colleagues at Pepperdine University to provide training and technical assistance to the DFE sites. NIJ selected the evaluation team of RTI International and Pennsylvania State University Justice Center for Research to conduct the RCT, which began in October 2011.

This article reports on the process evaluation of the HOPE Demonstration Field Experiment (DFE), conducted by the authors over the past three years. Findings on implementation to date are discussed following brief descriptions of HOPE and the DFE.

HOPE Model

The HOPE model—emphasizing close monitoring; frequent drug testing; and certain, swift, and consistent sanctioning—was developed in 2004 as the Hawaii Opportunity Probation with Enforcement (Hawaii HOPE) program. HOPE follows similar efforts tested elsewhere, including Project Sentry, which employed random drug testing of released jail inmates and imposed immediate sanctions for noncompliance (Buntin, 2009; Project Sentry, 2004). The initial examinations of the Hawaii HOPE program have garnered much attention nationally and suggested that HOPE is a promising, if not yet proven, program (Hawken & Kleiman, 2009).

The HOPE model contrasts with more traditional approaches to probation in which multiple violations of conditions and positive drug tests are tolerated. This tolerance may suggest to probationers that conditions are not important. Further, violations are often temporally disconnected from sanctions such that probationers may not link violations to the sanctions. Under either circumstance, probationers may perceive that violations have a low probability of sanction and, therefore, may be more likely to violate conditions. MacKenzie, Browning, Skroban, and Smith (1999) reported that the intrusiveness of conditions, probation officers' (PO) knowledge of misbehavior, and PO response to misbehavior do not affect criminal activity or violations of probation conditions in a traditional probation setting. Traditional probation, in which repeated violations are tolerated and sanctions appear to be arbitrary, random, and disconnected from violations, also is counter to what is known scientifically about shaping human behavior through consistent response (Andrews & Bonta, 2003; Harrell & Roman, 2001; Kennedy, 1997).

As an alternative to probation as usual (PAU), HOPE is rooted in deterrence theories suggesting that effective probation must create a context in which probationers perceive a high probability that violations will be followed by swift and certain punishment. HOPE participants are subject to frequent random drug tests. Treatment is included in the HOPE model, but is reserved for probationers who repeatedly fail the drug tests. Thus, another potential benefit of HOPE is that this program reserves treatment resources for individuals who are not able to stop using drugs on their own. HOPE also requires probationers to comply with all other supervision conditions, including appointments with probation officers, with any violations being met with a swift and certain response. Although sanctions are swift and certain, they are not draconian, with a typical sanction being a few days in jail. The underlying premise of HOPE

is that it provides a framework within which probationers develop an understanding of the relationship between their behavior and official responses, learning that violations will be met with sanctions, even if the severity of the sanctions is low. This sanctioning approach incorporates deterrence, as well as conditioning and learning theories, to teach probationers that violations have consequences and should result in changes in attitudes, perceptions of individual control over consequences, fairness, and legitimacy.

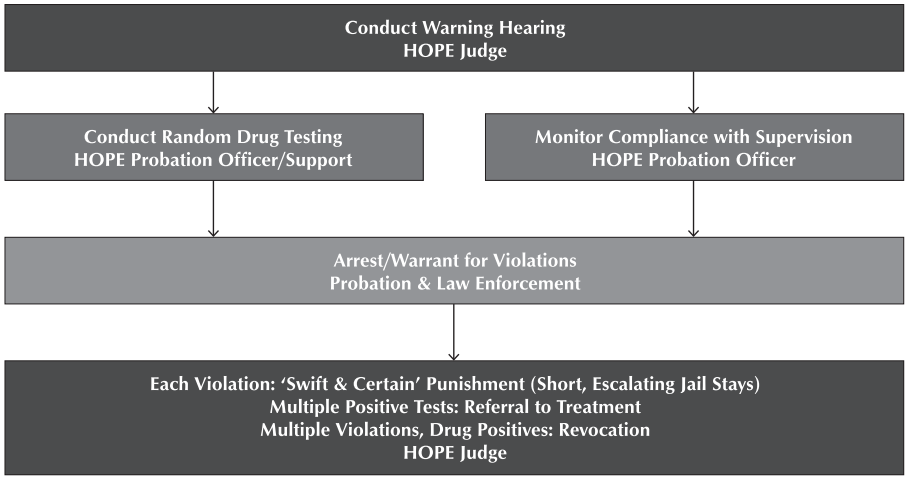
Figure 1 shows the HOPE program model. All HOPE probationers participate in a warning hearing conducted by a HOPE judge shortly after inclusion in the program. The purpose of the hearing is for the judge to outline expectations, including drug testing requirements, and consequences. Following the hearing, individuals call in daily to a drug testing hotline to determine whether they must report that day to provide a urine sample for drug testing. Initially, the number of tests each month is between four and six. Following multiple clean tests, the testing frequency is reduced on a schedule that is set by the program, but remains at least one per month. Positive drug tests are to be followed by immediate arrest, a violation hearing before the HOPE judge, and a short jail sentence. A warrant is issued in response to missed tests, although in some sites individuals who miss tests are given 24 hours to turn themselves in before a warrant is issued. The HOPE POs are also expected to monitor compliance with all other conditions of supervision (e.g., office visits, community service, payment of restitution and fines) and to refer any violators for warning hearings. Sanctions are graduated—with each successive violation receiving a harsher sentence (e.g., 5 days rather than 3 days in jail). Individuals who repeatedly test positive are referred to treatment, either in the community or a residential placement.

To date, aside from a small quasi-experimental pilot evaluation of Hawaii HOPE, only one evaluation of the HOPE model has been completed. This evaluation, funded in part by NIJ, was a multijudge RCT comparing outcomes for Hawaii HOPE participants with a PAU control group (Hawken & Kleiman, 2009) and found, at 1-year follow-up, that HOPE reduced missed probation appointments by 14 percentage points, positive urine tests by 33 percentage points, new arrests by 26 percentage points, and probation revocations by 8 percentage points.

Although these promising findings have led to as many as 12 states launching HOPE-like programs (Petranik, 2011), the evidence base for HOPE is limited. Replication of the program and most critically the present controlled trial test of HOPE effectiveness are essential before practitioners can be confident that the HOPE model offers a cost-effective return on investment of scarce public resources.

Replicating the HOPE program requires sites to overcome a variety of implementation issues. Because HOPE relies on multiagency coordination and cooperation, buy-in is crucial to its success. This is especially true given that, at least initially, HOPE implementation results in increased workload for probation agencies and courts. In addition, there are financial concerns with frequent random drug testing, immediate arrests and hearings, short-stay jail use, and drug treatment mandates and requests (Kiyabu et al., 2010). These concerns point to differential impacts of HOPE on local and state agencies and the potential for cost shifting that may impede implementation.

FIGURE 1.
HOPE Program Model



The HOPE Demonstration Field Experiment

The multisite HOPE Demonstration Field Experiment (DFE) is designed to assess whether a program founded in Hawaii can be generalized to the contiguous United States. Differences between the legal and community context and the probation population in Hawaii may account for some of the rather remarkable findings from the Hawaii HOPE evaluation. Recent efforts to implement a deterrence-based program to manage high-risk, substance-using probationers in Delaware found that "judicial practices, client eligibility, logistics, and cooperation with secure facilities all posed noteworthy issues for program implementation" (O'Connell, Visher, Martin, Parker, & Brent, 2011, p. 261). In addition, districts may not have laws that authorize judges to modify rather than revoke probation (Kiyabu, Steinberg, & Yoshida, 2010); absconding may be a larger concern in jurisdictions with less restrictive border crossings than the island of Hawaii (Buntin, 2009); and all Hawaiian POs are Master's-level social workers with knowledge of cognitive-behavioral principles and methods, advantages many probation agencies will not enjoy (Hawken & Kleiman, 2009). A final consideration is whether effects persist after probationers are no longer under HOPE supervision.

The four sites included in the DFE were selected by BJA, with grant funding beginning in October 2011 and continuing through September 2015. The study sites are in Saline County, Arkansas; Essex County, Massachusetts; Clackamas County, Oregon; and Tarrant County, Texas. The sites vary considerably in size and organizational relationships among the key stakeholders for HOPE, providing an excellent "learning laboratory" for investigating the implementation and effectiveness of HOPE.

Although each site has hired a HOPE Program Coordinator (PC) and has one or more HOPE judges, there is variation among the sites in terms of who is responsible for various aspects of HOPE. The responsibilities of the HOPE PC vary across the sites, but

primary responsibilities include coordinating fidelity data collection, monitoring HOPE implementation, and coordinating the local HOPE stakeholders. The HOPE judge conducts the warning and violation hearings and imposes sanctions. Assessments and eligibility determinations are done either by an assessment unit or by the HOPE POs. Drug testing is done either by HOPE POs, drug testing technicians hired by probation, or a drug testing lab hired by probation. Warrants are served either by HOPE POs, if they have law enforcement authority, or by cooperating local law enforcement agencies. As can be seen from this short list of key duties, the burden of managing a HOPE probation caseload can vary substantially depending upon the availability of infrastructure and support.

The HOPE DFE began in October 2011 and incorporates a rigorous randomized control trial (RCT) outcome study, a process evaluation, and a cost-effectiveness evaluation. The RCT (identification number NCT01670708 with ClinicalTrials.gov) involves random assignment of up to 400 HOPE-eligible probationers to either HOPE or PAU in each of the four sites. HOPE program startup, eligibility determination, and intake into the evaluation began in August 2012 in three of the four sites and in October 2012 in the fourth site. Although the expectation had been that study enrollment would be accomplished in nine months, case flow into the study has been slow. Enrollment at all sites was closed as of December 2014.

HOPE Process Evaluation

The process evaluation we have undertaken has three primary components: (1) assessment of program implementation fidelity; (2) benchmarking treatment interventions delivered against the principles of effective offender intervention; and (3) qualitative interviews with key stakeholders. This article focuses on initial findings from the third component. Process evaluation is an essential element of a comprehensive program evaluation strategy, which also includes outcomes and cost evaluation (Rossi, Lipsey, & Freeman 2004). Effective programs employ specific activities and interventions known to produce desired outcomes (intervention effectiveness), and implement those interventions with high fidelity to design (implementation fidelity) (Fixsen, Naoom, Blasé, Friedman, & Wallace, 2005). A growing body of literature indicates that social programs that maintain a high degree of fidelity between program design/theory (interventions) and program practice (implementation) show better outcomes than those that do not, with treatment effects up to three times as large for high-fidelity programs (Andrews & Dowden, 2005; Durlak & DuPre, 2008; Fixsen et al., 2005; Gendreau, Goggin, & Smith, 1999; MacKenzie, 2006). The findings reported here reveal critical insight into the mechanics of HOPE implementation at the four sites, and what lessons may be transferred to other sites that may seek to implement the HOPE model in the future.

Methods

Data for the current study were derived from a series of in-depth, semi-structured qualitative interviews conducted with the members of the HOPE team at each of the four HOPE DFE sites. While the members of the HOPE team varied somewhat across the four sites, generally these members included the HOPE judge(s), HOPE PC, probation managers and officers (POs), district attorney, public defender/defense counsel, sheriff and/or other law enforcement charged with warrant service, and jail administrators. Interviews with the HOPE team members were conducted during three successive rounds of site visits, occurring during the summer/fall of 2012, 2013, and 2014. The purpose of these visits was to document the experiences of these sites with the initial start-up and the ongoing implementation and operation of the HOPE program, to assess implementation fidelity at each site, to help the researchers interpret the findings of the outcome evaluation and to identify lessons learned that can inform any future dissemination of the HOPE model to other sites. Topics covered during the interviews included identification of the components of the HOPE and Probation as Usual (PAU—control group) conditions as implemented at each site, barriers and facilitators to the implementation of HOPE, perceived strengths and weaknesses of the HOPE model as implemented, patterns of communication among HOPE team members, and implementation roles played by each team member, as well as discussion of the organizational dynamics at each site. Each interview typically lasted one to two hours. Given that this research is ongoing and confidentiality is of concern, the results presented below do not identify specific findings with specific sites.

Results

Our process evaluation to date has identified factors that serve to facilitate the implementation of HOPE, challenges and barriers to implementation, and organizational/ administrative structural features that are important to understanding the broader context of HOPE implementation across sites.

Implementation Facilitators

The factor that emerges most clearly as a facilitator of HOPE implementation is strong teamwork, collegiality, and communication within the HOPE team. Recall that HOPE is a multi-agency effort, requiring the cooperation of the courts, probation, law enforcement, corrections, prosecutors and other stakeholders. Where these stakeholders are able to work together effectively, and especially where they have a *history* of such collaboration, HOPE implementation rolled out more smoothly. On a related point, several of the sites also had prior positive collaborative experiences running programs similar to HOPE, and were able to draw heavily upon that experience in implementing HOPE.

Across the sites, the most central players on the HOPE teams were the PC, HOPE judge(s), HOPE POs, and probation management. Other stakeholders, such as the district attorney and public defender, typically played less of a role. But interesting differences were found. In one site, the DA and public defender played little or no role in the implementation and operation of HOPE. In another site, the defender played a moderate role, but the DA little or none. In the other two sites, both of these stakeholders were more actively involved, and indeed, in one of those sites, the DA initiated the HOPE program and was the official recipient of the HOPE grant. Differences in the roles played by the DA and defender became evident during observations of HOPE probation violation hearings held before the HOPE judge. In one site, the judge managed the process completely; neither the DA nor the defender was even present. In the other three sites, the violation hearing unfolded to varying degrees more like a traditional adversarial court process, with the DA advocating for the state, the defender for the probationer, and the judge arriving at a final decision about a sanction. Thus, while good working relationships within the HOPE team do stand out as being a key facilitator, it is also evident that HOPE implementation is tolerant of local variation in the architecture of the HOPE team itself.

Next, where the HOPE team members expressed "buy in" to the deterrence-based theory of HOPE, implementation was easier.

Indeed, team members generally expressed positive attitudes towards HOPE, sounding themes such as "HOPE is the way probation should be," or "HOPE is what the layperson thinks probation actually is in practice." Several sites had been actively planning to experiment with something like HOPE even before the BJA program solicitation was announced, so in a sense the pump was already primed there.

Another strong facilitator that emerged from our interviews with the HOPE teams centered on the role played by the HOPE PC. The BJA grants that fund the HOPE program sites provide for the hiring of a PC to serve as the day-to-day manager of HOPE. The PC functions as a key member of the HOPE team, and has emerged as a leadership figure for the program at each site. One finding that stands out from our interviews is the importance of the perceived credibility of the PC to other members of the HOPE team. In particular, across the sites, prior experience by the PC with courts and corrections in that locality was strongly indicated as being very important to the smooth implementation of HOPE.

Finally, regular HOPE team meetings, typically coordinated by the PC, were also reported to facilitate implementation. These meetings are important venues for discussing implementation problems and devising solutions to those problems, but also for allowing the various team members to have an opportunity to contribute to the management of HOPE and thus feel a sense of shared ownership of the program.

Implementation Challenges and Barriers

Other factors emerged as common challenges or barriers to the implementation of HOPE. Most notably, what we loosely term "bureaucratic inertia" seemed to be a problem at some level at all sites. For example, in spite of the existence of BJA grant money to fund the programs, several sites experienced difficulties with securing local or state administrative authorization to hire additional probation officers or to fill other positions to fully staff the program. One site had been under an extended statewide hiring freeze even before HOPE was implemented, which stymied efforts to bring new officers into the program. More generally, HOPE represents a departure from usual probation practice, and HOPE was perceived by some in probation as an unproven innovation that held the potential to disrupt established management practices, thus leading to some resistance to change.

Another barrier that was widely noted across the sites was the DFE itself. In other words, the requirements of the evaluation, such as record keeping, data collection, and the constraints on probationer enrollment in HOPE imposed by the study randomization protocol, were commonly cited as being a burden to the implementation and operation of HOPE. Indeed, the inability to freely choose which probationers could be admitted to HOPE was seen as a particularly important limitation by many HOPE team members, who often felt that deserving candidates were being left out of HOPE due to the requirements of randomization. By definition, of course, all study participants (HOPE *and* PAU control group probationers) had to be eligible for HOPE enrollment, so an RCT such as this will necessarily exclude some clients who could otherwise have participated in the intervention. Moreover, it should be noted that these four programs were funded by BJA for the express purpose of supporting the DFE, and presumably would not have received such funding outside of the DFE.

The fit of HOPE with the larger existing organizational culture of the probation department also emerged as an implementation issue. Our results so far indicate that this cultural fit is better in some sites than others. For example, HOPE may be seen to be at odds with a more human services-oriented approach to probation that emphasizes the targeting of criminogenic risk and needs factors through, for example, cognitive-behavioral treatment interventions (Andrews & Bonta, 2003; MacKenzie & Zajac, 2013). Under these circumstances, HOPE may be seen as a superfluous or ineffectual add-on to the existing culture, or even as deleterious to it.

As might be expected in almost any agency setting, turnover of key team members also posed a challenge. For example, the PCs in two of the sites were replaced within the first year or so of program start-up. Turnover of HOPE POs was also an issue, with one site turning over both of the HOPE POs simultaneously. Turnover can have negative implications for the continuity of program delivery and HOPE team group dynamics, but can also infuse new ideas and energy into program implementation. These HOPE teams were ultimately able to integrate the replacements into the program with relatively minimal disruption to implementation.

Another interesting challenge was reported by the defense counsel who participated in the HOPE teams. They indicated feeling some degree of tension in their roles, with the expectation that they support the program at times conflicting with their professional duty to represent the best interests of their clients. The challenge for these defenders then was to determine whether HOPE was the best option for a given client.

Finally, challenges to the implementation of HOPE were not confined to the agency setting. As offenders within the DFE communities came to learn what HOPE entailed (e.g., very frequent drug testing, sanctioning that *would* actually occur in response to violations) some of them came to resist HOPE, anticipating that it would be too demanding compared to probation as usual. Word began to spread among offenders (especially in the jails) that one should avoid assignment to HOPE if possible, for example by claiming residency outside the county, which at some sites removed them from consideration for HOPE. This avoidance strategy by the offenders had some impact on program enrollment goals, although the HOPE teams were able to devise solutions, such as broadening the geographic scope of eligibility for HOPE or confirming residency beyond the word of the probationer.

Administrative Structure

Apart from implementation facilitators and challenges that seemed to be common to the DFE sites, the unique administrative and organizational structures of these sites also emerged as important to understanding the implementation of HOPE. Our process evaluation thus far has discerned three key administrative dimensions that have shaped the implementation of HOPE, and which also presumably will have some bearing downstream on outcomes. The first administrative dimension concerns how probation is organized—in other words, who controls probation/community corrections. In one of the sites, probation is an independent executive agency administered at the state level, albeit with considerable control over HOPE probation operations and HOPE POs delegated to the HOPE judge. In a second site, probation operates at the county level with the probation director appointed by the county judges (including the HOPE judge). In a third site, probation is subsumed under a larger state court administrative office and thus is directly part of the judiciary (much as in Hawaii HOPE). At the fourth site, probation is administered through the county sheriff's department, with no formal linkage to the HOPE judge. This organizational dimension has bearing on how the probation office is

affiliated with other key HOPE stakeholders—in particular, whether there is a formal administrative linkage between probation and the court or whether the implementation and operation of the HOPE program must rely on informal relationships between these key stakeholders. Other jurisdictions considering adopting HOPE should consider the strength and formality of these arrangements as they devise their implementation strategy.

The second dimension concerns the degree of control that the judge can exercise over the HOPE probation officers. Recall that HOPE is by design a judge-driven model, so the ability of the judge to direct the work of the HOPE POs should in principle be an important implementation variable. In three of the sites, the judge seems to be able to exercise a relatively high degree of direction over the work of the HOPE POs with respect to tasks such as how swiftly violations are responded to, strict compliance with drug testing regimens, keeping probationers apprised of the requirements of HOPE, and other HOPE-related supervision practices. In the fourth site, the judge seems to exercise relatively less direct control over the HOPE POs. Thus, the issue here is the judge's ability to promote the integrity of the HOPE model. This was clearly a concern for the implementation of our evaluation (e.g., treatment group versus control group conditions), but it is also critical to the management of the program itself, particularly as regards the ability of the judge to ensure that all violations are brought immediately to the attention of the court (i.e., swiftness and certainty of sanctioning).

The third and final dimension centers on the question of who initiated the HOPE program within each DFE site. In three of the sites, the HOPE DFE grant was submitted and is managed by the probation department or its parent organization, either alone or in partnership with the state court administrative office. In the fourth site, the HOPE DFE grant was initiated outside of probation entirely. Given the finding noted above about agency buy-in being a key facilitator of HOPE implementation, and the reality that the probation department carries the primary burden for day-to-day HOPE program operations, we anticipate that HOPE implementation fidelity will be strongly influenced by the role played by the probation department in the decision to participate in the HOPE DFE.

While we do not yet have complete findings about program implementation fidelity at the four HOPE DFE sites, our process evaluation to date suggests that the ease of HOPE implementation is associated with three key administrative conditions—(1) probation is organizationally linked to the court at the state or county levels, and/or has sufficient latitude to choose to collaborate with the court on innovations like HOPE; (2) the HOPE judge can closely direct the management of HOPE through the HOPE POs; and (3) probation was centrally involved in the decision to participate in the HOPE DFE.

Discussion

Former Speaker of the U.S. House of Representatives Tip O'Neill noted that "All politics is local." The research reported here would lend support for a similar axiom that "All implementation is local." While there are common implementation themes across sites, the administrative, political, and jurisdictional landscape within each site also emerges as an important and interesting feature of the HOPE implementation narrative. This is to say that local context matters greatly. This reflects directly on the unique governance environment within which HOPE is operating at each site. The history of relations between the agencies and personalities involved in implementing HOPE also emerges as important.

As noted earlier, the findings from the outcome evaluation portion of this DFE are not yet available. We can draw no conclusions at this point about program impacts at these four sites. Although there is a limited base of evidence for the nascent HOPE model to date, jurisdictions seeking to experiment with HOPE may draw guidance about implementation from the process evaluation results presented in this article. HOPE can be implemented in a variety of local settings, but does also seem to be sensitive to a set of administrative conditions focused on probation organization and judicial oversight. The facilitators and barriers noted above also serve as waypoints and caveats for future HOPE adopters. The full importance of these implementation conditions to conclusions about the prospects of HOPE as an "evidence-based practice" will come into clearer focus as outcomes are identified later in the DFE.

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The Federal Probation System: The Second 25 Years 1950–1975

Ben S. Meeker
*(Former) Administrator, Center for Studies in Criminal Justice, The Law School, University of Chicago**

In recognition of the 90th anniversary of the federal probation system that we are celebrating this year (in conjunction with the 40th anniversary of the beginning of federal pretrial services and the 10th anniversary of our system's National Training Academy), Federal Probation *is republishing the following account of the second 25 years of our system. This article originally appeared in the June 1975 issue of* Federal Probation*, the Special Golden Anniversary Issue.*

MY BRIEF IS to survey the Federal Probation System in its second quarter century, 1950–1975. So much has happened that this article can capture but a fraction of events.

In 1950, Henry P. Chandler, then director of the Administrative Office of the United States Courts, was courageous enough to try to predict the pattern of the next 25 years of Federal probation. Happily, retrospection is more reliable than prediction and my task is easier. Mr. Chandler wrote:

> It does not seem likely that there will be any substantial change in the present functions of federal probation officers in the next 25 years. If these functions are principally presentence investigation and the supervision of persons on probation and parole.[1]

In a formal sense, this statement still identifies the principal functions of the Federal probation officer, but there have been many dramatic changes which elude Henry Chandler's prevision.

There has been a remarkable growth in the use of probation, and what was a minority disposition has become the most common sentence. There has also been a whole series of conceptual changes about the nature of probation and parole, both moving from a jurisprudence of unfettered judicial and parole board discretions towards systems of judicial and administrative rights permeated by due process controls. The energetic intercession of the courts in the definition of certain due process and civil rights of prisoners has flowed over into the areas of parole and probation. The controversy over disclosure versus confidentiality of presentence reports, the emerging trends in criminal pretrial procedures encompassing plea bargaining, bail selection, deferred prosecution or judgment, and a series of rules and practices circumscribing the imposition and nature of probation and parole conditions and defining the procedures to be adhered to in probation and parole revocations, have both complicated and altered probation and parole practices.

From a qualitative service point of view, the past two decades have seen the addition of a remarkable array of new resources and programs. Of major significance has been the expansion of sentencing alternatives available to the Federal judges. Prior to the decade of the fifties, except for juveniles, the alternatives were either a flat sentence or probation. Now, a series of indeterminate and mixed dispositions are available, including a complex set of sentencing procedures for narcotic law violators.

Other important changes have followed passage of the Criminal Justice Act (1966), which laid the foundation for the Federal Defenders program; The Prisoners' Rehabilitation Act which authorized work release, emergency furloughs and the establishment of "residential treatment centers" by the Federal Bureau of Prisons; and the act establishing the Federal magistrates and the subsequent increase in misdemeanant probation. In addition, the availability of Employment Placement Personnel, and the movement of Vocational Rehabilitation services into the correctional field, have modified probation and parole practice.

With these trends has come a maturing and professionalizing of the Federal Probation System. A strong tradition of inservice training, combined with sound education qualifications which became mandatory by action of the Judicial Conference of the United States in 1961 and which became effective with implementation of the Judiciary Salary Plan in 1964, has created an outstanding service. Contributing to this professionalization has been an active goal-oriented Federal Probation Officers Association, which has worked closely with the Division of Probation and the Judicial Conference Committee on the Administration of the Probation System.

Concepts of professionalism were advocated by the earliest leaders in the Federal Probation System and were strongly supported by Mr. Chandler, the first director of the Administrative Office. In 1943 the Judicial

[1] Henry P. Chandler, "The Future of Federal Probation," Federal Probation, June 1950.

*Retired chief probation officer, U.S. District Court, Northern District of Illinois, and director, Federal Probation Training Center, Chicago 1950–1970.

Conference recommended standards which culminated in the mandatory qualifications approved by it in 1961. Since that time, the appointment of officers meeting the requirements of a college degree and 2 years of prior professional experience has become standard, with 41 percent of the applicants entering the service in fiscal year 1974 having completed the master's degree.[2] This is in rather dramatic contrast to the fact that only 58 percent of the officers appointed during the period from 1943 to 1949 met the qualifications desired.[3]

The Training Tradition

As Mr. Evjen has noted in the preceding article, the tradition of inservice training for Federal probation officers commenced in the 1930's through periodic regional institutes. In 1949 the idea for an ongoing training center in Chicago grew out of a conference between Richard A. Chappell, chief of the Division of Probation, Judge William J. Campbell of the U.S. District Court for the Northern District of Illinois, and the late Frank T. Flynn of the faculty of the School of Social Service Administration at the University of Chicago. With strong support from Judge Campbell and the University of Chicago, the Judicial Conference authorized the opening of the Center in 1950.[4] Thus commenced a program of training and research at Chicago which was to last for the next 20 years.

Although it will remain for others to assess the ultimate value of the Chicago Training Center, it seemed to me that during the period from 1950 to 1970, in addition to its training value, the enter in Chicago provided a highly unifying and coordinating influence. The selection of officers to attend the sessions was entirely in the hands of the Division of Probation in Washington, and, through a well planned mix of officers from district courts everywhere, the Center served as a common meeting ground for personnel from around the country. Much of the earlier provincialism and preoccupation with local concerns disappeared as officers discovered that the problems of working with probationers and parolees, whether from Atlanta, Boston, San Antonio, or Seattle, were identical. The Chicago Center also served a major administrative function, as it provided the opportunity for members of the Probation Division of the Administrative Office, the U.S. Board of Parole, the Federal Bureau of Prisons, and staff members of the military correctional programs to meet and discuss administrative and policy developments with field officers.[5]

In 1970, with the advent of the Federal Judicial Center and the availability of funds and staff to carry on a much more comprehensive training program geared to the entire personnel of the courts, the Chicago Center had fulfilled its mission and the training function was gradually transferred to the Center in Washington.

Federal Judicial Center

The benchmark in the training tradition of the Federal judiciary was reached with the passage in 1967 of Public Law 90-219[6] establishing the Federal Judicial Center (FJC), now located in the handsome facilities of the Dolley Madison House.

Under the leadership of the first director, Associate Justice of the Supreme Court Tom Clark, his successor, Senior Circuit Judge Alfred P. Murrah, and the present director, Senior Judge Walter E. Hoffman, a wide spectrum of training and research programs has developed.[7]

One of the first research and demonstration projects sponsored jointly by the Federal Judicial Center, the National Institute of Mental Health, and the University of Chicago Law School Center for Studies in Criminal Justice headed by Professor Norval Morris was designed to evaluate the role and potential usefulness of nonprofessional case aides.[8] The action phase of this research involved the employment of up to 40 part-time probation officer case aides on the staff of the probation office of the Northern District of Illinois, Chicago, Illinois.

These aides, largely blue collar, were recruited from among residents—including ex-offenders—of the neighborhoods involved in the study. This project demonstrated the usefulness of such assistants and led to the creation by the Judicial Conference of a paraprofessional position, probation officer assistant, within the hierarchy of Federal Probation System positions. Twenty such positions were authorized in 1973.[9]

Other research projects carried out in a variety of probation offices reflect a desire to test and evaluate traditional practice. In his account of the Federal Probation System, Merrill Smith has characterized the recent past

[2] In addition to meeting the academic standards, 75 percent of the 345 officers appointed in fiscal year 1974 had an average of 4.5 years of prior experience in probation or parole work. (Div. of Prob., Admn. Office U.S. Courts: Memorandum to all Fed. Probation Officers, November 7, 1974).

[3] Henry P. Chandler, "The Future of Federal Probation," Federal Probation, June 1950 Note: During the ensuing decade, the pressure for qualified appointments continued and in the year 1960, 18 new probation officers were appointed to fill vacancies. Of the 18, all had college degrees and 10 had master's degrees. *Annual Report, Administrative office U.S. Courts,* 1960.

[4] Annual Report, Administrative Office of the U.S. Courts, 1949. For a detailed description, see Ben S. Meeker, "The Federal Probation Service Training Center", Federal Probation, December 1951. To further the work of the Center, the Judicial Conference in 1956 authorized three additional positions: a deputy director of training, a training officer and a secretary. The late Wayne L. Keyser was appointed to the position of deputy director, and was subsequently succeeded by Harry W. Schloetter, who is now chief probation officer of the San Francisco office.

[5] It is important to keep in mind that throughout this period the Division of Probation continued to sponsor regional institutes which fulfilled an important supplemental function to the work of the Chicago Center. In the far-flung Federal Probation System regionalization is vital, and periodic regional institutes serve a valuable function as they afford opportunities for district officers to get to know one another and share in the discussion of interdistrict concerns. The recent, rapid expansion in the number of officers has precipitated some logistic problems in the scheduling of regional institutes. It is the hope of many in the Service, however, that the Federal Judicial Center will find a way to preserve the tradition of regional institutes.

[6] Public Law 90-219, December 20, 1967, Title 28 USC, Ch. 42 Sec. 620-629, "Federal Judicial Center."

[7] The 1974 Annual Report, Federal Judicial Center (pp. 28-29) is a comprehensive multisection report on a wide variety of research studies, conferences and training activities at all levels of the Federal Judiciary. All together, some 1,731 members of the judicial branch attended conferences and seminars sponsored by the Center. Included were 10 orientation seminars for 333 newly appointed probation officers, six refresher courses attended by 197 probation officers, a management institute for chiefs, deputy chiefs, and supervising officers, one regional conference and a special invitational seminar for 68 probation officers held in conjunction with the Seventh Circuit Judicial Conference, Milwaukee, Wis., May 1974.

[8] Donald W. Beless, William Pilcher, and Ellen Jo Ryan, "Use of Indigenous Nonprofessionals in Probation and Parole, Federal Probation 16 (March 1972). See also: R. D. Clements, *Para-Professionals in Probation and Parole: A Manual,* Center for Studies in Criminal Justice, U. of C. Law School (1972) and *Final Report: Phase I and Phase II, Probation Officer Case Aide Project,* CSCJ, U. of C. Law School (1973).

[9] Annual Report of the Director of the Administrative Office of the U.S. Courts, 1973, p. 271. Currently, under an extension of the NIMH funding, a study is being made of the way in which these aides are being utilized in six offices: Chicago, New York City, Washington, D.C., San Francisco, Los Angeles, and Pine Ridge, S.D.

as "a decade of innovation."[10] An experiment in the District of Columbia probation office with group counseling techniques demonstrated a useful new procedure.[11] In California, a project known as "The San Francisco Project" conducted a research demonstration program designed to evaluate optimum caseloads.[12] A major research demonstration project sponsored jointly by the Social and Rehabilitation Services of the U.S. Department of Health, Education, and Welfare and the Federal Probation System to evaluate the intensified use of vocational rehabilitation resources, conducted in eight probation districts, is another example of such research.

Given probation officers possessing uniformly the requisite qualifications of mind and character, and given a sufficient number of such officers to do a thorough job, we have every reason to expect that federal probation will become stronger and more effective with the passing years.

—Henry P. Chandler, *Federal Probation,* June 1950

Administrative Developments

After nearly 17 years of leadership as the pioneer director of the Administrative Office, Henry P. Chandler retired in 1956. Thanks to his foresight and deep conviction about the importance of probation and parole, these aspects of the Federal system of justice gained a firm foundation.

Mr. Warren Olney III, a former Assistant Attorney General of the United States, was subsequently named director. Observing certain needs in the probation arm, he urged the establishment of a Judicial Conference committee on the administration of probation. This committee was created in 1963. Judge Luther W. Youngdahl of the District of Columbia was appointed chairman.[13]

Judicial Conference Committee on the Administration of the Probation System—The importance of this Committee cannot be overstated. Prior to its creation, although various committees of the Judicial Conference gave assistance to probation, no one committee was devoted exclusively to the support and improvement of the Federal Probation System.

From the outset, the Probation Committee sought counsel from the Division of Probation and the Federal Probation Officers Association on the needs of the Federal Probation System. Support for training and research, refinements in presentence investigation procedures, an evaluation of deferred prosecution, an extension of field consultation to district probation offices, and support for the existing administrative structure of Federal probation and parole services, are among the activities undertaken by the Committee. In 1963 a subcommittee of the Probation Committee under mandate of the Judicial Conference, undertook a revision of *The Presentence Investigation Report* (1943) which had given yeoman service for over 20 years. With assistance from representatives of the Probation Division, the Bureau of Prisons, outside experts, and field personnel, a comprehensive review was completed and adopted by the Probation Committee in February 1965. These new standards were issued as Publication 103, *The Presentence Investigation Report.*

One of the more dramatic areas in which the cooperative efforts of the Federal Probation Officers Association and the Probation Committee were effective related to a series of bills proposed by the Attorney General, to transfer the Federal Probation System from the Federal judiciary to the Department of Justice. This proposal, which surfaced in the spring of 1965, came without warning to the district courts and probation offices, and aroused immediate opposition. Studies of the proposal by a subcommittee of the Committee on the Administration of the Probation System and by the Board of the Federal Probation Officers Association (FPOA) reinforced the opposition. The Judicial Conference, at its March 10–11 meeting in 1966, accepted the report of its Probation Committee and adopted a resolution opposing the proposed transfer of the Probation System to the Justice Department.[14]

During subsequent sessions of Congress, similar bills were introduced, but died in Committee.[15] Note should also be made that the Federal Probation Officers Association presented the issue to the American Bar Association, which registered official opposition to the bills at its annual meeting in 1966.

Administrative Office Stability Reflected in Probation Division Continuity—Unlike many agencies of the government, where top officials, for political and other reasons, come and go with great frequency, the Administrative Office of the United States Courts has been a remarkably stable and nonpolitical agency. Thus, through its nearly 36-year history, there have

[10] Merrill A. Smith, *As a Matter of Fact: An Introduction to Federal Probation.* The Federal Judicial Center, Washington, D.C., 1973, p. 76.

[11] Herbert Vogt, "An Invitation to Group Counseling," Federal Probation, September 1971.

[12] Robinson, Wilkins, Carter, and Wahl, *The San Francisco Project—Final Report* 73 (1969). See also, Adams, Chandler, and Neithercutt, "The San Francisco Project: A Critique," Federal Probation, December 1971.

[13] Proceedings of the Judicial Conference of the United States, 1963. Other members were: Judge William B. Herlands, Southern District of New York; Chief Judge Walter E. Hoffman, Eastern District of Virginia; Judge Frank M. Johnson, Jr., Middle District of Alabama; Chief Judge Thomas M. Madden, District of New Jersey; Judge John W. Oliver, Western District of Missouri; Judge James B. Parsons, Northern District of Illinois; Judge Francis L. Van Dusen, Eastern District of Pennsylvania; Judge Albert C. Wollenberg, Northern District of California.

[14] The Board of Directors of the FPOA, reflecting the opinion of its membership-at-large, issued a position paper on June 1, 1965, opposing the transfer and listing what it had identified as the major needs of the service, the prime one being manpower rather than reorganization. (*Some Observations on the Needs of the Federal Probation–Parole Service,* Mimeo, June 1, 1965—Archives FPOA.) See also, Albert Wahl, "Federal Probation Belongs With the Courts" *Crime and Delinquency*, Vol. 12. No. 4, October 1966, p. 371. The Subcommittee of the Judicial Conference Probation Committee under chairmanship of Judge William Herlands of the Southern District of New York prepared a comprehensive report on the legal history and background of the Federal Probation System and concluded that a conflict of interest could develop were the Probation System placed under the office of the chief prosecutor of the government. (*Report of the Proceedings of the Judicial Conference*, 1966).

[15] A review of the annual reports of the Judicial Conference Committee on the Administration of the Probation System indicates that the Conference reaffirmed its opposition to such transfer in March 1969, March 1970 and again as recently as September 1973. As an alternative, the Judicial Conference of the United States and the Federal Probation Officers Association had gone on record in support of a bill to expand the Advisory Corrections Council established by 18 USC 5002.

been only four directors. Following Mr. Olney's resignation in 1967, Mr. Ernest C. Friesen, Jr., who had been an Assistant Attorney General in the Justice Department, was named director. In February 1970 he left to direct the Institute for Court Management, University of Denver School of Law, and on July 1, 1970, Mr. Rowland F. Kirks was appointed director of the Administrative Office.[16]

Director Kirks' interest in probation was immediately evident, as he made it a point to attend and talk with probation officers at each of the Regional Training Institutes then being held. He was quick to assess the needs of the Federal Probation System, particularly in the area of manpower, and let it be known throughout the service that he would aggressively support budget proposals to enlarge the staff complement of probation officers to meet recognized standards.

The Division of Probation—During this time the Division of Probation had been characterized by stability in purpose and leadership. Under the team direction of Chief Chappell and Assistant Chiefs Evjen and Louis J. Sharp[17] the Federal Probation System moved forward. In 1956 after nearly 20 years of distinguished probation leadership, Mr. Chappell resigned to accept appointment as a member of the U.S. Board of Parole. Meantime, Mr. Evjen's talents as editor of FEDERAL PROBATION, which was now recognized worldwide, had placed that quarterly in the forefront of correctional journals. Mr. Evjen continued to serve as editor of the journal as well as assistant chief until his retirement in 1972. At that time, FEDERAL PROBATION had a circulation of 35,000 and was being distributed to 50 foreign countries.

Continuing the tradition of promoting career officers from the districts to leadership positions in Washington, Mr. Sharp, originally of the St. Louis Federal probation office, followed Mr. Chappell as chief. Upon Mr. Sharp's retirement, Merrill A. Smith, who had come to Washington in 1954 as an assistant chief from the Los Angeles office, was named chief of the Probation Division in June 1966.

After 31 years in Federal probation service, Mr. Smith retired in 1972. At that time Wayne P. Jackson, who had been promoted from the Chicago office to an assistant chief's position in the Division of Probation, was appointed chief.[18]

One of the most significant developments during this period was the expansion of the Probation Division staff. The Federal Probation Officers Association had been urging this move for several years in order to provide field consultation services to district probation officers throughout the Nation. In 1965 the Judicial Conference Committee on the Administration of the Probation System gave support to this proposal, and an experimental project employing the services of a regional consultant was instituted. This project proved successful and led to the present operation in which regional areas are assigned to five Probation Division assistants. These regions coincide with those of the U.S. Board of Parole and Federal Bureau of Prisons which will greatly facilitate improved communication at the district level.

Caseload Expansion

During the last 25 years the caseload of the Federal Probation System has expanded dramatically. On June 30, 1951, there were 29,367 persons under the supervision of Federal probation officers. On June 30, 1974, that total had more than doubled as 59,534 persons were under supervision.[19]

During this same time span, the investigative caseload increased at an even higher rate. In fiscal 1951, 25,443 investigative reports were statistically tabulated, including 8,367 civil and military preparole investigations. In contrast to this total, during fiscal 1974, the probation service completed 77,146 investigations (see tables 1 and 2).

The marked growth of responsibility for Federal probation officers ought not to be measured quantitatively alone, but qualitatively, in relation to the increased types of treatment and rehabilitative programs developed during this period. Among the most significant was the dramatic increase in the number of sentencing alternatives made available to the courts and the impact of these new procedures on probation. New duties also developed as a result of more definitive probation and parole supervision guidelines and more complex revocation procedures.

Investigation and Supervision of Military Offenders—In his article, Mr. Evjen has recounted the 1946 agreement of the Federal Probation System to conduct military preparole investigations and handle supervision of military parolees for the Departments of the Army and Air Force.[20] Typically, this was done without additional personnel, and caseloads continued to grow without comparable increase in probation officer positions until the 1956–57 fiscal years when 165 new probation officer positions were funded.[21] This brought the caseload averages, which had been running between 95 and 100 per officer, down to 70 (1957).

These figures did not, however, take into consideration the presentence, preparole and other investigations which were increasing at a steady pace. These pressures and the addition of a variety of new responsibilities, were requiring officers to spread themselves much

[16] At the time of his appointment to the Administrative Office, he was Commanding General of the 97th U.S. Reserve Command, and had also been a board member of a number of organizations, including the District of Columbia Board of Education and the Advisory Board of the Salvation Army.

[17] Mr. Louis J. Sharp was promoted from the Federal probation office in St. Louis to an assistant chief's position in Washington in January 1944.

[18] It is significant to note that since the creation of the Division of Probation in 1940, all administrative appointments to that Division have been made from within the Federal Probation System. All appointments have been made on a merit basis via promotions. Currently, the two senior assistant chiefs are William A. Cohan, Jr., formerly of the Federal probation office in Cleveland, and Donald L. Chamlee, now editor of FEDERAL PROBATION, who came from the Federal probation office in Sacramento, Calif. The six other assistant chiefs, each of whom covers a regional area, are Michael J. Keenan, formerly of the Cleveland office Guy Willetts, formerly of the Raleigh, N.C., office, Hubert L. Robinson, formerly of the New York City office, Frederick R. Pivarnik, formerly of the Hartford, Conn., office, Thomas J. Weadock, Jr., formerly of the San Francisco office, and Joseph C. Butner, formerly of the Las Vegas Office. These men came to the central office with backgrounds of solid field experience, which has added much to the efficiency and stability of the system.

[19] Annual Reports, Adm. Office, U.S. Courts, 1951, p. 174 and 1974, p. VIII-5. Note: As we go to press, the total under supervision exceeds 61,000.

[20] Victor H. Evjen "The Federal Probation System: The Struggle To Achieve It and Its First Twenty-five Years," FEDERAL PROBATION, June 1975.

[21] It is of interest to note that although the Division of Probation had been pressing for additional funds, congressional appropriations were not forthcoming until Senate Report No. 61 (March 14, 1955), 84th Congress, was published. This was a report of the Juvenile Delinquency Subcommittee of the Senate Committee on the Judiciary, which in the course of its work reviewed the operation of the Federal Probation System. The Subcommittee found the caseloads excessive and officers' salaries below par. The Subcommittee strongly recommended that compensation be increased and field staff expanded. Following this report Judge William J. Campbell, chairman of the Judicial Conference Committee on the Budget, succeeded in gaining House and Senate Appropriations Committee support of a 2-year budget expansion raising the total complement of officers from 316 in 1955 to 481 in 1957.

TABLE 1.
Persons under supervision fiscal years ending June 1951 and 1974

	1951	1975
Total	**29,367**	**59,534**
Probation	21,413	40,306
Parole	4,258	12,353
Conditional Release	2,873	1,909
Military parole	823	270
Deferred prosecution	*	1,058
Magistrate's probation	**	3,638

* Not reported

** Not applicable

TABLE 2.
*Investigations completed during fiscal year ending 1974**

Total	77,146
Limited presentence investigations	1,943
Collateral investigations	9,203
Preliminary investigations for U.S. attorney	862
Postsentence, Bureau of Prisons	658
Pretransfer investigations	8,603
Alleged violation investigations	6,630
Preparole and other prerelease investigations	6,965
Special investigations (persons in confinement)	4,628
Furlough and work release investigations	1,140
Parole supervision reports	5,895
Parole revocation hearing reports	1,127

* In 1963 a change in statistical reporting procedures made exact comparisons difficult between the 25,443 investigations in 1951 and the 77,146 investigations made in 1974.

too thinly. Some of these added responsibilities merit more detailed review.

Impact of Sentencing Alternatives

Youth Corrections Act—In the early 1950's came the Youth Corrections Act (18 USC 5005-5026), providing for study and observation of youthful offenders referred to the Bureau of Prisons, and requiring special supervision progress reports on youthful and young adult offenders.

Indeterminate Sentencing Act: Adults—In 1958, an indeterminate sentencing act was passed (18 USC 5208-5209), which included a provision for the study and observation of adult offenders by the Bureau of Prisons. Courts again turned to probation officers for assistance in evaluation and selection of offenders for such study.

Then came such important congressional legislative enactments as the *Criminal Justice Act* (1964) and the *Prisoner Rehabilitation Act* (1965). Under these acts, home furloughs, work release programs, community treatment centers (halfway houses) and other resources were added and field officers soon found themselves involved in verifying home furlough plans, evaluating work release proposals, and cooperating closely with the Bureau of Prisons in these community programs. Subsequently Public Law 91-492 amended 18 USC 3651 to authorize residence in a residential community treatment center as a condition of probation, parole, or mandatory release. The use of such facilities involved a new set of relationships and an important investment of time.

The Narcotic Addict Rehabilitation Act of 1966—Title I of this Act provided for civil commitment of selected narcotic addicts to the Surgeon General of the United States for treatment at a U.S. Public Health Service Hospital or a private facility under contract. The Act provided for aftercare supervision, and again the Federal Probation System was designated as a primary supervision resource.

Title II of the NARA involved the Federal Probation System more intensively as section 4251 related to convicted addicts committed to the custody of the Attorney General for treatment at public health or privately contracted clinics. Release procedures were set by the U.S. Board of Parole, but overall responsibility for aftercare devolved upon probation officers. In most metropolitan districts one or more teams of probation officers specialize in handling these cases.[22]

Expansion of Probation Officer Positions

During the fifties and sixties there were dramatic increases in the size of caseloads as well as in the complexities and pressures attendant upon the district probation officer's job. Each year the Division of Probation offered sound documentation of the need for both central and district staff expansion, but, as noted above, except for the years 1956 and 1957, budget requests for sufficient numbers of district probation officers to approach the recommended standards of 35 to 50 cases per officer were not approved. However, as a result of a combination of fortuitous circumstances the bottleneck was finally broken, and major probation officer staff expansion was begun in 1973.

In 1972 an opportunity developed for direct testimony to be given to two key congressional committees on the needs of the Federal Probation System. These committees-the "Kastenmeier Committee" (Subcommittee No. 3 of the House Committee on the Judiciary), chaired by Congressman William Kastenmeier of Wisconsin and the "Burdick Committee" (Subcommittee on Penitentiaries of the Senate Committee of the Judiciary),

[22] Periodic urinalysis tests are required of all addict parolees, and although these tests are usually contracted out to local medical clinics, the administrative management of this program has required a significant investment of probation service time.

Another act (P.L. 92-293) amended 18 USC, 3651-4203, expanding the eligibility definition to include users of "controlled substances" such as marihuana, barbiturates, amphetamines and hallucinogens, and authorized probationers, parolees, and mandatory releasees to be referred for treatment. Managing these caseloads and keeping in touch with the various public and private drug-abuse resources is a time-consuming duty.

chaired by Senator Quentin Burdick of North Dakota—were both holding hearings on proposed legislation to improve Federal corrections. In March 1972 an invitation was extended to members of the Division of Probation of the Administrative Office, to testify before the Kastenmeier Committee on the needs of the Federal Probation System. As chief of the Chicago office, which was then involved in a research project of interest to the Subcommittee, I was also invited to testify.[23] At that time I was also president of the Federal Probation Officers Association, and at the hearing suggested that the Subcommittee might like to hear from other members of the FPOA Board. Subsequently, I received word that Congressman Kastenmeier and members of his Subcommittee would welcome an opportunity to meet informally with members of the Board of Directors of the Association. This invitation was accepted and on April 11, 1972, all 10 members of the Board and our Association Newsletter editor met with Congressman Kastenmeier and members of his Subcommittee. In this unprecedented meeting each of us representing different regions of the country was invited to comment on the problems and needs of the Federal Probation System as well as on the Subcommittee's proposed legislation.[24]

Among the members of the Subcommittee who questioned us closely were Representatives Abner Mikva and Thomas Railsback of Illinois.

TABLE 3.
*Size of staff and supervision caseload**

Fiscal year ending June 30	Number of probation officers	Number under supervision	Average caseload per officer
1950	303	30,087	99
1955	316	30,074	95
1960	506	34,343	68
1965	522	39,332	75
1970	614	38,409	63
1973	808	54,346	67
1974	1,148	59,534	52

*These supervision caseload averages do not reflect the heavy volume of presentence and other investigations conducted by Federal probation officers. In 1974 over 77,000 investigations of all types were completed by probation officers, or an average of 67 investigations per officer. (Annual Report, Administrative Office of the U.S. Courts, 1974, p. VIII-3.)

Ultimately this testimony proved to be crucial as the House Appropriations Subcommittee reviewed and severely cut the budget request for new probation officer positions. However, when that budget cut came to the floor of the House for what was expected to be routine approval, Representative Mikva moved for restoration and approval of the full budget. Although his motion was defeated, there was spirited debate on the issue and the needs of the Federal Probation System received wide attention. At the next session of Congress, the House Appropriations Subcommittee again cut in half the budget request which was for 340 new probation officer positions, but when this reduced budget item came up for action by the full House, Representative Railsback moved for restoration of the 170 officer positions. His motion was supported by other congressmen, and the final vote that day approved the full budget. Thus was the 1973 budget request for 340 positions approved and a major breakthrough made in the log-jam which had held the Federal Probation System back for so many years.[25]

To illustrate the importance of this action, one need but compare the number of probation officer positions and caseload averages during the fifties and sixties with the recent figures. Table 3 reflects the expansion in probation officer positions from 303 in 1950 to 1,148 in 1974, and the consequent reduction in average supervision caseloads from 99 to 52. (The number of probation officer positions in 1975 is 1,468.)

Federal Probation Officers Association

Contributing to the improvement and professionalization of the probation service during the past two decades has been the Federal Probation Officers Association (FPOA). The need for such an organization had been recognized and informally proposed in 1950. At a Great Lakes Regional meeting in Madison, Wisconsin, in 1953, an interim *ad hoc* prototype of the Association was formed.[26] Within a year widespread support had developed and a slate of officers was nominated. The Association came into being on January 1, 1955, with the service-wide election of Richard A. Doyle, chief probation officer for the Eastern District of Michigan at Detroit, as president. Mr. Doyle's leadership had been widely recognized, and, with support from an active Board of Directors representing all the regional probation areas, a new force in the history of Federal probation was created.[27]

The basic objectives of the Association as a professional standard setting organization were set forth in a brochure distributed throughout the service. These objectives have remained as the basic guides to the purpose and role

[23] My invitation on that occasion was prompted by the Subcommittee's interest in a research project on the use of probation officer case aides being conducted in the Chicago District. Accompanying me to present testimony were the project action director, William Pilcher, now chief probation officer in Chicago, and David Dixon, a probation aide who is now a full-time probation officer assistant in the Chicago Office.

[24] The annual meeting of the FPOA Board was planned coincidental with this informal meeting with the Subcommittee. FPOA Board members present were: Walter Evans (vice president, Portland, Oreg.), Bertha Payak (secretary-treasure, Toledo, Ohio), Kennith Beighle (Tyler, Texas), Henry Long (Alexandria, Va.), Ezra Nash (Birmingham, Ala.), Roosevelt Paley (Los Angeles, Calif.), Logan Webster (Pittsburg, Pa.), Guy Willetts (Raleigh, N.C.), Ted Wisner (Grand Rapids, Mich.), Edward Coventry (Seattle, Wash.—*Newsletter* editor), and myself. Later that year, in July 1972, Judge F.L. Van Dusen of the U.S. Court of Appeals for the 3rd Circuit and chairman of the Judicial Conference Committee on Probation, Merrill Smith, chief of the Division of Probation of the Administrative Office, and I were invited to testify before Senator Burdick's Subcommittee on Penitentiaries. That occasion provided another opportunity to document the problems and personnel needs of the Federal Probation System.

[25] In accordance with standard procedures the budget as approved by the House was then reviewed by a Senate-House Committee and the Senate approved the full budget. The testimony before the Burdick Subcommittee is believed to have been helpful here.

[26] At that meeting a tentative constitution and bylaws were adopted, and chief probation officers Marshall McKinney (East St. Louis), Richard Johnson (Kansas City, Mo.) and myself (Chicago) were elected interim officers.

[27] The membership rate among both rank-and-file and administrative Federal probation officers has been high, averaging 85 to 90 percent of the total officer complement. *Minutes* of the Fall Meeting, FPOA Board of Directors, 1972 and 1973.

of the Association. One of the first activities in which the Association rendered a real service occurred in 1956 when the U.S. Civil Service Commission questioned the eligibility of Federal probation officers for retirement under the hazardous occupation provisions of the Civil Service Retirement Act. Although the Probation Division had submitted excellent documentation supporting the eligibility of probation officers, no action was forthcoming and it became evident that additional support was needed. The FPOA thereupon employed legal counsel to prepare and submit a strong case for continuing the previous retirement program. This action proved effective, and the Civil Service Commission reinstituted the policy of approving retirement applications of probation officers under the hazardous occupation clause.

Early in its history the Association gave strong support to the development of mandatory professional qualifications for appointment to the position of Federal probation officer. It also provided input to the Division of Probation in developing the standard salary and promotion schedule for probation officers implemented in 1964.

From the outset the Association has conscientiously strived to balance a strong supportive role to the work of the Division of Probation and the Judicial Conference Committee on the Administration of the Probation System with an independent capacity for inquiry and constructive criticism. The work of the Association is done through its Board of Directors, its active standing committees, and a series of *ad hoc* committees. The Board meets twice a year, once in Washington, D.C., and once regionally moving from area to area each year.

At the annual meeting each year in Washington, D.C., the Board schedules separate meeting sessions with representatives of the Board of Parole, the Bureau of Prisons, the Division of Probation, the director, the legal counsel, and other members of the Administrative Office of the United States Courts. These sessions have proved most valuable as frank and open discussions of problems and various program plans are reviewed.

The board and committees of the Association have been concerned with professional standards; manpower needs (clerical and professional); upgrading of salaries, equipment and space; a variety of projects related to legislative proposals; coordination of goals and activities of other national associations such as the American Correctional Association, of which the FPOA is an affiliate member, and the National Council on Crime and Delinquency.

The Association also publishes a quarterly *Newsletter* and bestows an engraved plaque, known as the "Doyle Award" on an outstanding officer each year. The activities of the Association in meeting with members of a key congressional committee, and in urging retention of the current well-tested decentralized court administration of probation have been reported above.

Service to the Federal Parole Board

During the past 25 years the responsibility of the probation officer as official agent of the U.S. Board of Parole has been fully accepted. Preparole investigations and parole supervision services are so standard that the effective coordination of probation and parole has become one of the hallmarks of the Federal Probation System.

In recent years, release planning has been assisted by the employment placement specialists assigned to the districts by the Bureau of Prisons. To assist in the management of heavy caseloads, various systems of case classification have been attempted. In January 1971 a set of proposed parole supervision guidelines was distributed by the Board of Parole throughout the Federal probation service, with a request for experimentation with the guidelines. District offices were also asked to estimate the staff numbers required to fully implement the guidelines. Specific criteria for classifying caseloads as to the need for maximum, medium, or minimum supervision were included. It immediately became evident that to place these standards in operation would require a major increase in the manhours devoted to parole supervision. The recent breakthroughs in probation officer manpower made it possible to implement these guidelines in 1974.

This expansion of manpower is also timely as the civil rights movement of our times has had a marked effect on parole and probation procedures. Perhaps nowhere is this more evident than in the procedure related to revocation of probation or parole. Following the widely reported Hyser decision[28] which spelled out certain minimum due process protections to which an alleged parole violator is entitled, Federal probation officers were designated preliminary interviewing agents of the Board of Parole and well defined steps in the subsequent revocation procedures were outlined.[29] These procedures, while legally desirable, are time-consuming. Some have suggested that U.S. magistrates be assigned these duties.

Pressured by court decisions and influenced by its own research findings the Board of Parole has initiated a series of procedural and organizational changes. Of particular interest is the Board's decentralization which provides for five regional boards in areas coterminous with the Bureau of Prisons regions and those served by the Probation Division regional staff. Regionalization along these lines places the Board in closer touch with the field probation and parole services.

The Board has also taken a bold step toward the development of principles to guide selection in the grant or denial of parole. These new rules serve to further clarify the rights of parole applicants, as do new procedures for appeal of adverse parole decisions.

Sentencing Institutes

Accompanying the discovery that prisoners, too, have civil rights has been a growing concern over disparity in sentencing. In the early 1950's, James V. Bennett, director of the Federal Bureau of Prisons, called attention to the undue disparity among sentences imposed on similar offenders for similar crimes. Concern over this issue developed in the Federal judiciary and among members of Congress, and in 1958 Congress enacted a joint resolution, "authorizing the Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing and for other purposes."[30]

The first Sentencing Institute was held in Boulder, Colorado, in July 1959, and it is significant to note that one of the principles agreed upon stated that, "probation should generally be utilized unless commitment appears advisable as a deterrent, or for the protection of the public, or because no hope of rehabilitation is evident."

[28] *Hyser* v. *Reed*, 381 F.2d (D.C. Cir. 1963).

[29] Under these new rules, parolees were afforded an opportunity to elect to have a full dress parole revocation hearing at the point of the alleged violation before a parole examiner or parole board member. The new rules also afforded the parolee the right to have counsel, request witness, and respond to the allegations contained in the parole violation warrant.

[30] Public Law 85-752, August 25, 1958, amending 28 USC 334.

At a Sentencing Institute held at Highland Park, Illinois, October 1961 for judges from the 6th, 7th and 8th Judicial Circuits, while consensus was not achieved, there was substantial support for the Denver proposition that probation should receive preferential consideration and efforts should be made to reduce undue disparity.[31] Participating as consultants at this institute were probation officers, U.S. Board of Parole members, and Bureau of Prisons staff representatives. Sets of presentence reports on actual cases were distributed for sentencing discussion. Participating probation officers were observed to be far from unanimous in their opinions on these cases.[32]

In the Federal Court in Detroit a study of disparity in presentence recommendations of probation officers revealed the need for more consistency. One remedy there is to provide a form on which the supervisor of the officer preparing the presentence report and the chief probation officer record their recommendations so the sentencing judge has three opinions to consider.

Obviously there is continuing need for research in this area and as Federal Judge Marvin E. Frankel and others have said, a need to develop a codified jurisprudence of sentencing.[33] Such research should examine probation officer evaluations in presentence reports as disparity among probation officers' recommendations in similar cases probably contributes to disparity in sentencing.

Sentencing Councils—Another approach to the goal of sentencing consistency is to be found in the limited but significant emergence of sentencing councils. The first such council in the Federal system was established in Detroit when Chief Probation Officer Richard A. Doyle suggested the idea to the late Chief Judge Theodore Levin of that court. Judge Levin saw merit in the suggestion and the council came into being in 1960.[34] In essence, the procedure provided for a team or committee of judges to serve in an informal but regularly scheduled advisory capacity to their peers on sentencing. The chief probation officer or other member of the probation staff is available for consultation.

In 1962 Chief Judge William J. Campbell sponsored the establishment of a sentencing council in Chicago patterned after the Detroit Council. I served as secretary of this council for over 10 years and observed that the council deliberation contributed to greater equality in sentencing. New judges particularly valued the counsel of experienced colleagues. The vital importance of adequate presentence reports was also dramatically evident in the deliberations of the council.[35]

Trends

None of us can predict with certainty, but as we look about, it is evident that new duties will continue to challenge the Federal Probation System. The heart of the work will center on presentence investigations and field supervision services but new modes are on the horizon.

Close upon the heels of the 1965 revision of *The Presentence Investigation Report* came a movement to experiment with a shorter presentence report. "Selective" presentence reporting became the goal, and under auspices of the Committee on the Administration of the Probation System, a subcommittee prepared a supplemental guide containing criteria for abbreviated reports in less serious cases.[36] The disclosure of presentence reports is moving even closer as the latest proposed amendment to Rule 32 of the Federal Rules of Criminal Procedure provides for limited mandatory disclosure. Although in the past many of us resisted this move, no dire consequences seem to have developed where disclosure is already in effect.

In some districts plea bargaining has involved probation officers in a new short-term interviewing role. The recent emphasis on pretrial diversion by the Department of Justice may expand this area of service. Of particular interest is title II, of the new Speedy Trial Act of 1974, which sets up a pretrial services officer to perform a host of services in connection with bond supervision and other pretrial referrals. In five pilot jurisdictions this role will be filled by a probation officer.

The decentralization of the U.S. Board of Parole and Federal Bureau of Prisons operations will ensure a greater sharing of information and skills at the community level. As the Federal Judicial Center moves ahead with its systems research and greatly expanded training, new avenues of service and more efficient management techniques will evolve.

Conclusion

On a broader level perhaps a jurisprudence of sentencing will ultimately evolve and as my colleague Professor Norval Morris suggests, the criminal justice system will move toward a "principled sentencing program" in which "the least restrictive sanction necessary to achieve defined social purposes" may be imposed.[37]

Thus, while recognizing the utility of imprisonment, Professor Morris reaffirms the general trend enunciated by the American Bar Association Committee on Standards for Criminal Justice, the American Law Institute, and the National Institute on Crime and Delinquency that a presumption in favor of probation should be the norm.

None can gainsay the social utility and economy of probation when the costs of imprisonment are over $6,000 per prisoner per year while probation incurs but a 12th of that cost.[38] Nor does this measure the social and economic values of the wage earning pro-

[31] At that Institute note was taken that over a 5-year period—1956–1961—the use of probation varied from 15.7 percent of all convicted defendants in one district to 64.5 percent in another.

[32] It is of interest to note that at this and subsequent Sentencing Institutes tabulations made of the disparities among probation officers' recommendations reflected about the same degree of difference as among judges!

[33] Marvin E. Frankel, *Criminal Sentences—Law Without Order.* New York: Hill and Wang. 1972, p. 113. For an additional excellent reference, see Hogarth, *Sentencing as a Human Process*, University of Toronto Press, 1971.

[34] Subsequently, in April 1961, Mr. Doyle was invited to address the meeting of the Sixth Circuit Judicial Conference on the pioneer work of the District Council. See Richard A. Doyle, "A Sentencing Council in Operation," Federal Probation, September 1961; and Talbot A. Smith, "The Sentencing Council and the Problem of Disproportionate Sentences," Federal Probation, June 1963. See also Charles T. Hosner, "Group Procedures in Sentencing: A Decade of Practice," Federal Probation, December 1970.

[35] In Chicago the procedure called for delivery of duplicate copies of presentence reports to each judge sitting on the council 3 days before the weekly meeting. At the council meeting each judge reported his recommendation on each case up for sentencing the following week. If there was wide disparity among the judges, discussion would ensue. All suggestions are just that, as the ultimate sentencing responsibility rests with the judge to whom the case has been assigned, and he remains completely free to accept or reject the suggestions of his colleagues.

Although the operation of formally constituted sentencing councils has not gained widespread use, there is currently increased interest in this procedure as a possible alternative to appellate review of sentencing.

[36] *Selective Presentence Investigation Report*, Publication No. 104, Division of Probation, Administrative Office of the U.S. Courts, February 1974.

[37] Norval Morris, *The Future of Imprisonment*, Chicago: University of Chicago Press, 1974, p. 59.

[38] *Annual Report*, Administrative Office of the U.S, Courts, 1974, p. VIII-4 shows cost of probation $480.57 per probationer per year.

bationer. For years the Division of Probation recorded average annual earnings of Federal probationers and during the decade of the fifties, the reported earnings varied from $30 million in 1950 to $50 million in 1960. Today it is estimated that the earnings of Federal probationers approach the $80 million mark. Who can estimate the far more important social values which flow from the maintenance of intact family structures supported by the assistance and encouragement of a Federal probation officer?

JUVENILE FOCUS

Alvin W. Cohn, D.Crim.
Administration of Justice Services, Inc.

Crime Against Elderly

From 2003 to 2013 rates of nonfatal violent crime against the elderly increased 27 percent, according to the Justice Department's Bureau of Justice Statistics (BJS). Nonfatal violent crime includes rape or sexual assault, robbery, aggravated assault, and simple assault. From 2003 to 2013, the elderly were victims in approximately 2 percent of all violent crimes and 2 percent of all serious violent crimes. However, crime rates for elderly persons were consistently lower than rates for persons in younger age groups.

These findings were based on data from BJS's National Crime Victimization Survey (NCVS), which measures nonfatal crimes reported and not reported to police. This report also contains identity theft data from the Identity Theft Supplement (ITS) to the NCVS and homicide data from the CDC's Web-based Injury Statistics Query and Reporting System (WISQARS). The report, Crimes Against the Elderly, 2003-2013 (NCJ 248339), was written by BJS statistician Rachel E. Morgan and BJS intern Britney J. Mason.

Indigent Defense Expenditures

The Bureau of Justice Statistics (BJS) and U.S. Census Bureau have updated *State Government Indigent Defense Expenditures, FY 2008-2012—Updated (NCJ 246684)* and *Indigent Defense Services in the United States, FY 2008-2012—Updated* (NCJ 246683) with new information from state governments.

Incident Reporting System

The Office for Victims of Crime has released the National Incident-Based Reporting System (NIBRS) e-bulletin, *Eight Benefits of NIBRS to Victim Service Providers,* a new online resource to aid victim service organizations in understanding the importance of crime data in their work. The National Incident-Based Reporting System (NIBRS) is a system for reporting crimes known to the police. NIBRS offers comprehensive information and nationwide data about crime incidents that might be of key interest to victim service providers, policymakers, and law enforcement. The information available allows for a clearer and more meaningful picture of crimes in communities across the nation.

Currently, only 15 states report crime data entirely to NIBRS. In an effort to yield a more precise picture of victimization across the nation and ultimately aid victim service providers and the victims they serve, OVC has funded the Bureau of Statistics (BJS) to help expand the number of states and local jurisdictions that report data using NIBRS. The newly released e-bulletin describes how victim service providers can use NIBRS to:

- Gain a better understanding of specific types of victimization,
- Determine disparities between victims known to law enforcement and those receiving victim services, and
- Identify underserved groups of crime victims.

OVC encourages victim service providers to read the e-bulletin, share the information within the field, and use NIBRS to develop effective practices and solutions for victims as they rebuild their lives.

Victim Services

Six out of every 1,000 women experienced intimate partner violence in 2010. Victim advocates want to provide the most effective services available to help address these victims with their physical, emotional, and financial suffering. One of the best ways to learn which services provide the most relief and which are most cost-effective is to conduct a randomized controlled trial. A new *NIJ Journal* article discusses using more rigorous research methods to evaluate victims services programs.

Court Data Archive Website

The National Center for Juvenile Justice has updated its National Juvenile Court Data Archive website. The Archive collects juvenile court data from across the country to inform juvenile justice research and policymaking decisions. This OJJDP-funded website features an updated user guide section for reviewing data from contributing jurisdictions and also provides links to NCJJ's recently published Juvenile Court Statistics 2011 report, the Statistical Briefing Book, the Easy Access to Juvenile Court Statistics data analysis tool, and other fact sheets and publications.

Juvenile Court Statistics 2011

The National Center for Juvenile Justice has released "Juvenile Court Statistics 2011," which describes trends in delinquency cases processed between 1985 and 2011 and status offense cases handled between 1995 and 2011. Data include case rates, juvenile demographics, and offenses charged. In 2011, courts handled an estimated 1.2 million cases (down 34 percent from the peak in 1997). Thirty-one percent involved females, and 53 percent involved youth younger than 16. The report draws on data from the OJJDP-sponsored National Juvenile Court Data Archive. See OJJDP's Statistical Briefing Book for additional information.

Children of Incarcerated Parents

In a recent blog post on the White House website, Office of Justice Programs Assistant Attorney General Karol V. Mason and Roy L. Austin, Jr., Deputy Assistant to the President for the Office of Urban Affairs, Justice, and Opportunity, discuss new grants and resources to support children with incarcerated parents. These initiatives were announced at a White House event held on October 8, 2014. The Department of Justice (DOJ) announced two OJJDP grant awards: the

Mentoring Children of Incarcerated Parents Demonstration Program and the Second Chance Act Strengthening Relationships Between Young Fathers and Their Children, which will provide reentry services to incarcerated fathers to promote a successful return to their families and communities. Other announcements included creation of the Bureau of Prisons Reentry Resources Division at DOJ and new resources from the Substance Abuse and Mental Health Services Administration to help incarcerated parents navigate their reentry and the child welfare system. Read the OJJDP report "Mentoring Children of Incarcerated Parents." Visit the National Reentry Resource Center, administered by the Bureau of Justice Assistance.

Sexual Exploitation and Sex Trafficking

The Institute of Medicine and the National Research Council have released a guide to the report *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States.* This OJJDP-funded guide is designed for law enforcement professionals, attorneys, and judges who interact with victims, survivors, and perpetrators of commercial sexual exploitation and sex trafficking of minors. The guide includes key terms, risk factors and consequences, current practices, and recommendations.

Dating Violence

Approximately 9 percent of high school students report being physically hurt on purpose by their boyfriend or girlfriend in the past year. Despite this, many teens do not seek help after violence has occurred, and those who do most frequently turn to a friend. Research shows that teens shape each other's experiences of what is considered normal and acceptable in romantic relationships. Depending on the context, peers can contribute to the risk of dating violence or protect against it.

NIJ's latest *Research in Brief,* Teen Dating Violence: How Peers Can Affect Risk and Protective Factors, explores the latest research on teen dating relationships to uncover how peers can encourage or hinder help-seeking behavior after violence.

Pushing Forward the Cutting Edge of Research

Since 2012, NIJ has issued six Challenges to scientists, inventors, and innovators to help solve criminal justice problems. From developing a new way to test body armor to visualizing criminal justice data, these competitions are helping to bridge gaps between practitioners, researchers and technology companies and access knowledge outside of the traditional criminal justice research community. Challenges are also a good value proposition for government and taxpayers because they spur market innovation while requiring minimal administrative burdens. Read more about NIJ's Challenges in the *NIJ Journal.* Apply for NIJ's open Challenges on Challenge.gov.

Parenting a Child Recovering from Maltreatment

The Child Welfare Information Gateway has released a series of online fact sheets exploring the effects of maltreatment on children and how parents can help them recover. One of the fact sheets focuses on parenting a child who has experienced trauma. Other topics in the series include parenting a child who has experienced sexual abuse and abuse or neglect. Free print copies can be ordered online. Access the Child Welfare Information Gateway online catalog for publications on child abuse and neglect, child welfare, and adoption.

- While the total U.S. prison population declined by 2.4% since 2009, incarceration trends among the states have varied significantly. Two-thirds (34) of the states have experienced at least a modest decline, while one-third (16) have had continuing rises in imprisonment.
- Nine states have produced double-digit declines during this period, led by New Jersey (29% since 1999), New York (27% since 1999), and California (22% since 2006). Sixteen states, and the federal government, have had less than a 5% decline since their peak years.
- Among states with rising prison populations, five have experienced double-digit increases, led by Arkansas, with a 17% rise since 2008. While sharing in the national crime drop, these states have resisted the trend toward decarceration.

These findings reinforce the conclusion that just as mass incarceration has developed primarily as a result of changes in policy, not crime rates, it will require ongoing changes in both policy and practice to produce substantial population reductions.

Indigent Defense

To ensure that NIJ's research on indigent defense reflects the needs of defense counsel, courts, and defendants, NIJ brings practitioners and researchers together to assess the state of the indigent defense field and inform a research agenda. The Right to Counsel and Indigent Defense Topical Working Group met to discuss current concerns related to juvenile and adult indigent defense. They identified several research priorities, such as defining and measuring quality of appointment and defenders, indigence eligibility standards and screening procedures, and the prevalence of lack of defense counsel. Read the Indigent Defense Working Group Meeting Summary. Learn about NIJ's portfolio on indigent defense.

Body-Worn Camera

A report by the Police Executive Research Forum in 2013 found that although there are many perceived benefits to body-worn cameras, law enforcement agencies must also consider privacy issues, data retention, and financial considerations. In order to provide law enforcement executives with the information they need to make informed decisions about body-worn cameras, NIJ has funded two studies, one in Las Vegas and one in Los Angeles, to evaluate the technology and its impact. Learn more about these projects and related resources on the new Body-Worn Camera webpage. Read the Police Executive Research Forum study.

National Mentoring Resource Center

OJJDP and MENTOR: The National Mentoring Partnership has launched the National Mentoring Resource Center (NMRC) to coincide with National Mentoring Month in January. This comprehensive online resource provides mentoring tools and information, program and training materials, and technical assistance, particularly relating to delinquency prevention, victimization, and juvenile justice system involvement, to help local programs and practitioners improve the quality and effectiveness of their mentoring efforts. Access mentoring resources from OJJDP and MENTOR: The National Mentoring Partnership. Visit the National Mentoring Resource Center website for additional information.

Teen Dating Violence

In this Research for the Real World seminar, Dr. Peggy C. Giordano shares preliminary findings from a longitudinal study on the nature of teen dating relationships and risk

factors for dating violence. Conflict around financial concerns, infidelity, and time spent with peers are risk factors for violence among young adults. Dr. Giordano stresses that developing a more nuanced view of anger, control, and communication around these areas can provide opportunities to change patterns of violence in relationships.

Delinquency Cases in Juvenile and Criminal Courts

OJJDP has released two fact sheets:

- Delinquency Cases in Juvenile Court, 2011 presents statistics on delinquency cases that U.S. courts with juvenile jurisdiction processed for public order, person, and property offenses and drug law violations between 1985 and 2011.
- Delinquency Cases Waived to Criminal Court, 2011 presents statistics on petitioned delinquency cases waived to criminal court between 1985 and 2011.

These fact sheets are derived from the National Center for Juvenile Justice report *Juvenile Court Statistics 2011*. See OJJDP's Statistical Briefing Book for additional information on juvenile courts case processing.

Cost of Youth Incarceration

The Justice Policy Institute has released "Sticker Shock: Calculating the Full Price Tag for Youth Incarceration." The authors of this report estimate that the long-term costs to taxpayers for incarcerating juvenile offenders in the United States are $8 to $21 billion annually. Long-term costs include the effects of recidivism, fewer future earnings and tax revenues due to lost education opportunities, additional public assistance spending, and higher victimization rates. The report's recommendations to policymakers for reducing incarceration include shifting funding to community-based alternatives and larger investments in diversion and prevention programs. View and download the full report. Learn more about the OJJDP-sponsored National Center for Youth in Custody. Learn more about alternatives to incarceration.

Youth Policing Online Assessment Brief

The International Association of Chiefs of Police (IACP), in collaboration with OJJDP, has released "Youth Focused Policing Agency Self-Assessment," an online resource to help law enforcement agencies identify best practice responses to youth crime, delinquency, reoffending, and victimization. The brief provides an overview of adolescent brain development, impact on youth/police communications, strategies to improve law enforcement interactions with youth, and tips to foster positive youth development.

Data on Hispanic Youth

OJJDP has updated its Statistical Briefing Book (SBB) to include content on Hispanic youth in the juvenile justice system. This resource provides new information on the Hispanic juvenile population and Hispanic arrests and juvenile court cases. Developed by the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges, SBB offers easy online access to statistics on a variety of juvenile justice topics. Access the OJJDP Statistical Briefing Book. Keep up with the OJJDP Statistical Briefing Book on Twitter and Facebook.

Depopulation of Juvenile Facilities

OJJDP announces that the United States experienced a 50 percent drop in youth placed in residential facilities since 1999, totaling 54,148 in 2013. These figures show that states are taking advantage of declining youth crime rates to reduce their institutional populations. Despite the overall depopulation of juvenile facilities, racial disparities persist, with African American youth continuing to comprise 40 percent of detained youth. The decades-long trend of disproportionate detention for youth of color underscores the need to reauthorize the Juvenile Justice and Delinquency Prevention Act.

CONTRIBUTORS
To This Issue

Eileen M. Ahlin

Assistant Professor of Criminal Justice in the School of Public Affairs, Penn State Harrisburg. Previously, Senior Study Director, Westat. Ph.D., University of Maryland, College Park. Author of "Conducting Randomized Controlled Trials with Offenders in an Administrative Setting," *American Journal of Evaluation, 36*(2), June 2015.

Leanne Fiftal Alarid

Associate Professor of Criminal Justice, University of Texas at El Paso. Ph.D., Sam Houston State University. Author of *Community-Based Corrections,* 10th edition (2015).

David Bierie

Instructor, Department of Criminology and Criminal Justice, University of Maryland, College Park. Ph.D., University of Maryland, College Park. Author of "Wanted: Fugitives in the United States," *Journal of Crime and Justice, 42*(4), 2014.

Debbie M. Dawes

Research Social Scientist, Center for Justice, Safety, and Resilience, RTI International. M.P.A., North Carolina State University.

Anne S. Douds

Lecturer, Penn State Harrisburg. Ph.D., George Mason University; J.D., Emory University School of Law. Author of *Lawyers Guide to Assisting Veterans* (May 2015).

Pamela K. Lattimore

Director, Center for Justice, Safety, and Resilience, RTI International. Ph.D., University of North Carolina-Chapel Hill. Co-author of "Using General Strain Theory to Explore the Effects of Prison Victimization Experiences on Later Offending and Substance Use," *The Prison Journal* (March 2015).

Christopher T. Lowenkamp

Social Science Analyst, Probation and Pretrial Services Office, Administrative Office of the U.S. Courts. Ph.D., University of Cincinnati. Co-author of "Evidence for Risk Estimate Precision: Implications for Individual Risk Communication (2015).

Melanie S. Lowenkamp

Lead Trainer in Evidence-Based Practices at Core Correctional Solutions, LLC. M.S. in Criminal Justice from the University of Cincinnati. Co-author of "The Importance of Coaching: A Brief Survey of Probation Officers," *Federal Probation* (2012).

Mikayla N. Lowenkamp

Biomedical engineering student, The Ohio State University, Columbus, OH.

Arthur J. Lurigio

Associate Dean for Faculty and Professor, Loyola University Chicago. Previously, Assistant Professor, Northwestern University. Ph.D., Loyola University Chicago. Co-author of "Specialized Probation Programs for People with Mental Illnesses: A Review of Practices and Research," *Journal of Crime and Justice* (2012).

Charles Robinson

Chief Probation and Pretrial Services Officer, Travis County Adult Probation Department, Austin, TX. Previously, Probation Administrator, Administrative Office of the U.S. Courts. B.S. in Criminal Justice, Grambling State University, LA. Co-author of "When a Person Isn't a Data Point: Making Evidence-Based Practice Work," *Federal Probation* (2012).

Monte D. Staton

Assistant Professor, Ball State University. Previously, Lecturer, Loyola University Chicago. Ph.D., Loyola University Chicago. Co-author of "The Chicago Alternative Policing Strategy: A Reassessment of the CAPS Program," *Policing: An International Journal of Police Strategies and Management, 33* (2010).

Laura Winger

Research Assistant – Justice Center for Research, Penn State University. M.S., Villanova University. Co-author of "Lost Without Each Other: The Influence of Group Identity Loss on the Self-Concept," *Group Dynamics: Theory, Research, and Practice, 19* (March 2015).

Gary Zajac

Managing Director, Justice Center for Research, Penn State University. Ph.D., University of Pittsburgh. Co-author of "For Whom Does Prison Based Drug Treatment Work? Results from a Randomized Experiment," *Journal of Experimental Criminology, 10*(2) (2014).

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