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THIS ISSUE IN BRIEF

DEPARTMENTS

Prison-Based Therapeutic Community Substance Abuse Programs—Implementation and Operational Issues

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SINCE THE 1980s, attempts to break the cycle of drug use and crime have included providing treatment to substance-abusing offenders at various stages of the criminal justice system, including in prison. Although a variety of approaches to treating substance-abusing inmates have been developed, the therapeutic community (TC) is the treatment modality that has received the most attention from researchers and policy makers.

Therapeutic communities in prisons have several distinctive characteristics: 1) they present an alternative concept of inmates that is usually much more positive than prevailing beliefs; 2) their activities embody positive values, help to promote positive social relationships, and start a process of socialization that encourages a more responsible and productive way of life; 3) their staff, some of whom are recovering addicts and former inmates, provide positive role models; and 4) they provide transition from institutional to community existence, with treatment occurring just prior to release and with continuity of care in the community (Pan, Scarpitti, Inciardi, & Lockwood, 1993). Because prison environments stress security and custody, the designs of prison-based TCs are modified versions of the community-based TC model. However, the goals of prison-based TCs remain the same as community-based TCs, and they are generally designed to operate in much the same way (Inciardi, 1996; Wexler & Love, 1994).

Evaluations of prison-based TC programs that have been conducted in several states and within the federal prison system have provided empirical support for the development of these programs throughout the nation. An early study that had a substantial impact on policy was the evaluation of the "Stay'n Out" prison TC in New York (Wexler, Falkin, Lipton, & Rosenblum, 1992), which found that the TC was more effective than no treatment or other types of less intensive treatment in reducing recidivism, and that longer time in TC treatment was associated with lower recidivism rates after release to parole. The positive findings from this evaluation became the foundation for federal and state initiatives to support the expansion of prison-based TCs during the 1990s.

The Stay'n Out evaluation did not examine the impact of aftercare on outcomes by program graduates following release to parole, but more recent evaluations have assessed the provision of aftercare in connection with other prison-based TCs. These studies have provided consistent evidence that adding aftercare to prison-based TC treatment for graduates paroled into the community significantly improves clients' behavior while under parole supervision (Field, 1984, 1989; Knight, Simpson, & Hiller, 1999; Martin, Butzin, Saum, & Inciardi, 1999; Prendergast, Wellisch, & Wong, 1996; Wexler, Blackmore, & Lipton, 1991; Wexler, De Leon, Kressel, & Peters, 1999; Wexler, Melnick, Lowe, & Peters, 1999) and thus increases the likelihood of positive outcomes (i.e., reduced recidivism and relapse to drug use).

It should be noted that most of these studies did not employ a true experimental design in which study-eligible inmates were randomly assigned to either a treatment or a non-treatment condition. Therefore, it is possible that some of the presumed effects of these programs may have been the result of self-selection bias, that is, systematic differences between inmates who opted for, and remained in, treatment and those who did not. However, a recent evaluation of treatment programs within the Federal Bureau of Prisons found that inmates who had completed treatment in one of the federal prison programs were significantly less likely to relapse to drug use or experience new arrests in the six months following release than were inmates in a comparison group, even after controlling for individual- and system-level selection factors (Pelissier et al., 2000).

The California Initiative

California has more individuals under correctional supervision (i.e., prison and parole) than any other state (Bureau of Justice Statistics, 2001a,b). As of September 30, 2001, there were 161,497 inmates in California's 33 prisons (California Department of Corrections [CDC], 2001a). Of these, 45,219 (28 percent) were incarcerated for an offense involving drugs, at an annual cost of approximately $1.2 billion (CDC, 2001b). Another 21 percent were incarcerated for a property offense, which in many cases was related to drug use (Lowe, 1995). As of September 30, 2001, there were 119,636 individuals on parole in California. Of these, 38 percent had been incarcerated for a drug offense and 26 percent had been incarcerated for a property offense (CDC, 2001a). Furthermore, according to CDC (2000), 67 percent of the individuals entering the state's prison system in 1999 were parole violators; 55.5 percent of these were returned to custody for a drug-related offense.

In response to the large number of prisoners and parolees with substance abuse problems, and in an attempt to reduce recidivism rates, the California legislature has ap-

propriated approximately $94 million toward the expansion of prison-based substance abuse programs based on the TC model of treatment. As a result, since 1997, the number of prison-based TC beds within the California state prison system has increased from 500 in 3 programs at 3 prisons to 7,650 in 32 programs at 17 institutions. Additional expansions are planned to further increase these numbers to approximately 38 programs providing substance abuse treatment to approximately 9,000 inmates at 19 institutions (CDC, 2001c). The initiative is operated by CDC's Office of Substance Abuse Programs (OSAP). The treatment is provided by contracted treatment providers with experience in TC treatment for correctional populations.

The selection of the TC as the model of treatment for these programs was based largely on the positive results that emerged from the evaluation studies (cited above) of prison-based TCs in other parts of the country and, more specifically, the results of an evaluation of the Amity TC in San Diego, California (Wexler, 1996). Also, as a result of those evaluation findings, the California initiative includes a major aftercare component for graduates from the prison-based TC programs that provides funding for up to six months of continued treatment (residential or outpatient services) in the community following release to parole.

The TC substance abuse programs (SAPs) in the California state prison system provide between 6 and 24 months of treatment at the end of inmates' prison terms. Combined, these programs cover all levels of security classification (Minimum to Maximum) and male and female inmates. With few exceptions, participation in these programs is mandatory for inmates who have a documented history of substance use or abuse (based on a review of inmate files) and who do not meet established exclusionary criteria for entrance into a TC SAP (e.g., documented in-prison gang affiliations, being housed in a Security Housing Unit within the previous 12 months for assault or weapons possession, Immigration and Naturalization Service holds). Also, most of the TC SAPs are not fully separated from the general inmate populations of the institutions within which they are located.[1] Outside of their designated housing unit and the 20 hours per week of programming activities in which they are required to participate, TC SAP inmates remain integrated with the general population inmates of the facility in which they are located.

Inmates who successfully parole from these prison-based TC SAPs have the option of participating in up to six months of continued treatment in the community. Unlike prison-based treatment, participation in aftercare is voluntary, and failure to enter community-based treatment in accordance with the established aftercare plan does not constitute a parole violation.[2]

As part of the ongoing expansion of these prison-based TC SAPs, UCLA Integrated Substance Abuse Programs (ISAP) is conducting process evaluations of 17 of these programs (located in 10 institutions and totaling approximately 4,900 beds). ISAP (previously known as the Drug Abuse Research Center [DARC]) has an extensive background in corrections-based treatment research, including some of the earliest studies done on prison-based treatment of drug-involved offenders (Anglin, 1988; McGlothlin, Anglin, & Wilson, 1977; Hall, Baldwin, & Prendergast, 2001; Hser, Anglin, & Powers, 1993; Hser, Hoffman, Grella, & Anglin, 2001; Prendergast, Hall, Wellisch, & Baldwin, 1999). The main purpose of these process evaluations is to 1) document the goals and objectives of CDC's drug treatment programs and any additional goals and objectives of each provider, 2) assess the degree to which the providers are able to implement these goals and objectives in their programs, 3) determine the degree to which the provider conforms to the therapeutic community model of treatment, and 4) collect descriptive data on SAP participants. The process evaluations use data drawn from program documents; observations of programming activities; interviews with program administrators, treatment and corrections staff, and OSAP personnel; periodic focus groups with treatment staff, custody staff, and inmates assigned to each program; and standardized program assessment instruments. Client-level information is derived from the records of the in-prison treatment providers and from an intake assessment instrument administered by the providers at the time clients enter the TC SAPs.[3]

Implementation and Operational Issues

The process evaluations have revealed a number of macro-level issues that are relevant to the implementation and ongoing operations of prison-based TC substance abuse treatment programs in general; that is, these issues are not unique to California. The first three issues (collaboration and communication, supportive organizational culture, sufficient resources) represent system-related issues, while the remaining four issues (screening, assessment, and referral; treatment curriculum, incentives and rewards; and coerced treatment) represent treatment-related issues. Many, if not most, states that establish or expand TC substance abuse treatment for inmates face the same, or similar, issues (Farabee et al., 1999; Harrison & Martin, 2000; Moore & Mears, 2001). Thus, these issues will be discussed in terms of their importance as key elements in developing and sustaining effective TC substance abuse treatment programs in correctional environments.

Collaboration and communication. Any initiative that is aimed at implementing and/or expanding substance abuse treatment in a correctional environment represents an effort to bring together two systems (i.e., corrections and treatment) that have conflicting core philosophies regarding substance use and abuse. Correctional systems view drug use as a crime. As such, their goals are based on philosophies of punishment and incarceration. The focus of a correctional system is on the crime that was committed and the sanctions to punish the offender and deter him/her from engaging in subsequent criminal activity. Treatment is secondary. On the other hand, substance abuse treatment systems view drug use as a chronic, but treatable disorder. The focus of the treatment provider is on treating the person for his/her substance abuse problem with the goal of reducing the drug use and improving the mental and physical health of the person (Prendergast & Burdon, 2001). Furthermore, the reality of the relationship between these two systems is that the treatment system operates *within* the correctional system, with the latter typically serving in the role of contractor. As such, the correctional system can be viewed as a "superordinate" system within which the "subordinate" treatment system operates.

This organizational reality, combined with the conflicting philosophies of the two systems, places constraints on what treatment providers are able to accomplish in their attempt to provide effective substance abuse treatment services to inmate populations. Most important, the goals and philosophies of the subordinate treatment system do not have as much influence as those of the superordinate correctional system. Because of this, effective and open communication and collaboration between the two become critical. Both systems need to be committed to

developing and maintaining an inter-organizational "culture of disclosure" (Prendergast & Burdon, 2001). That is, they need to develop a common set of goals and they need to share system-, program-, and client-level information in an atmosphere of openness and mutual understanding and trust. However, it is ultimately incumbent upon the larger controlling superordinate system (i.e., the correctional system) to ensure the presence of an environment within which this level of communication and collaboration can occur. To the extent that this does not occur, the ability of treatment providers to operate prison-based TC SAPs as intended and to create a culture that is conducive to therapeutic change is negatively impacted.

Supportive organizational culture. Developing and sustaining an environment that facilitates and supports effective communication and collaboration among treatment and correctional staff is difficult at best. Most departments of corrections are, by nature, highly bureaucratic organizations that require personnel to operate in accordance with written policy and procedure manuals and/or legislative code. This fact, combined with the underlying philosophies and objectives of correctional systems, supports and reinforces a well-developed and firmly entrenched organizational culture that emphasizes safety, security, and strict conformance to established policies and procedures. For the most part, such an organizational culture does not facilitate or support the presence of a system, such as a substance abuse treatment program, that has different philosophies and objectives. Yet, in order for substance abuse treatment programs to operate with any degree of effectiveness, there must be some degree of meaningful *integration* of the criminal justice and treatment systems. For this to occur, the organizational culture must be altered in a way that facilitates the work of treatment programs, while ensuring the continued safety and security of the inmates, staff, and public. While it is not realistic to expect that treatment programs operating within a correctional environment should be exempt from departmental and institutional policies and procedures, it is also not realistic to expect treatment programs, especially those that are designed as TC treatment programs, to operate effectively in a prison environment that is not designed for and does not support the existence and operation of such programs.

Altering an organizational culture requires time. In a correctional environment, it is also likely to require changes or additions to existing policies, procedures, and possibly even legislative penal code. Most important, however, and given the paramilitary nature of correctional systems, change must be initiated at the top of the organizational hierarchy and directed downward to line staff. Thus, the commitment and continued support of correctional management at both the departmental level (e.g., department director, deputy directors) and institutional level (e.g., wardens, deputy wardens, associate wardens) are required for treatment programs to exist and operate effectively within the prison environment.

To this end, departmental and institutional management can facilitate the successful implementation of treatment programs by issuing regular written and verbal statements of support for them. Also, efforts should be made to incorporate policies and procedures into existing departmental operations manuals and (if necessary) penal code that facilitate the ongoing operation of these programs, while ensuring the continued safety and security of staff (custody and treatment) and inmates. Over time, such efforts may result in a shift in the organizational culture to one characterized by strong support for the presence of substance abuse programs. Without this commitment and support from correctional management and the resulting change in organizational culture, treatment programs will not be able, and should not be expected, to operate at their full potential.

Sufficient resources. As important as open communication and collaboration and the existence of a supportive organizational culture are to the existence and effectiveness of prison-based treatment programs, the continued availability of sufficient resources (primarily financial resources) properly directed at these services is essential to ensuring treatment effectiveness. Indeed, most discussions of the elements of an integrated system of care address the issue of resources (Field, 1998; Greenley, 1992; Rose, Zweben, & Stoffel, 1999; Taxman, 1998). While departments of corrections understandably want to control costs, commitment of insufficient financial resources, especially in the form of funds for salaries, will likely prevent the recruitment and retention of experienced and qualified treatment staff, resulting in persistent staff turnover.

Paying treatment staff salaries that are competitive with the local markets from which they are recruited may not suffice. Even for individuals who have previous experience as substance abuse treatment counselors, working in a prison environment is often a far more stressful experience than they may expect. More often than not, new counselors will have little or no experience working with prisoners or in a prison setting, and many may not even be familiar with the TC model of treatment. Indeed, because of the shortage of experienced staff for prison programs, it is not unusual for the minimum requirements for entry-level counselors in prison-based treatment programs to omit requirements that they be certified to provide substance abuse treatment in a criminal justice setting, or even have any previous experience as a substance abuse treatment counselor. In most cases, these requisites are obtained after the counselors have been hired and have begun working with client populations, generally through organized training and certification courses that they are required to attend within a prescribed period of time. In addition, most (if not all) new counselors are subjected to long periods at the beginning of their employment (usually the first 2–3 months) during which they are "tested" by the inmates and struggle to establish their personal boundaries of interaction. Also, unlike previous experiences that they may have had in substance abuse treatment settings, their counseling methods and interpersonal interactions (both formal and informal) with inmates may be severely restricted and closely watched by both their supervisors and custody staff to ensure that they do not become overfamiliar with the inmates.

In short, many individuals who come to work in prison-based treatment programs are unprepared for the realities of working with inmates in a prison environment. In addition, low pay, combined with a highly stressful working environment, quickly diminish whatever altruistic motivations most counselors had when they were hired. Many of them may fail to develop appropriate boundaries of interaction with SAP participants, "burn-out" within a short period, and end up being terminated or resigning.

The difficulty treatment providers have in recruiting and (more important) retaining experienced counseling staff negatively impacts almost every aspect of a treatment program's operations. Most important, frequent staff turnover prevents inmates from developing therapeutic bonds with counselors and becoming engaged in the treatment process. Sufficient resources in the form of higher pay scales that reflect the uniqueness of working in a correctional environment, higher prerequisites for newly hired treatment

staff (e.g., previous experience working with inmate populations, certification to provide counseling services in a correctional environment), and adequate administrative support for counseling staff are among the keys to minimizing staff turnover. The presence of a stable and experienced treatment staff who are properly supported administratively will, in turn, result in a more stable and consistent treatment curriculum, which will further engage clients in the treatment process.

Screening, assessment, and referral. Therapeutic community treatment is the most intensive form of substance abuse treatment available. It is also the most costly to deliver. In addition, not all substance-abusing offenders are alike in terms of their characteristics or needs. As these characteristics and needs vary, so too do individuals' needs for specific types of substance abuse treatment. Simply put, not all substance-abusing offenders are in need of TC treatment. This clearly demonstrates the need for a scientifically valid and reliable method of identifying substance-abusing offenders, assessing their specific treatment needs, and matching them to an appropriate modality and intensity of treatment.

Given the bureaucratic nature of correctional systems and their philosophical foundations of punishment and incarceration, entrenched organizational cultures, and pressures to conform to existing policies and procedures, many correctional systems may opt instead to identify and assign inmates to treatment programs based on reviews of inmates' criminal files by department personnel for any history of drug use or drug-related criminal activity. Indeed, in correctional systems characterized by a less than supportive organizational culture, decisions to place inmates into treatment programs may be based less on whether they have a substance abuse problem than on other factors relating to such things as institutional management and security concerns. When this occurs, inmates who could or should be placed into these programs (i.e., those with substance abuse disorders) may be *excluded*, whereas inmates who may not be amenable to or appropriate for treatment programs may be *included* (e.g., those who have severe mental illness or are dangerous sex offenders). This, in turn, directly impacts the treatment providers' ability to provide efficient and effective treatment services to those who are most in need of them. Also, inmates with minimal substance abuse involvement may be referred to intensive TC treatment, which they may not need. The use of a scientifically valid and reliable method of screening inmates for substance abuse problems and assessing their specific needs will aid in ensuring that each inmate is referred to the proper modality and intensity of treatment. This will further enhance the effectiveness of existing programs by not populating them with inmates who do not have serious substance abuse problems or who are not amenable to treatment.

Treatment curriculum. "Community as method" refers to that portion of TC philosophy that calls for a full immersion of the client into a community environment and culture that is designed to change the "whole person." In correctional environments where treatment programs are not fully segregated from the general inmate population, inmates participating in the treatment curricula remain exposed to the prison subculture and its negative social and environmental forces, which may weaken or negate whatever benefits they receive during programming activities. This is especially true in the case of mandated treatment programs, where problem recognition and motivation for change among many treatment participants may be lacking, at least initially. In addition, SAP participants, most of whom have become indoctrinated into the prison subculture, with its taboos on self-disclosure and sharing of personal information, have difficulty discussing personal issues in group settings, which is a basic component of most TC treatment curricula.

To counteract the negative influence that exposure to the prison subculture has on participants in treatment, it is important that treatment curricula be structured, rigorous, and void of repetitiveness. In addition, the early phases of treatment are important because of their potential effect on a client's motivation for change and willingness to engage in the treatment process. In community-based treatment, increasing the number of individual counseling sessions during the first month of treatment has been shown to significantly improve client retention (De Leon, 1993). Clearly, given the higher proportions of involuntary clients in correctional treatment programs, the initial phase of treatment should emphasize problem recognition and willingness to change before introducing the tools to do so. Also, one-on-one counseling in the early phases of the treatment may serve as a useful tool for gradually introducing inmate participants to and engaging them in the TC treatment process, which relies more on group dynamics and community.

Incentives and rewards in treatment. By their nature, correctional environments enforce compliance with institutional rules and codes of conduct through negative reinforcement—the contingent delivery of punishment to individuals who violate these rules and codes of conduct. Seldom, if ever, do inmates receive positive reinforcement for engaging in pro-social behaviors (i.e., complying with institutional rules and codes of conduct). Similarly, the TC model specifies disciplinary actions that should be taken in response to TC rule violations (De Leon, 2000), but says little about rewarding *specific* acts of positive behavior (e.g., punctuality, participation, timely completion of tasks). Rather, reinforcement for positive behavior takes the form of moving the client to more advanced stages of the TC program and conferring on him/her additional privileges. As such, this type of reinforcement "tends to be intermittent and, in contrast to sanctions, less specific, not immediately experienced, and based on a subjective evaluation of a client's progress in treatment" (Burdon, Roll, Prendergast, & Rawson, 2001, p. 78).

Where participation in prison-based TC treatment programs is mandated for inmates meeting established criteria, the emphasis on punishments and disincentives in the treatment process acts to compound the resentment and resistance that inmates feel and exhibit as a result of being coerced into treatment. Incentives and rewards would likely alleviate much of this resentment and resistance and may even increase motivation to participate in treatment. However, at some institutions, the ability of treatment providers to develop and implement incentive or reward systems may be limited by departmental and institutional policies and procedures that forbid the granting of special privileges, rewards, or other incentives to specific groups of inmates (e.g., those participating in a treatment program). In sum, the ability of treatment providers to implement effective systems of incentives and rewards in the treatment process may be restricted due to the priority that the penal philosophy takes over the treatment philosophy within the context of a prison-based treatment program.

Coercion alone is rarely sufficient to promote engagement in treatment. Overcoming inmates' resentment over having been mandated into treatment and their resulting resistance to participating in treatment requires that programs and institutions not only remove disincentives, but also incorporate incentives,

when possible, that would serve as meaningful inducements to participating in the treatment process. Gendreau, in his 1996 review of effective correctional programs, recommended that positive reinforcers outnumber punishers by at least 4 to 1. Possible incentives for treatment participation could include such things as improved living quarters and enhanced vocational or employment opportunities, or, where allowed, early release.

Coerced treatment. Much of the growth in criminal justice treatment (both in California and nationally) is based on the widely accepted dictum that involuntary substance abuse clients tend to do as well as, or better than, voluntary clients (Farabee, Prendergast, & Anglin, 1998; Leukefeld & Tims, 1988; Simpson & Friend, 1988). However, these studies were based on community-based treatment samples. As mentioned above, coerced participation in prison-based treatment programs breeds a high degree of resentment and resistance among many of the inmates forced into these programs. Some inmates desire to change their behavior and welcome the opportunity to participate. Other inmates may, over time, *develop* a desire to remain and participate. However, a substantial portion of the inmates coerced into treatment remain resentful, refuse to participate, and, in many cases, actively disrupt the programs and the existing community culture. Furthermore, despite their continued disruptive behavior and the negative impact that it has on providers' ability to deliver effective programming, efforts to remove these disruptive inmates from the programs in a timely fashion often prove elusive due to correctional department policies and procedures governing the movement and classification of inmates in the prison environment.

One possible strategy to overcome this resentment and resistance and to expedite the development of a TC culture would be to limit admissions during a program's first year or so to a relatively small number of inmates who volunteer for treatment. Once a treatment milieu is established, issues such as program size and the presence of involuntary inmates may prove more tractable. Also, motivation for treatment should be a consideration for prison-based treatment referral and admission. Ideally, the majority of clients referred to prison-based programs (particularly new programs) should be inmates with at least a modicum of desire to change their behavior through the assistance of a treatment program.

Summary

Since prison-based TCs first appeared in the 1980s, numerous evaluations have been conducted at both the state and federal levels that have provided empirical support for the effectiveness of these programs in reducing recidivism and relapse to drug use, especially when combined with continuity of care in the community following release to parole. Other studies have focused on the so-called "black box" of treatment (i.e., the treatment process) in an effort to identify relevant factors that predict success among participants in TC treatment programs (e.g., Simpson, 2001; Simpson & Knight; 2001). However, few have focused on the system- and treatment-level process issues relating to the implementation and ongoing operations of TCs in correctional environments and how these issues impact the ability of treatment providers to effectively provide treatment services to inmate populations.

It is also important to note that most (if not all) of the issues discussed in this paper have application beyond prison-based TCs and should be considered in any initiative that seeks to implement or expand substance abuse treatment in correctional settings. In addition, although these issues may appear to address different aspects of treatment program operations, they are not mutually exclusive. Indeed, to maximize the operational effectiveness of substance abuse treatment programs in correctional environments, they should be considered in their entirety.

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Endnotes

[1] Two programs located at the Substance Abuse Treatment Facility (SATF) in Corcoran exist within completely separate prison facilities that are devoted to substance abuse treatment.

[2] The exception to this are "civil addicts," inmates classified as drug-dependent by the sentencing court. Participation in aftercare is mandatory for civil addicts who parole from prison.

[3] Outcome evaluations are being conducted at 5 SAPs. Findings will be reported as they become available.

The Brooklyn Program—Innovative Approaches to Substance Abuse Treatment

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THE UNITED STATES PROBATION Department is charged, inter alia, with executing orders of the federal court regarding the correctional treatment of federal offenders. Among the orders enforced by the probation department are those requiring substance abuse treatment. Some offenders have already completed extensive treatment regimens while in prison. Others report that they have misrepresented their substance abuse histories to obtain more lenient sentences or become eligible for the Bureau of Prisons' early release program (for offenders who have completed their 500 hour in-house program). Beyond the normal burden of persons with various levels of substance abuse problems and history, these categories of offenders account for a large amount of wasted time, effort, and funds.

In addressing its own need to care for persons with a spectrum of substance abuse issues, the United states Probation Department for the Eastern District of New York has undertaken an innovative substance abuse treatment program that is cost effective, has high rates of retention, and provides powerful tools for abstinence, recovery, and life.

Conceptual Foundations of the Program

The Brooklyn Program is designed from the perspective that addictions and substance abuse issues are chemically enhanced learning that do not differ substantially from other learned patterns of behavior. The single exception to this similarity is that the problems we classify as addictive are usually illegal or destructive. Evidence for the soundness of this approach emerges daily from neuro-scientific examinations of the dopaminergic systems in the midbrain. This research reveals that substance abuse problems are connected to basic neural structures involved in the development of hope and normal habit acquisition (Blomqvist, 1998; Changeux, 1998; Doweiko, 1996; Malapani, et al., 1998; Ruden, 1997; Schultz, et al., 1997; Waelti, Dickenson and Schultz, 2001; Zickler, 2001).

The approach taken by the Brooklyn Program is also rooted in the literature of wholeness, which emphasizes that people are fundamentally not broken and that they have the resources within them to solve the problems they face. This is especially true of addictions and substance abuse. There is a significant literature on the wholeness perspective that covers Social Work (Saleeby 1996, 1997; van Wormer, 1998; Gray, 2001), Solution Focused Therapy (Cade and O'Hanlon, 1993, Miller and Berg, 1995; Walters, 1993); Hypnotherapy (Erickson, 1954; Grinder and Bandler. 1979; Rossi, 1986; Rossi and Cheek, 1995; Gray, 1997; 2001) and Neuro-Linguistic Programming (Andreas S, and Andreas, C., 1987; Andreas C. and Andreas, S., 1989; Bodenhamer and Hall, 1998; Bandler and Grinder, 1975; Dilts et al., 1980; Haley, 1973; James and Woodsmall, 1988; Linden and Perutz, 1998; Robbins, 1986; Sternman,1990).

The wholeness approach does not view addiction as a disease, but as a learned response to the problems of everyday life. Typically, it is a response that may have worked in the short term but grew to become a problem in its own right. In the literature of Neuro-Linguistic Programming (NLP), the underlying utility of a destructive or limiting behavior is referred to as its *positive intent.* Every behavior is presumed to have, on the level of biology, a positive intention for the survival of the organism. Those intentions may be wrong, they may persist from an immature or disempowered period of the organism's life, but each represents the persistence of an answer that at some time or place served a useful purpose. Addictions are short-term solutions that generalize into long-term problems (Bandler and Grinder, 1979; 1982; Andreas, S. and Andreas, C., 1987; Andreas, C. and Andreas, T., 1994; Sternman, 1990).

Recent research (Prochaska et al, 1994; Miller et al. 1995, Gray, 2001) has focused upon three necessary elements in substance abuse treatment: Self-efficacy, Futurity, and Self-esteem. The term self-efficacy comes directly from the literature of Social Learning Theory, especially as formulated by Albert Bandura (1997). It holds that people need to have experiences of success in order to attempt a task, find the motivation to continue in a task, and feel good about themselves in the context of that task. Its entry into the field of addictions comes especially through the work of Miller and Marlat, who, with others, have shown that a sense of self efficacy is crucial to positive treatment outcomes (Miller et. al. 1995; Shattuck 1994; Doweiko, 1996).

In Social Learning Theory, self-esteem refers to feelings of positive self-regard that result from experiences of efficacy in multiple activities, across multiple contexts. Our approach uses this Banduran Model with one crucial change. Drawing from the depth psy-

chological models of Jung and Progoff and the humanistic view of Maslow, we focus esteem on an appreciation of and a connection to a deep and continuing sense of Self. This is that Self that points in the direction of the life calling or that unique niche that represents the fullest manifestation of what life can mean for the individual (Bandura, 1997; Gray, 1996; Progoff, 1959; Maslow, 1970; Hillman;1996).

Futurity is a paraphrase of one of the signal insights of James Prochaska, co-author of *Changing for Good* (1994), and creator of the "stages of change" model. While reviewing results from various applications of the model, he discovered that a significant amount of the progress from Pre-contemplation to Action was predicted by the degree to which the changer came to positively desire and seek after some future good so that the benefits of change outweighed the costs of the change. This is a crucial transition and one that heralds real readiness for change. Futurity, as applied here, entails the discovery of goals and activities that are inherently meaningful to the offender. It is, in many cases, the discovery of a life goal or spiritual mission that provides the appropriate impetus to change (Prochaska, Norcross and DiClemente, 1994; Hillman, 1996; Campbell, 1988; Ruden, 1997).

Our approach to futurity works on Jungian and Maslowian assumptions that every individual has a calling, life goal or meaning towards which they must, of necessity grow or else die unfulfilled. The same phenomenon has been referred to as finding one's place in the universe (Peck, 1998), realizing one's call (Hillman, 1996), awakening to the higher self (Assagioli, 1971), retelling the story of one's life, and other goal-directed metaphors.

In the context of "change work," especially with regard to addictions and substance abuse, this idea—that there exists in every person a dynamism propelling them towards their highest good—can be useful in awakening the subject's ability to set future goals, determine personal direction, and develop feelings of personal efficacy and hope.

The basic presuppositions upon which the Brooklyn Program is founded may be summarized as follows:

- Addictions, substance abuse and other problem behaviors are false or immature answers to life's problems that have become habitual and have generalized to multiple contexts.
- There are better answers available for those questions and those better answers are determined by the natural directions for personal growth that exist in each person.
- That direction, calling or ecological niche can be discovered by assembling a set of experiences that will come together synergistically to create or constellate a sense of personal direction.
- By directing his efforts towards future behavioral change in areas implied by those self-generated directions, the substance abuser or addict can come to a fuller, more positive and rewarding answer to the questions of life and so (as predicted by Progoff,1959; Glasser, 1985; Prochaska et. al. 1994) begin to choose to leave the problem behavior behind.

These aims are approached using some very basic psychological tools. For example, most of our techniques are rooted in basic Pavlovian conditioning. Other techniques involve visualization, the capacity to decompose memory experience into its component sensory elements, and the ability to project oneself into an imagined future. All of the techniques used come from a discipline known as NLP or Neuro-Linguistic Programming. The program may be viewed as an application of the practical tools developed by NLP to the problems of addiction and substance abuse viewed from the Depth Psychological and Humanistic perspectives. (Andreas, C. and Andreas, S., 1989; Andreas, S. and Andreas, C. 1987; Bandler and Grinder, 1975, 1975b, 1979, 1982; Bodenhammer and Hall, 1998; Dilts, Grinder, Bandler, and De Lozier, 1980; Gray, 1997a, 1997b, 2001; Linden and Perutz, 1998; Robbins, 1986).

In brief, the program consists of a series of exercises designed to create a deepened sense of Self and personal direction by assembling successive layers of positive experience into deeper, more global and more accessible approximations of a core identity with the direction implied thereby.

Methods

The Brooklyn Program is about six years old. During that time it has graduated more than 200 participants. It is rooted in the idea that substance abuse and dependency are part of the normal continuum of learned behaviors and seeks to provide skills for living that make life without drugs more appealing, intuitive and available. The program is 16 weeks long and meets in a classroom format for two hours every week. Participants must attend two one-on-one sessions during the course of the program, and more if they return a positive urine specimen or miss a group session.

Program participation is limited to persons under criminal justice supervision in the federal system. They must be fluent in English, not in active relapse and free from serious mental or psychiatric impairment. After a brief intake and introduction to the program, participants begin with the formal exercises. Beyond these constraints, all referrals are usually accepted.

The Brooklyn Program differs significantly from other substance abuse and dependancy programs because, after the first session, there is no formal mention of substance abuse. If issues related to substance abuse arise, or participants have personal experiences using the program tools to combat slips or relapses, they are discussed. The program is radically committed to the idea that program time should be used to teach skills and install states that can be actively employed to meet the needs of everyday life, and not just substance abuse issues.

The first half of the program is devoted towards developing a series of skills to enhance the participants' recall of resource states and to develop the ability to choose emotional states. Participants are taught to select and stabilize memories of five resource states. A resource state is any memory of a positive emotional experience. Our first exercise includes examples of focused attention, good decision-making, a moment of discovery (Aha!), fun, and confidence in a practiced skill. These selections are based on the work of Carmine Baffa (1997).

Once the participants have selected memories exemplifying the five categories of resource states, they are taught to examine the states to discover their sensory composition, how each unfolds as a sequence of sensory impressions, and other parameters of the experience. By doing so, the participants gain control over the emotional quality of the states and their intensity.

Perhaps the most important contribution of the founders of NLP is their re-discovery that all subjective information can be described in terms of very specific sequences of sensory information. That is, any memory or current experience can be described in terms of its Visual, Auditory, Kinesthetic, Olfactory and Gustatory (VAKOG) components. Further, by manipulating the dimensions of these sensory data (the submodalities as they are called in the literature of NLP), one can manipulate intensity, emotional valence and

other features of the experience (Grinder and Bandler, 1975; Bandler and Grinder 1979; Bandler and MacDonald, 1987; Bodenhammer and Hall, 1998).

So, recalling a memory of being very focused (I often use the example of watching an engrossing adventure film), one can begin to notice that if the size of the memory image is increased, the intensity of the experience is often increased as well. If the brightness and focus of the recollection are enhanced, the quality of the experienced memory will change again. If sound is associated with the memory, increasing the imagined volume and noting the direction from which it comes can make a significant impact. If no sound is associated with the memory, imagining that one can turn on the sound can have a surprising effect. Each person will find that a different part of the sensory information associated with their memories has an idiosyncratic impact on their personal experience. Each person must discover for themselves the peculiar sequence of senses and the manipulations that will enhance or soften the memory. Lists of sensory submodality distinctions can be found in Andreas, S. and Andreas, C. 1987; Bandler, R. and MacDonald, W. 1987; Bandler 1985; Dilts 1993.

Having chosen five resource states, the participants are asked to systematically manipulate the sensory details of their memories and to notice which changes have the most impact. In the process, participants accomplish the following tasks: 1) They learn how to manipulate their own feelings. 2) They gain increased access to positive states of mind through state-dependent learning effects. 3) Many begin to notice that their memories work much better than they have ever suspected. 4) They learn how to access strong, positive memories that can be used to create other anchors (or conditioned stimuli) for use in multiple contexts.

Once the participants have "stabilized" an appropriate exemplar for each state by revisiting it and enhancing it several times, they are taught how to connect the feeling associated with the memory to specific triggers or Anchors.

The conditioning, or Anchoring process is very simple. It consists of fully evoking the memory and repeatedly associating the emotional tone of the memory with a gesture. After several repetitions, the feeling from the memory becomes associated with the gesture. Participants receive the instructions in written form and are always guided by an experienced facilitator. All participants are instructed to use a set of standard, neutral gestures for use as conditioned stimuli. (In the order of the resource states they are: Focus—touching tip of thumb to tip of index finger, Solid—tip of thumb to first joint of index finger, Good—tip of thumb to tip of middle finger, Fun—tip of thumb to first joint of middle finger, Yes—tip of thumb to tip of ring finger.)

After mastering the technique on each of the five states, the participants are equipped with a set of conditioned responses that can immediately change their mood. Effects depend upon the amount of practice that participants apply. Subjective responses range from just enough effect to provide the realization that choices are available, to substantial shifts in mood.

In subsequent exercises, the participants are taught several techniques for enhancing the quality of the experiences, finding real-life situations where these states will be found useful and creating five novel Anchors of their own choosing. Participants are encouraged to practice the techniques at home to gain maximum benefit from the skills and to separate the skill from the probation or treatment context.

These exercises have several very clear benefits:

Simple behavioral effects. The Anchoring exercises provide affective tools for counteracting negative states. They comprise a behavioral tool set that can be used as simple conditioned stimuli in counter conditioning paradigms and in more extensive desensitization paradigms (Schaeffer and Martin, 1969; Wolpe 1958, 1982).

State-dependent reframing. By orienting the participants towards positive states of mind, making them available in new ways, and enhancing those states, participants become more likely to experience positive aspects of their past through state-dependent recall effects. As a result, their present experience is susceptible to more positive interpretation (Rossi, 1986; Rossi and Cheek, 1995).

Response generalization. Once positive responses are learned and appropriately framed, we use specific techniques to foster generalization of the responses to other contexts (Bandler and Grinder, 1979; Linden and Perutz, 1998; Bandura, 1997; Bodenhammer and Hall, 1998).

Body awareness. An essential part of the program is learning to pay attention to the kinds and sequence of sensory responses that signal emotional and physical states. As a result, participants become more aware of their own physical reality.

Affective choice training. Participants who learn the Anchoring skills attain significant training in the process of choice. The most important dimension of this learning is the understanding that one can choose his or her emotional state. As a result, reactive patterns begin to give way to the possibility of conscious choice. In the context of substance abuse and addictions, this amounts to being able to choose a state other than craving (Gray, 2001, Goleman, 1995).

Positive Self-efficacy. As participants become more expert at defining their own affective state, they become aware of their own capacity for choice and self-control. Self-efficacy is generated at a fundamental feeling level that is linked to a personal experience of making effective choices (Bandura, 1997; Gray, 2001).

State orientation shift. As they continue to practice the states and other exercises, the participants become more fully oriented towards their own positive potential. Past experience becomes a source of inspiration for positive change and choice.

Resistance destroyer. In the process of learning the basic states, each participant begins to discover good feelings within. In each session, a strong effort is made to have each participant experience intense positive feelings that s/he has personally generated. As a matter of simple conditioning, the basic patterns attach positive feelings to the facilitators and tend to make the sessions inherently rewarding.

Awakening the choosing Self. As a result of the synergistic interplay of personal experiences in the program, participants become aware of a transcendent whole, or Self, which represents them on a deeper level. This "choosing Self" becomes a center for positive future action (Gray, 1996, 1997a, 2001).

While these exercises have an immediate behavioral utility, the more important task comes as the states are assembled into a single complex state that we understand to be a constellation of a deeper sense of Self. In Jungian theory, the Self represents the unrealized whole towards which healthy personal development strives. While the individual states are useful as building blocks, their capacity to assemble a much deeper and continuing sense of this Self provides more permanent and enduring changes. It is in itself a resource state, but it also begins to awaken the individual to his or her identity with a continuing Self who can transcend the momentary vagaries of existence (Gray 1997a, 1996).

To attain the complex resource state, "NOW," the participants are invited to fire

off the five core states, one at a time. Each state is fired off just as the state that precedes it is moving into peak. The sequence is repeated several times and anchored to another gesture—making a fist and punching it out (as if in emphasis).

In the second half of the program, a new set of resource states is assembled. This set is based on childhood dreams, meaningful jobs and roles, innate capacities, skills and experiences of self-esteem. Six examples from each category are assembled into complex anchors and the whole melange is stacked together with the "NOW" state. On this level, the complex Anchor provides a sense of personal depth and suggests a direction. It is often experienced as empowering, peaceful, highly energized and directed.

The next exercise requires the participants to fire off the "NOW" resource and use it to explore possible futures rooted in the feeling tone associated with that state. The specific intervention makes use of a technique called pseudo-orientation in time. The technique depends upon the complementary ideas that people have the resources that they need in order to accomplish their outcomes; that any outcome rooted in a deep sense of personal identity and direction will be highly motivating, and that imagination is a form of practical experience (Erickson, 1954; Bandler and MacDonald, 1987; Hammond, 1990; Bandura, 1997).

As one of our aims is to generalize positive experiences of efficacy and self-esteem into multiple contexts, we explore five varieties of futures. All are rooted in the complex anchor, "NOW." This is a crucial step. Erickson (1954) and Bandura (1997) take some pains to show that an empowering image of the future must be rooted in real capacities and create reasonable expectations of success; otherwise it is no more than a pipe dream. "NOW" provides just such a foundation. The futures examined are: spiritual-life, relationships, intellectual life, occupation/work life, and health. Participants are instructed to get in touch with the "NOW" resource state and visit each of these future contexts. From this state, how will they experience the future and how will it feel?

Well-formedness constraints are an important part of NLP interventions. The idea itself is derived from structural linguistics and refers to the idea that there is a necessary set of constraints that determine whether an outcome can become motivating or even possible. A well-formed outcome is an outcome that is self-motivating and whose logic is apparent to the participant (Andreas, C. and and Andreas, S., 1989; Bandler and Grinder, 1975; 1979; Bodenhamer and Hall, 1998; Robbins, 1986; Linden and Perutz, 1998). Each of the possible futures noted is subjected to a series of behavioral tests to ensure that it fulfils the criteria for well-formed outcomes.

Once these basic *well-formedness criteria* are met, participants are invited to use their imaginations to step into the outcome through the "NOW" state. As they enter fully into the experience of the futures that they have created, they are encouraged to imagine how they got there and to enumerate the specific steps that they took to reach that imagined goal. Recent research by Pham and Taylor (1999) has shown fairly conclusively that imagined futures produce benefits only when they specify the concrete steps needed to get there.

For the last several weeks of the program, there remain a number of exercises that cannot be described in detail at this time. The last exercise, Sponsoring a Potential, ends the program with an initiatic experience of the future Self. Many participants have a powerful, emotional experience of themselves and end the program on a high note.

Complete details on the exercises can be obtained from the author.

Results

Statistical measures

Statistical measures were provided by an outside contractor who created an SPSS (Statistical Package for Social Sciences) file based upon data elements collected during approximately one year of treatment (n=127). Twenty-eight records were removed because of ambiguous or missing data. This left 99 valid cases with observable measurements (urinalysis results).

Of the ninety-nine valid cases, eighty (80.8 percent) were program graduates. A total of nineteen (19.2 percent) were non-graduates, with two of those due to the fact that they were excluded from the program (failed to attend the four initial sessions). Pre- and post-urinalysis data were available for the two excluded cases, so they are grouped with the other non-graduates for analysis.

Analyses of variance for several conditions were performed with no significant differences appearing between completers and non-completers, whether or not positive specimens had been submitted before treatment.

Fifty-five percent of Brooklyn Program graduates for whom appropriate data were available remained abstinent after completion of the program. Roughly one-third (32.5 percent) of those who submitted positive urinalyses were determined to be in need of further treatment. Among non-graduates, 16 percent remained abstinent and 68.4 percent of the remainder were determined in need of further treatment. The difference between these groups in terms of the mean number of positive urinalysis results submitted after graduation date failed to be statistically significant at either the .01 or .05 levels of confidence.

An examination of program participants with documented recent drug use prior to the program (n=47) reveals that 70.3 percent of those who graduated (n=37) submitted positive urinalysis results, and slightly more than half of those (51.4 percent) were determined in need of further treatment following program completion. By way of comparison, the 10 non-graduates all submitted positive urinalysis, and 80 percent were determined in need of further treatment. The difference between graduates and non-graduates in this smaller subset in terms of the mean number of positive urinalysis results submitted after graduation date also failed to be statistically significant at either the .01 or .05 levels.

An examination of several variables, namely those detailing treatment history and the timing of the last positive urinalysis submitted before program graduation date, revealed no significant correlations with the need for further treatment. Several of these calculations involved such a small number of cases that the analysis simply could not run.

A larger, more complete dataset could yield more detailed and perhaps even slightly different results. As such, this analysis might best be viewed as a preliminary evaluation whose results highlight data elements essential to a comprehensive measure of program effectiveness. Given the current available data, however, the outcomes among program graduates and non-graduates are not statistically different.

Personal Responses

Every participant in the program must complete an evaluation in order to complete the program. Before submitting the evaluations, the participants are informed that their suggestions are taken very seriously and that the program is adjusted with each presentation based upon input received from the participants. An examination of those evaluations finds high levels of satisfaction on the part of program completers.

Informal interviews with participants reveal striking attitude changes through the course of the program. Participants regularly report being angry or resentful about their mandated status in the program and others complain of the unfairness of the placement. By program's end, most such attitudes have been resolved and those graduating with negative attitudes are few and far between.

When asked what exercises or skills developed in the program were most effective, an overwhelming majority of respondents indicate that the anchoring exercises were by far the most effective and the most useful. The most often requested change in the program has been a request that the anchoring exercise be reviewed throughout the remainder of the program. Participants reported that these simple conditioning exercises had provided them with new perspectives on their own capacity for flexibility and change. They regularly associated the control of these states with enhanced choice and self-esteem. Many participants reported an enhanced sense of personal control.

Participants also found the process of designing and visiting possible futures highly rewarding. Many report that these exercises gave them a sense of direction and provided them with an attainable life goal.

A certain number of participants have suggested that the program be extended for a longer term and/or that more sessions be added on a weekly basis. One group was so pleased with their achievement that they requested a change on the completion certificate. They asked that the certificate reflect the program's personal growth dimensions so that they could feel free to display it. The certificates were changed to reflect "The Brooklyn Program: a 16-Week Personal Enhancement Program."

In general, most participants readily make the connection between the presented skills and substance abuse. Nearly all reflect on the positive emphasis as a valuable element contributing to the program's efficacy.

Discussion

The current study examined an in-house, strength-based program for substance abusers operated in the context of the United States Probation Department for the Eastern District of New York. Based on a learning model of substance abuse and seeking to capitalize on the personal strengths of the participants, the program is characterized by high rates of retention and low relapse rates.

Retention and drug-free status

Descriptive statistics indicate that 80 percent of enrollees complete treatment and, of those, 55 percent remain drug free after completion. While these rates do not reflect a statistically significant difference ($p<.099$), on a human level, they are very impressive. When the results are narrowed to only those graduates who returned positive specimens before entering the program, the abstinence rate falls to 30 percent. Again, although not statistically significant, the success rate matches well with much more time-consuming and expensive treatment options.

Retention rates are an important predictor of future success and the retention rates in the instant study compare favorably with those from other treatment modalities.

The Federal Bureau of Prisons recently released its three-year followup study on persons who completed their 1,000 hour inpatient treatment program. The Project Triad report indicates that after three years, slightly fewer than 50 percent of treated offenders remained drug-free while 52 percent of those not treated tested positive for substances of abuse. (BOP 2001).

Local results reported here compare favorably with the results obtained by the bureau, and at a significant savings of time and resources. Although the time frame differs for the three studies, there is significant literature suggesting that most relapses occur in the first year post treatment (Doweiko, 1996).

With regard to abstinence, typical results among substance-dependant populations are reported as follows: Alterman (1993) reported 58 percent abstinence from cocaine at 7 months post treatment for day treatment patients at the Philadelphia VA Hospital. Grabowski et al. (1993) report that 60 percent of their clients receiving behavioral treatments were able to maintain abstinence from cocaine for 6 weeks, as opposed to 10 percent for standard therapies. Followup from NARA commitments to inpatient treatment from the early 80s found only 13 to 14 percent of those completing the program abstinent after 6 months (Maddox, 1988). According to the Harvard Mental Health Letter, total abstinence after one year for all conditions of the Project Match study of Alcohol treatments was only 25 percent. This, in a population from which every possible complicating factor (psychiatric problems, homelessness, criminal history) had been removed (HMHL, 2000). In a study that examined the relationship between cocaine abuse and anxiety (O'Leary, 2000), all patients received standard substance abuse treatment. A 90-day post-treatment followup found that 66 percent used some substance (alcohol, cocaine, and/or another drug) during the followup period. This represents a 34 percent abstinence rate.

While not strictly comparable due to our non-medical approach, the reported abstinence levels from the Brooklyn Program compare favorably to results observed in much more intensive programs.

An important factor in retention is the motivation of the participants. Most programs rely either on the force of external coercion or the "treatment readiness" of the client. Although the Brooklyn program relies on coercion for the first several weeks, offenders regularly report that they enjoy the program and experience positive results in their personal lives. This is an important factor. If we can sustain continued attendance, good attitude and positive results without the negative baggage attached to overcoming denial and treatment readiness, there is good reason to believe that these are red herrings.

The literature of NLP suggests that resistance is the problem of the clinician, not the patient. In every case it is the standard presupposition of NLP that it is the responsibility of the therapist to exhibit sufficient flexibility so that the change goes forward. The meaning of your communication is reflected in the client's response. If we encounter resistance, we may be asking the wrong questions (Bandler and Grinder, 1979; Linden and Perutz, 1998; Bandura, 1997; Bodenhammer and Hall, 1998).

Although the current study failed to find a significant difference between completers and non-completers, some inferences may be made based simply on the raw data.

The first is this: The Brooklyn Program has to a large extent replicated the level and results of Project Match with a much more difficult and diverse population. Project Match was the most expensive and extensive test of treatment modalities ever performed.

Project Match involved two independent randomized tests of three treatment modalities on alcohol-dependent patients. One group received outpatient therapy ($N = 952$); another group was referred for aftercare following inpatient or day hospital treatment ($N = 774$). Clients in both groups were randomly assigned to one of three 12-week manual-based individual treatments: Cognitive Behavior Coping Skills Therapy (CBT), Motivational Enhancement Therapy (MET),

or Twelve-Step Facilitation Therapy (TSF). Monthly follow-ups were conducted during the year after the end of treatment. Outpatient subjects had abstinence rates of 25 percent at 180 days post treatment, and 20 percent at one year. About 25 percent of all patients had returned to heavy drinking at 180 days.

By comparison, the Brooklyn Program has a 55 percent abstinence rate for all program completers. Of those having positive urine specimens before treatment, 30 percent of Brooklyn Program participants remained abstinent post treatment.

Project Match differs from our program in that it was populated by voluntary participants whose sole problem was alcoholism. All were employed, not dependant on multiple substances, healthy and psychiatrically stable. All of the participants in the Brooklyn Program suffer one or more complicating conditions, including criminal justice status and poly-substance abuse, that would have excluded them from Project Match.

A second possible conclusion is that the frame of "treatment" may be the most important variable in overcoming problems with substance abuse and dependency. Project Match found that there was no significant difference in treatment outcomes between CBT, MET and 12-step enhancement modalities. In the present study, a pilot program that focuses away from the issue of substance abuse obtained results at least as good as more traditional approaches and better than most with a much less significant outlay of provider expense and effort. This result reinforces the perspective of Peele and Brodsky (1991) that addiction and substance abuse are not diseases but choices and habits that are overcome by the reassertion of personal values and choice criteria.

Insofar as the instant research has not completed further follow through and our data collection efforts require further refinement, we hold forth the hope that a strengths-based approach may hold more promise than a contextual frame.

A third conclusion that we may draw from our results is some confirmation that substance abuse is less about the substances abused, or about the "disease of addiction/substance abuse," than it is about choice and personal efficacy.

The Brooklyn Program has taken the radical stance that substance abuse and addiction are not diseases so much as learned strategies for dealing with problems which, in the course of normal learning, become the definers of reality for the victim. In choosing to focus on building access to positive resources, developing choice and creating a future orientation, the Brooklyn Program has achieved results that are at least as good and often better than standard problem-centered approaches. In the course of creating those results, it has manifested a significant savings of time and energy over standard treatment modalities.

Standard contract treatment in the Federal Probation System typically consists of two sessions of group therapy and one individual counseling session for each offender per week. The basic treatment/evaluation period is six months (often more). Costs for these services can range between $150 and $175 per week, amounting to $3,600 per offender over the course of a six-month evaluation period. By contrast, the Brooklyn Program operates with in-house personnel and requires a maximum of 4 hours per facilitator per week. Using only the number of program completers who required no further treatment (n=62), the Brooklyn Program has produced savings of more than $200,000.

Enlarging upon the psychological dimensions of our perspective, the relevance of Prochaska's futurity to change lies not so much in the simple presence of a future goal but in its personal meaning. Jobs, relationships, hopes and outcomes are meaningless unless they embody a deep commitment by the client. They cannot be imposed from without, they must arise from within.

This is the stumbling block upon which many well-intentioned applications of the Stages of Change model fall. If I dictate the future or allow the client to settle upon a goal that is not congruent with his needs for development, the enterprise will fail. The logical value of the outcome means nothing if it is not sufficiently valued by the client. When future goals are appropriately structured upon the foundation of inner values, precontemplation moves to effective action. This is the source of change in the 85 percent of addicts who are self-changers (Peele and Brodsky, 1991).

Directions for Further Research

The program as it now stands developed out of an understanding of addiction and substance abuse rooted in Jungian and Maslowian concepts of personal growth. It built upon these assumptions using concepts drawn from classical conditioning and NLP to create a program of experience in personal growth that provides results that are at least as good as, and often better than, more expensive and time consuming programs.

Statistical measures must be refined and for all intakes beginning in October 2001, participants have completed SASSI-3 evaluations of substance dependence. These will help to provide more depth to our statistical analyses. Further, the instant research was hampered by incomplete access to urinalysis records for all offenders. At this point all urinalysis records from 1999 forward are available in a computerized database. Further statistical analyses will be enhanced by access to these materials.

It is the belief of the originators that one of the important effects of the program is the growing capacity of participants to directly regulate the chemical state of their organism by creating and modifying affective tone and by creating and enhancing specific states of mind. It would be very interesting and instructive to compare dopamine and serotonin levels in persons who have completed the Brooklyn Program with other substance abusers or dependant persons who have not learned the self-regulatory practices that are at the heart of the program. We would predict that dopamine and serotonin levels vary with the states produced and represent a direct means of overcoming the neurochemical depletions that are common to substance abusers.

Although not derived from specifically spiritual practices, the exercises presented here have a certain affinity with classical meditative practices. The decomposition of emotional states and the enhanced focus used in the conditioning exercises strongly resonate with Hinayana Buddhist practices described in the Abhidamma literature of the Pali Cannon (Bodhi,1993). In light of the researches by Newberg, D'Aquili and Rause (2001), it would be very interesting to compare the brain activation levels of persons who are actively accessing the "NOW" state with persons who are actively meditating.

Implicit in this research, moreover, are multiple directions for research into the matters of personal motivation and the salience of craving. The creation of continuing, non-contingent motivators (an essential factor in Self-actualization/Individuation) may be an important key to success in recovery. The motivational factor has been explored by Peele and Brodsky (1991), Prochaska et al. (1994) and Bandura (1997). This research may open up certain methods to ensure that motivations are personally relevant in a continuing manner. Further, in line with

Prochaska's observations about the nature of positive futurity, we have assumed that the behavioral salience—the tendency for the addictive behavior and related perceptions to be the most highly valued—of addictive craving is relativized by the presence of more personally relevant futures. This is born out in part by Bandura's (1997) assertion that self-efficacy is crucial to the development of believable futures.

Finally, this program points directly to the relevance of the tool sets derived from NLP and the production of spiritual and depth psychological outcomes using simple behavioral techniques. This is a field ripe for study and should not be overlooked. While the author by no means takes a reductionist approach to behavior, here is fruitful ground for the integration of multiple levels of psychological research.

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Estimating the Prevalence of Recent Ecstasy Use Among National Arrestees

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THE FEDERAL GOVERNMENT funds several major data collection efforts to measure the prevalence of drug use within the United States, each of which gathers information on a specific population. The National Household Survey on Drug Abuse (NHSDA), for example, generates self-report survey estimates of drug use among household members ages 12 and older in the contiguous United States (Substance Abuse and Mental Health Services Administration [SAMHSA], 2000a). The Drug Abuse Warning Network (DAWN) is an annual national probability survey of drug-related problems treated in hospital emergency departments, and drug-related death data collected from a sample of medical examiners and coroners' offices (SAMHSA, 2001, 2000b). The Monitoring the Future (MTF) project began in 1975 as a way to study the drug-using beliefs, attitudes, and behaviors of high school students across the United States. Today, the program surveys approximately 50,000 grade school, high school, and college students annually (Johnston et al., 2000). Finally, the Arrestee Drug Abuse Monitoring (ADAM) Program collects self-report survey data and urine specimens from adult and juvenile arrestees (National Institute of Justice (NIJ), 2000). An underlying assumption of ADAM is that if a new drug emerges on the streets, it will take root in a criminal population before diffusing to the general population. This assumption is based on the work of Wish (1997) and DuPont and Wish (1992) who, after evaluating a urine screening program for arrestees arraigned in Washington, DC, Superior Court, concluded that arrestee urinalysis results detected an increase in heroin use in Washington, DC, at least one year before other indicators of use in the community. It is reasonable to suspect, therefore, that ecstasy, as a new drug, may become established in a deviant population prior to diffusing to the general population.

To date, only one study has examined ecstasy use among criminal justice populations (Yacoubian et al., in press). Yacoubian et al. (in press) collected self-report drug use data and urine specimens from a sample of 209 juvenile offenders surveyed through Maryland's Offender Population Urinalysis Screening (OPUS) Program between July and August 2000. While no two-day ecstasy use was reported and no ecstasy-positives were detected by urinalysis, 8 percent reported use within the 30 days preceding the interview (Yacoubian et al., in press). No studies have examined ecstasy use among adult criminal justice populations. To address this limitation, the current study examines ecstasy use data collected from adult arrestees surveyed through the ADAM Program in 2000. With this preliminary framework, data collection methods are described below.

Methods

The ADAM Program—formerly the Drug Use Forecasting (DUF) Program—was established in 1987 (Yacoubian, 2000a). The six primary goals of ADAM are: identifying the levels of drug use among arrestees; tracking changing drug-use patterns; determining what drugs are being used in specific jurisdictions; alerting local officials to trends in drug use and the availability of new drugs; providing data to help understand the drug-crime connection; and serving as a research platform upon which a wide variety of drug-related initiatives can be based (Yacoubian, 2000a). Adult data are currently collected in 36 jurisdictions across the United States (NIJ, 2000).

In 2000, the ADAM Program fielded a new data collection instrument (Yacoubian, 2000a). The seven primary sections of the instrument are: face sheet, demographics, criminal justice involvement, personal drug use, treatment history, dependence and abuse, and market and use. Face sheets are completed on all eligible arrestees with information collected from official records. These data include arrest and booking dates, arrest location, date of birth, gender, primary criminal charges, race, and residence zip code. If respondents consent to the interview, demographic data—ethnicity, citizenship, education, employment, health insurance, marital status, and living arrangements—are collected via self-report. The collection of demographic information is followed by questions on criminal justice activity, personal drug use, and treatment history. The dependence and abuse section allows for the clinical diagnosis of drug abuse and/or dependency. Respondents are asked, for example, if their use of alcohol or drug use has caused them to neglect their usual responsibilities and whether they used alcohol or drugs more than they intended. The market and use section inquires about cash vs. non-cash drug transaction, location of purchase, quantity purchased, amount paid, frequency of purchases, and market availability.

In addition to the survey, a urine sample is obtained as an objective measure of recent

drug use and to validate the self-report data. The Enzyme Multiplied Immunoassay Test (EMIT) screens for 10 drugs: amphetamines, barbiturates (e.g., Phenobarbital), benzodiazepines, marijuana, metabolite (crack and powder) cocaine, methadone, methaqualone, opiates, PCP, and propoxyphene (Darvon). All positive results for amphetamines are confirmed by gas chromatography (GC) to eliminate any over-the-counter medications.

Results

As shown in Table 1, ecstasy use is virtually non-existent among adult ADAM arrestees. Estimates of two-day ecstasy use range from a low of 0 percent in Des Moines and Laredo to a high of 3.6 percent in Charlotte-Metro. In 29 (83.0 percent) of the 35 sites, the prevalence rates were less than 1.0 percent.

TABLE 1

Two-Day Self-Reported Ecstasy Use, by ADAM Site, 2000

		(N=)
Albuquerque	0.7%	(438)
Anchorage	0.5%	(751)
Atlanta	0.4%	(974)
Birmingham	0.4%	(514)
Charlotte-Metro	3.6%	(110)
Chicago	0.1%	(951)
Cleveland	0.7%	(1,558)
Dallas	0.2%	(921)
Denver	0.2%	(960)
Des Moines	0.0%	(292)
Detroit	0.6%	(638)
Ft. Lauderdale	1.1%	(549)
Honolulu	0.7%	(672)
Houston	1.0%	(829)
Indianapolis	0.7%	(947)
Laredo	0.0%	(368)
Las Vegas	0.6%	(1,394)
Los Angeles	2.3%	(177)
Miami	0.9%	(671)
Minneapolis	0.7%	(597)
New Orleans	0.4%	(922)
New York	0.1%	(1,503)
Oklahoma City	0.2%	(1,048)
Omaha	0.9%	(549)
Philadelphia	0.4%	(456)
Phoenix	0.4%	(1,953)
Portland	0.3%	(1,018)
Sacramento	1.7%	(631)
Salt Lake City	0.6%	(780)
San Antonio	0.6%	(674)
San Diego	0.7%	(902)
San Jose	1.2%	(731)
Seattle	1.5%	(1,038)
Spokane	0.9%	(538)
Tucson	0.6%	(772)
Washington, DC	0.8%	(391)

Discussion

To date, one study has explored the use of ecstasy among juvenile arrestees (Yacoubian et al., in press). Eight percent of Yacoubian et al.'s (in press) sample reported ecstasy use within the 30 days preceding the interview. The current study is the first to examine recent ecstasy use among adult arrestees. Not surprisingly, two-day self-reported ecstasy use among adult arrestees was less than 1.0 percent in a high majority of 36 ADAM sites.

For over a decade ADAM has provided drug use data for adult and juvenile arrestees across the United States. ADAM has two major advantages. First, it has the ability to access a hidden population and gather information on sensitive, drug-related behaviors (Yacoubian, 2000a). Second, it is the only major drug surveillance system in the United States to collect an objective measure of recent drug use. While the procedures for detecting ecstasy in urine are complicated (Yacoubian et al., in press), they can be accomplished. Given the plethora of research documenting low validity of self-reported drug-using behaviors (Wish et al., 1997; Yacoubian 2000b), a biological specimen would allow ADAM to estimate the prevalence of ecstasy use more accurately than those systems that rely exclusively on self-report.

The current findings suggest that ecstasy use is not a serious problem among adult arrestees. While the research of Wish (1997) and DuPont and Wish (1992) indicated that new drugs would become established in a criminal population before diffusing to the general population, the current findings, when taken in conjunction with results from other studies (Arria et al., 2002), suggest otherwise. Arria et al. (2002), for example, collected self-report drug use information and oral fluid specimens from 96 "club rave" attendees within the Baltimore-Washington corridor between August and October 2000. Twenty percent reported using ecstasy within the two days preceding the interview, and 21 percent tested positive for ecstasy by oral fluid analysis. Future research should continue researching drug diffusion, recognizing that the path may not necessarily lead from deviant to non-deviant populations.

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Corporate Computer Crime: Collaborative Power in Numbers

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Introduction

Technology advances have given corporations the capability to store and retrieve massive amounts of data, offering connections to just about anyone, anywhere, at anytime. Advances have brought blessings to many, as corporations have benefited from increased productivity from e-mail connectivity, online messaging, computerized training and ebusiness. Accompanying these benefits, advances have also increased corporate risks. They have created an infrastructure in which the corporation itself can easily become the victim. Large volumes of data, having been reduced to bits and bytes and held within complex yet accessible systems, make corporations increasingly vulnerable to corporate computer crime. Corporations affected by computer crime are then left to determine whether or not to report the incident and what remedies should be utilized to resolve the problem and minimize future risks. Collaborative information sharing and working alliances between corporations and law enforcement are needed to prevent a parallel between corporate computer crime rates and the technological advances.

Types of Corporate Computer Crime

Corporate computer crimes are not much different from conventional white-collar crimes. Carelessness, greed, revenge, life-style, crisis, and need for a sense of superiority, ego, or power can cause either. High technology, when integrated into conventional white-collar crimes such as fraud, illegal infiltration, piracy, bootlegging, and counterfeiting, has created four general categories of corporate computer crime: innocent hackers; computers as a tool; computers as a target; and computer-related crime.

The first category of corporate computer crime involves innocent hackers. In the 1960s, "hacking" referred to intellectual student pranks intended to find ingenious ways to use computers. Students performing the hacks were known to be hackers. During these early days, hacker intentions were to enter, learn, and leave quietly without doing damage to the compromised system. Hackers were skilled programmers without motivation to steal or commit crime but fueled by the need to satisfy egos and prove intellectual power. Hackers of today's computer environment continue in this quest as pranksters perpetrating tricks without intending any particular or long-lasting harm. Prefabricated hacking tools, available at many hacker websites, help further hacking exuberance. These tools are used to intrude on and explore corporate computers for largely innocent motives such as education, curiosity, social justice, and competition with peers. Even with this innocuous definition, innocent hackers, while viewed by most as a nuisance, are still criminals.

At a minimum, vandalism produced during hacking incidents lowers corporate productivity. Increased manpower costs to tighten holes within insecure systems are required to prevent future trespass capabilities. No matter how innocent the hacker's motives may be,

> unauthorized use of others' computers, information and networks is a crime in most legal jurisdictions in the Western world. The greatest losses from hacking are usually the costs of the victim's staff to repair the damage done to computer stored information and to restore the integrity and authenticity of computer and communication systems (Parker, D., 1998, pp. 44, 174).

The second category of corporate computer crime consists of use of the computer as a tool or weapon to help commit a crime that could be committed without it. In this category, the computer facilitates the crime by making the crime easier to commit. For corporate computer crime, examples of such facilitated crime are forgery of documents, intrusion, stalking, fraud, embezzlement, and theft of proprietary information. Any misuse of computer technology for illegal gain can impede the corporation's pursuit of objectives or create chaos.

The human factor cannot be ignored. Faced with the need to come up with quick cash, some find the use of computers as a tool to commit a crime too hard to resist. "Take the case of a branch manager who embezzled over $20 million from his bank over the course of 18 months. [Previously a data processing department worker, he] knew that the main computer would notify auditors if more than one million dollars were transferred from an account" (Parker, D., pg. 5). Additional crimes where the computer is used as a tool include harassing employees, stopping business dealings or hiding other thefts.

In the third category of corporate computer crime, the computer itself (or data contained within it) becomes the target. Attacks may be subtle, targeting individual files saved

on storage devices ranging from floppies to disk arrays, or bold, targeting business-critical systems such as e-mail, documentation, accounting, and payroll systems.

This category of corporate computer crime involves criminals known as crackers. The crackers target computers by cracking into systems with intent to sabotage and cause chaos to the corporation. Crackers may change or delete files, redirect websites or tie things up to keep out others. Methods to target computers for corporate computer crime include: the virus, which infects executable files and causes harm after infection; the worm, which copies itself and consumes space and time; the Trojan horse, which enters the target system and releases a virus or worm; and the logic bomb, which detonates at some future event and releases a virus, or causes other damage.

The final category of corporate computer crime is computer-related crime. Computer related crimes are crimes occurring to computer-related objects such as hardware or software. Hardware crimes include theft of computers, laptops, peripherals, internal chips, and other computer hardware. Software crimes include theft, counterfeiting, copyright violation and piracy of software.

Computer-related crime has become very lucrative for criminals. "In the 1980s, for example, the FBI estimated that the average computer heist took in between $400,000 and $560,000, whereas the average bank robbery netted between $4,000 and $19,000" (Friedrichs, D., 1996, pg. 178). The category of computer-related crime also includes the infiltration of a corporation's saved information contained within laptops and hard drives to utilize programming techniques only available through sales of licensed software.

Origins of Corporate Computer Crime

Each of the four categories of corporate computer crime can originate from either external or internal unauthorized access to anything computer related within a company. Many times a name, password, location of a key or an unlocked door is all that is needed to infiltrate a corporation's computer-related areas.

External criminals, outside of the corporate circle of employees and investors, tend to be technically knowledgeable about the potential value of the computer-related theft. Tactics used by criminals can initiate all four types of corporate computer crimes from as close as next door to as far as around the world.

The innocent hacker, while sometimes hard to differentiate from intentional crackers, has high success rates of reaching into a corporation's system and retrieving information. In a recent Internet Security Systems Seminar (2002), Gerulski quoted a client: "I get scanned dozens of times everyday. Less than 20 percent of those scans are U.S. based." Gerulski also noted many university computer systems are scanned within the first 15 minutes of putting a new computer on the network. While these scans may not cause damage, the results of the innocent hacking can be days or weeks of man-hours to guarantee the systems are secure from bigger cracker-type threats (Gerulski, D., 2002).

The external criminal using the computer as a tool appears in cases such as extortion. A recent case featured a cracker who was able to retrieve names, addresses and bank account numbers, which he later used in an attempt to extort funds from a large banking firm. "The intrusion into the server happened in early 2001, though the Russian did nothing for nearly eight months with the data he obtained…[in] 2001, the hacker began sending e-mail to ORCC's client bank, saying that he would post the data he'd obtained from the server on the Internet if he was not paid $10,000." Luckily, in this case, the incident ended with the hacker being caught prior to damage to both the bank and its customers (Costello, S., 2002).

When the external criminal uses the computer as a target, the computers are broken into similar to an intruder breaking into a home. This type of crime usually involves crackers who are either angry with the owners of the corporation or are acting as industrial spies. In the first instance, the cracker may initiate a Denial of Service (DoS) attack. Conry-Murray (2001) describes a DoS attack using an analogy of a mosquito attack: While in bed, and doing nothing, "[h]ad I just lain there, the bug would've come at me all night until it got what it wanted: my blood…Squash these bugs before they bite." One such attack he reported targeted the White House web site, www.whitehouse.gov. "In July 2001, Code Red 1 worm wriggled its way to prominence with a one-two security punch…Fortunately, the attack was easily thwarted… highlight[ing] the importance of good security administration" (2001, pp. 36, 38).

When the computer is a target of an industrial spy, individuals employed by the corporation's competitor conduct the crimes. In these cases, the theft of proprietary information can be extremely damaging to the corporation. In a 1996 documentary, cracking in the spying arena was estimated to have increased by142 percent per year. For the year of 1996 alone, 122 countries were caught spying against United States corporations through online espionage (CBS, 1996).

In the final category, computer-related crime, the external criminal is the thief of hardware or software. As technology advances, the external theft of computer-related items is increasing. Internal chips for computers, being extremely light, can be worth more by weight than diamonds. Theft of laptops and other hardware can be a two-fold prize, as both the device and the data contained within the device can be sold for cash to the black market or competitors. In 1996 Wallace described computer-related theft as the "new criminal," with software theft alone totaling losses of "5 to 25 billion dollars per year" (CBS, 1996).

While external criminals create major havoc for corporations, internal criminals may be even more destructive and cause higher monetary losses. Internal criminals tend to be disgruntled employees or greedy executives. As Cabot of Cabot Computer Consultants stated, "Internal sources have always been the major source" (personal communication, January 15, 2002). Because corporations rely on their infrastructure, the technology is at the internal criminal's fingertips on a daily basis. In many cases, resentment, mistrust, low moral or revenge are causes of this increased crime. According to Anne Chen (2002) in her recent article for eWeek, "Hacker exploits and denial-of service attacks may be snatching the headlines, but the biggest threats to security may be inside your company's network. They're employees who, either out of carelessness or malice, leave vital assets open to exploitation" (Chen, A., 2002, pg. 37).

Like external criminals, internal criminals can also initiate all four types of corporate computer crime. Innocent hacking may occur by internal criminals accessing areas they are not authorized to penetrate. Insufficient monitoring of employees can prevent most innocent hacking via internal criminals from being identified, unless inadvertent damage results. In these cases, offenders may incorrectly believe they are solving problems by finding out all information needed to complete the job requirements. When incidents are discovered, depending on corporate policy, internal hackers may face demotion, termination or criminal charges.

When internal criminals use the computer as a tool, crimes such as Salami fraud, in which trusted employees slice off small portions of numerous accounts and keep the proceeds, can occur.

"In a 1989 case, an accountant employed by New York City used a loophole in the city's computerized accounting system to divert $1 million to his own bank account" (Friedrichs, D., 1996, pg. 179).

When the computer is the target, internal criminals can search for information easily retrieved with access from written passwords posted on computer terminals or simple programs designed to crack passwords. Information such as trade secrets and personal information can be easily zipped or FTP'd to a competitor's computer in an attempt to sabotage the corporation when revenge is wanted. In 1993, one such case charged a consultant with "attempting to destroy a client's program by introducing a virus into it in the aftermath of a billing dispute"(Friedrichs, D., 1996, pg. 178). Ex-employees can also be dangerous, as exemplified in a recent report from the *New York Times* of an "IT executive who caused up to $20 million in damage when he sabotaged the computer systems of the New Jersey chemical company that had laid him off" (Scalet, S., 2001, pg. 60).

When there is computer-related crime by internal criminals, physical assets such as laptops, discs and chips, and software are blatantly taken through access naively granted by the corporation. Internal knowledge of auditing procedures, inattentive security, negligent licensing standards and questionable policies leave loopholes allowing internal criminals to go undiscovered for indefinite periods. Software piracy and copyright violations are extremely hard for the corporation to control. Many employees take advantage of this and believe they are entitled to software intended for work use only. Those taking software for home use do not hesitate to steal software for installation on one or multiple PCs outside of the office or share software with others.

Causes of Corporate Computer Crime

The causes of corporate computer crime are as numerous as the types of crime and can change on a case-by-case basis. Many cases of corporate computer crime can be traced to corporations inadequately protected as computer technology advances and reliance upon it increases. Additionally, many non-technical executives tend to see computer and information security differently than they do physical security. Because of this, the majority of causes of corporate computer crimes generally fall within two categories: technological advances and corporate standards.

Today's corporations must be aware that while the advancement in the technology available to them is increasing, so is the advancement of technology available to criminals. As e-mail has become a requirement for the corporation, attacks against e-mail systems have increased. As distributed computing has increased and become more available, so have the attacks against it.

Wireless computing, the latest trend in corporate information technology standards, has also opened new avenues for criminals. According to Symantec's Clyde, "there are now so many free tools on the Internet that hackers needn't be experts to cause problems; all they have to do is run readily available scripts" (Scott, K., 2001, pg. 56).

While the reach of technology has expanded, the lack of regulated corporate standards has become key to successful computer crime. Intending to create user-friendly interfaces for workers or to share data with customers and suppliers, many corporations have created an environment equally user-friendly to the corporate computer criminals. As systems get easier to use and administer, and corporations become more global and international, the added confusion of merged policies fails to keep standard access defined and regulated. Conry-Murray quotes Creed, the director of network security for Goodrich, as stating: "When you have 23,000 people and a hundred plus locations, policy gets all over the map really quickly"(2002, pp. 44).

To Report or Not to Report Corporate Computer Crime

When faced with corporate computer crime, the corporation must not only look at the types, origins and causes of the crime, but also weigh the negative against the positive aspects of reporting a criminal incident. "When an employee receives a threat via e-mail or trade secrets have been compromised, calling the cops is the obvious choice. However, if an employee is suspected of accessing information that's considered off-limits, it could be a matter best dealt with in-house" (Duffy, D., 2001, pg. 8). In most cases, however, the decision comes down to a matter of apprehension versus necessity.

Apprehension Elicits Corporate Silence

In many cases, the victimized corporation is afraid or apprehensive about reporting corporate computer crime. Both safeguarding corporate positioning and preventing investigative scrutiny force many corporations to deal with this crime on their own. Damian (2001), a computer science engineer from India, responding to whether incidents should be made public, expressed this viewpoint:

> Any security problem with regards to a firm should be dealt within it and it should not be let to the knowledge of others to have a hand at it to solve the problems as this could provide them additional advantage to explore (Damian, G., 2001).

The 2001 CSI/FBI survey indicates ninety percent of those responding agreed with Damian by avoiding reporting occurrences due to expected negative publicity. Seventy-five percent also responded with the belief that competitors would use the occurrences to their advantage (Power, R., 2001).

Many companies are concerned with publication of names and confiscation of computers, which could interrupt business. Some believe exposure of corporate computer crime can result in public embarrassment for the corporation and possible loss of competitive advantage to other corporations able to reap the benefits of the crime. Businesses do not want to be depicted as vulnerable and, in some cases, they have little faith in authorities to resolve the issues.

When asked in a survey questionnaire if all incidents are reported to the applicable authorities, Roy, Director of Security, Bombardier Transportation Group, answered:

> No, because most of the time a company doesn't want to be associated with the legal process and get that kind of publicity. It also depends on the security officer's background. If it is military or law enforcement chances are higher that the crime be reported. The IT background officers have a tendency to cover up because they feel (wrongfully) that their technical expertise will be challenged and they will look bad (personal interview, February 4, 2002).

While management should be alerted and legal council questioned, few corporations are aware of whom they should report to and others are afraid of surveillance or increased scrutiny of computer systems. Skeptical business leaders, suspicious of what authorities may help themselves to, are afraid of a possible

shut-down of entire systems and interruption of operations for an indefinite period of time.

> There's a prevailing misconception that as soon as you pick up the phone to call the FBI, teams of agents will swoop down on you with guns drawn to confiscate your computers and seize control—effectively closing down your business (Mayor, T., 2001, pg. 1).

Whether lack of first-hand knowledge or rumors of past incidents have fostered this view, corporations taking the stand of nondisclosure are left to fend for themselves when it comes to security.

Positive Resolution Necessitates Corporate Disclosure

In contrast to proponents of corporate silence, some experts believe a secure system is one widely open to peer review. This would apply even to small cracks in security. According to Scalet (2001), "not admitting that you have a problem is the first step to not recovering." An incident illustrating this:

> [A] large brokerage company got a call from hackers who claimed to have planted a logic bomb that would crash the company's computers at a certain time—unless the company paid them big bucks. The technical staff found no evidence of tampering, so the company ignored the call. Sure enough, the company's systems, which processed millions of dollars of transactions an hour, crashed at the appointed time. The next time the extortionists rang, the company knew that the threat was real and got law enforcement involved (Scalet, S., 2001, pg. 62).

Keeping quiet does not make the system more secure. In many cases, there is a social obligation to inform the public. This informative approach can help show how the corporation is prepared to respond. It will show shareholders procedures are in place to lessen the possibility of future crimes and show detection policies are in force. According to Roy's experience, he asserted "that it is possible to control these problems and most of the time turn them around as an advantage for the company" (personal interview, February 4, 2002).

Failing to cooperate with authorities and report the incident may permit the culprit to continue and eventually create adverse publicity or affect the bottom line for the corporation if released at a later date. In one well-known case, Egghead.com kept a corporate computer crime occurrence to itself. This crime involved the cracking of its systems, which enabled the criminals to access credit card account numbers of its customers. Egghead.com failed to notify these customers for four months. Although customers had lodged numerous complaints regarding illegal activities on their accounts, Egghead.com remained silent. Divulging the problem when it occurred and offering a rebate or coupon might have offset the customer's losses and kept them loyal to the company, but today, Egghead.com is no longer in existence (Gerulski, D., 2002).

In many cases, corporations do not have the opportunity to choose whether to report or not. In these cases, the crime violates a criminal code. The act of concealing knowledge of a felony is punishable and the corporation would be the criminal if it kept quiet. Due to the sensitivity of data, regulatory standards are common in banking and health care when dealing with security breaches or losses of data. Many contract requirements include information security disclosure clauses as well.

Whether required by law, contract or corporate policy, disclosing corporate computer crime has more benefits than corporate silence. Without disclosure and getting authorities involved, corporate computer crime cannot be aggressively prosecuted. If a corporation is successful in thwarting the advances of the culprit without legal action, the culprit is free to continue the pattern. According to Desmond's (2001) article on computer crime, "it should be clear that companies have far more to gain than lose by working with law enforcement… Law enforcement is getting better at finding and prosecuting perpetrators, but the process works far better if the victims cooperate" (pg. 2). If there is any chance of loss of trade secret data which may risk competition getting the information or not knowing who is attacking or what is being stolen, reporting may deter others by permitting authorities to investigate, locate, and facilitate prosecution and subsequent punishment.

Reporting Realities

Possibly surprising to many, the first federally prosecuted case of corporate computer crime took place 35 years ago, in 1966, before many of us knew anything about computers.

> The perpetrator was a young computer programmer working under contract with a Minneapolis bank to program and maintain its computer system…he changed the checking account program in the bank's computer so that it would not react to—and would not report—any naturally occurring overdraft condition in his account. (Parker, D., pg. 8)

While the programmer expected this to last only long enough to get him through a tough time, the embezzlement continued until it totaled $14,000. While small in comparison to more current large dollar corporate computer crimes, this original prosecution gave us a glimpse of the potential in this new avenue of crime.

During the 1970s and 1980s, most corporate computer crimes were nuisances. The 1980s changed that. With the advent of the PC era, many individuals were now able to have the computer power they enjoyed at work in the comfort of their homes. In August 1983, the face of corporate computer crime changed drastically as described by Standler (1999):

> [A] group of young hackers in Milwaukee hacked into a computer at the Sloan-Kettering Cancer Institute in New York City. That computer stored records of cancer patients' radiation treatment. Altering files on that computer could have killed patients, which reminded everyone that hacking was a serious problem. This 1983 incident was cited by the U.S. Congress in the legislative history of a federal computer crime statute (pg. 4).

When determining whether corporate computer crime is a nuisance or substantially damaging, one must consider the nature of the crime. According to Smith, Special Agent of the FBI Pittsburgh division and Awareness of National Security Issues and Response (ANSIR) coordinator, there is "greater volume [of] low dollar-nuisance. [But an] increasing number of high dollar matters" (personal communication, January 31, 2002).

By 1993, more than 100 viruses were being reported each month. Estimates recorded by Friedrichs in 1996 reported "annual losses due to computer crime…from $100 million to $5 billion…[with] estimate[s]…that only 1 percent of computer thefts [being] detected, and perhaps as few as 15 percent of these [being] reported" (Friedrichs, D., 1996, pg. 177).

When looking at today's statistics, the 2001 CSI/FBI survey indicated 64 percent of respondents reported unauthorized use of computer systems within the last 12 months. The two most likely sources of these attacks included independent hackers and disgruntled

TABLE 1

CERT Incident Log Data

	Number of incidents reported	Vulnerabilities Reported	Security alerts published	Security notes published	Mail messages handled	Hotline calls received
1995	2,412	171	31	N/A	32,084	3,428
1996	2,573	345	53	N/A	31,638	2,062
1997	2,134	311	50	N/A	39,626	1,058
1998	3,734	262	34	15	41,871	1,001
1999	9,859	417	22	1	34,612	2,099
2000	21,756	1090	26	57	56,365	1,280+
2001	52,658	2437	41	341	118,907	1,417+

(CERT/CC Statistics, 2002, pp. 1-3)

employees, with U.S. competitors, foreign corporations, and foreign governments also being stated. Total annual losses from corporate computer crime of those responding in 2001 were reported to be $377,838,700 (up $112,242,460 from last year) (Power, R., pp. 6,9,11). The Computer Emergency Response Team (CERT) (2002) also shows steady increases in computer crime activity as shown in Table 1.

Sample cases of corporate computer crime include a $10 million dollar theft from Citibank and the catching of Kevin Mitnik in 1994, and multiple Denial of Service attacks in 2000. Attacks feared today as a result of the September 11, 2001 terrorist attacks have increased the awareness of security risks and needs:

> Skirmishes in the hills of southern Afghanistan grab today's headlines, but there are pitched battles occurring on other fronts that don't always make the news. In the last two months, a bout of work attacks has struck untold numbers of companies around the globe. In November W32.BadTrans.B-mm swept through 50 countries, as did Nimda.E, the latest version of the Nimda worm. During the past couple of weeks, the Goner worm has successfully infected about 840,000 machines worldwide. Computer Economics estimates damages from this latest worm total at least $7.5 million. (D'Antoni, H., 2001, pg. 72.)

Recent reported and prosecuted cases found within the CCIPS section of the U.S. Department of Justice (2002) continue to illustrate the increasing corporate computer crime statistics (as shown in Table 2).

Existing Laws and Regulations

While the chart identifies some of the prosecuted cases within the past few years, corporate computer crime can be difficult to prosecute under traditional laws and regulations. In traditional crimes, taking someone's property is considered larceny. Breaking and entering into a building is considered burglary. In many corporate computer crime cases, however, no one is breaking into a building. Entering a system through a telephone line is not the same. While computer hardware theft is covered by traditional laws, the electronic information contained within a computer "represents a new form of 'property' less clearly protected by traditional laws" (Friedrichs, D., 1996).

Larceny, theft of services, trespass, embezzlement, destruction of property, copyright violations and mail and wire fraud are traditional legal categories used to prosecute some corporate computer crimes. In many cases, civil review is needed to bridge the gaps of traditional laws. Many corporate computer crimes fall under traditional financial crimes, as most affect financial assets. Traditional laws are also appropriate when dealing with computer-related crime and thefts of computer-related objects. In most cases, state and federal laws exist for these crimes.

The nature of computer crimes, however, makes it hard for traditional laws to cover the entire offense. When a computer is destroyed, destruction of property is apparent. When someone destroys or illegally accesses or copies files on a computer, the damage is harder to identify and when identified, it may not constitute destruction of property or theft.

The first federal computer statute, enacted in 1984, was rewritten into the Computer Fraud and Abuse Act of 1986 (CFAA) when the 1984 statute was found to be inadequate. By the end of the '80s, most states had passed computer crime laws. Although each state's statutes were based on the 1986 federal statute, each also contain fundamental differences, making interstate prosecution difficult. Most states have since taken the initiative to update their statutes, as has the federal government.

According to Horoski, Highmark Systems Engineer Specialist and Special Deputy Uniform Division, Allegheny County Sheriff's Department,

> lately more and more prosecutions ARE occurring. This is true even in the case of minor incidents. There are several reasons for this. Case law has been established, PA crimes codes have been amended to address these crimes, prosecutors are becoming more educated in technology based crimes and the subsequent ways to prosecute them successfully. (personal interview, February 8, 2002)

Enforcing these laws, however, is the problem. Schwartau stated support for a national policy resolution in a 1996 documentary:

> We have the technology, we have the solutions to protect against breaking and entering into computer systems. We have this entire suite of capabilities but we've chosen not to do anything about it through apathy, through arrogance, through a reluctance to invest in our future. We have to overcome that and part of that's gonna come through national policy. (CBS, 1996)

In 1992, punishment for damage to information contained on the computer or prevention of use of a system was added to national law and in 1996, criminal penalties listed were added to electronic espionage. However, work remains to be done.

> Laws specifically prohibiting computer crime are quite recent and not easily enforced. In addition to federal statutes, local laws and procedures at the state levels exist, but in some opinions, "most state statutes are not adequate to punish computer criminals" (Friedrichs, D., 1996, pg. 180).

TABLE 2

Recent prosecuted corporate computer crime cases

Case name and date	Type of breach	Loss estimate	Sentence in months	Restitution	Explanation of crime
U.S. v. Osowski 11/26/01	Confidentiality	6.3M	34	7.8M	Cisco accountant stole stock from company
U.S. v. Torricelli 9/5/01	Confidentiality Integrity	N/A	8	4K	"#conflict" hacking group member
U.S. v. McKenna 6/18/01	Confidentiality Integrity Availability	13K	6	13K	Disgruntled former employee
U.S. v. Sullivan 4/13/01	Integrity Availability	100K	24	194K	Disgruntled former employee
U.S. v. Morch 3/21/01	Confidentiality	5K	36 (probation)	0	Employee theft of proprietary company info.
U.S. v. Ventimilia 3/20/01	Integrity Availability	209K	60 (probation)	233K	Disgruntled GTE employee
U.S. v. Sanford 12/6/00	Confidentiality Integrity Availability	45K	60 (probation)	45K	"HV2K" hacking group member
U.S. v. Gregory 9/6/00	Confidentiality	1.5M	26	154K	"Global Hell" hacking group member
U.S. v. Smith 12/9/99	Integrity Confidentiality	90K	21	3K	Member of "The Darkside Hackers"

(Computer intrusion cases, 2002, pp.1-2)

Most recently, however, H.R. 3162, the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001," passed on October 26, 2001, gives more power to authorities in dealing with computer crime, including:

> [Authority to arrest] and charge a hacker who breaks into a computer, even if the hacker's Internet traffic merely travels through U.S. computers or routers… Previously, the United States could prosecute hackers only if they attacked U.S. systems. Under Section 814 of the Patriot bill, any activity deemed illegal by the United States involving "a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication of the United States" is considered a crime (Hulme, G., 2001, pg. 22).

This recent bill resulted in a mandate to establish nationwide Electronic Crimes Task Forces to create a backbone of support for public and private sectors. These taskforces, along with the bill itself, recognized the Secret Service philosophy of "bringing academia, law enforcement and private industry together to combat crime in the information age" (USS Electronic Crimes Task Force Regional Locations, pg. 1).

Even with the PATRIOT bill, issues remain unresolved relating to the international corporate computer crime. Foreign-based prosecutions are very different from those contained within the United States. When dealing with foreign criminals, differences in laws regarding collections of evidence, local jurisdiction, extradition, territoriality, language, and time zones are only a few of the problems faced in legal battles. Outside of the United States, few countries have existing cyber-crime laws, and most are mainly interested in protecting their own. Additionally, activity viewed as illegal in one country may be legal in another. While the United States recognizes the existence of this global threat, the limitations of existing treaties still need to be addressed.

The nature of corporate computer crime crosses borders, complicating investigations and prosecutions. A well-known recent case involved the "Philippine government's decision to drop all charges against 'Love Bug' suspect Onel De Guzman." While the Philippines had entered a Mutual Legal Assistance Treaty with the United States, this was not a "conviction law." The "commitment of each individual country to enforce computer crimes" is needed. Without commitment, "treaties won't be worth a whole hell of a lot," stated Toren, former prosecutor in the U.S. Department of Justice's Computer Crimes and Intellectual Property section. (Burke, L. 2000, pp. 1-2)

Although international regulations are rare and corporate computer criminals have succeeded in committing billions of dollars in damage internationally, it is enlightening to see there is some push for coordination. A new treaty in Europe, if successful, may be one of the first steps to collaboration:

> Last May, the Council of Europe, working with Canada, Japan, South Africa and the United States, approved the 27th draft of the Convention on Cybercrime, the first international treaty on crime in cyberspace…participating countries will be required to create laws that coincide

> with regulations in the treaty…The treaty will also allow one country to obtain information…from another country, possibly leading to the arrest and extradition of the hacker. (Wall, B., 2002, pg. 102)

Global consensus of what defines a computer crime is the first step. Defining the differences in the types of laws and constituting a common framework is needed.

Corporate Computer Crime Remedies

When looking at corporate computer crime, the numerous types of crime and the issues involved in coming to a decision to report an incident or not, it seems obvious the remedies involve both the authorities and the corporations. Not unlike individual persons, however, each believes its way is the right way to do things. Each belief can be valid and must be considered as part of the total solution to the problem, but combined, they may be able to create a greater wall of defense against and attack upon the corporate computer crime predator.

Authorities

Upon first assessment, many authorities view corporate computer crime as less of a priority because it is not a violent crime. "The principal training of police personnel is oriented toward conventional crime… and [corporate crime is] likely to require a greater investment of time than typical conventional crime cases" (Friedrichs, D., 1996, pg. 272). Local authorities have a hard time seeing corporate computer crime as a major impactor on their local jurisdictions. If a physical component is involved, they can normally handle it. However, "[in] local jurisdictions in which special computer crime investigative units have been established, they must compete for finite resources with other units (such as a drug enforcement unit) that have a higher priority" (Friedrichs, D., 1996, pg. 180).

Protocols must be enacted to address training needs to bring local authorities up to date with the technology. Inter-agency coordination and cooperation is crucial. Because of the complexity of corporate computer crimes, often local agencies are unable to handle these cases, but once they get the first call, their calls for help to other authorities can help uncover trends in incidents.

While some believe the authorities are incapable of preventing corporate computer crime, in certain cases they have successfully combined state and federal strengths, resulting in competent responses. This combination comes as no surprise, as many corporate computer crime cases cross state and national lines. Federal agencies seem most appropriate for these cases, with the FBI becoming the focal point of reporting. Unfortunately, lines demarking areas of jurisdiction among the federal government authorities are not well enough defined at this point, preventing adequate integration. For instance:

> [T]he NIPC was to include the FBI and Secret Service agents as well as other investigators with experience in computer crime and infrastructure protection [however] contrary to Secret Service expectations, neither of the agents was allowed to participate in investigative activities or assigned responsibilities…as a result, the Secret Service withdrew its detailees in October 1999 (Critical Infrastructure Protection, 2001, pg. 83).

Enlarging the problem is the present fact that not all authorities are required to report to one central agency.

While the authorities work through the process of determining the best protocols for notification, technologies are advancing. Authorities must take the time to keep abreast of technological advances, because the criminals are quick to take advantage of advances on a daily basis. For example, "data scrambling technology that allows consumers to send their credit card numbers across the Internet or send commercial e-mails in complete privacy, also makes it harder for governmental authorities to catch criminals" (National Business Institute, 2001, pg. 327). Training courses, such as the Law Enforcement Training Session from the DOJ/FBI (CFP96), stress awareness of electronic crime as crime and the changes in federal legislation to deal with it.

While national authorities lead the charge within both the FBI and DOJ, some states have set up their own task forces and local agencies have begun requesting assistance from industry professionals. The hope is that they will "boost their cybercrime savviness and win the trust of corporate America" (Mayor, T., 2001, pg. 4).

Even with this increase in awareness, and the hopeful statistics of increased reporting of corporate computer crimes by local business, the state continues to decide whether or not to pursue investigation of individual cases. Selection and prioritization of crimes reported can easily result in a criminal case being declined for prosecution. According to Scalet (2001), the FBI seems interested only in cases where there is business loss of more than $5,000 and where stores located in more than one state are affected by the loss (Scalet, S., 2001). Shore, Special Agent, FBI Pittsburgh and Infraguard, clarified this better by stating the FBI won't "get into a case if no prosecution is expected or without federal interest." (personal interview, January 16, 2002).

Quantifying the loss is not always the roadblock to prosecution. At times, local authorities are limited by their technical, budgetary and personnel resources. In addition, the resources of the whole judicial system must be considered (from the judges to the correctional system). Violent criminal cases have qualities that may attract the attention of politicians, and the electorates they depend on. Selection and prioritization is the only way authorities can devote what little time, effort and money that is available to corporate computer crime (Shover, N. & Wright, J., 2001).

Although prevention and detection is the responsibility of the corporation, law enforcement officers, once involved in an investigation, "can look for patterns, collect evidence and sometimes put hackers behind bars" (Scalet, S., 2001, pg. 62). Forensic methods for investigating corporate computer crime can often be productive. While many corporate computer criminals believe their crimes are erased by deleting files, the evidence obtainable through proper forensic investigative procedures can prove them wrong. The recent Enron bankruptcy case has highlighted this fact. "It is impossible that [congressional investigators] cannot find data on those hard drives. There are too many computers involved…[They] will find enough to make a story," according to Sanders, a computer forensics expert from New Technologies Inc. (DiSabatino, J., 2002, pg. 65).

The proper forensic investigative procedure is key to recovering admissible evidence. Protecting data integrity and the chain of custody are imperative. In any case, corporations must realize that by changing the slightest bit of data, their evidence may be disallowed in court. "The original evidence must be locked up and have a clear chain of custody" for use in forensic investigations (Scalet, S., 2001, pg. 62). Five steps have been identified and are being followed by many investigators: Isolate and secure, copy, investigate, evaluate and document. During this sequence, all "standard forensic and procedural principles must be applied." Evidence must not be accessed or altered and

it must be preserved for later review. Individuals who investigate corporate computer crime must be trained and held responsible for all actions "while such evidence is in their possession" (Gottfried, G., 2001, pg. 90).

Gathering, sharing, and disseminating information related to corporate computer crime can be as important as the forensic chain of custody. The goal should be more coordination with the police authorities and less duplication. Currently, no national clearinghouse exists for dealing with corporate computer crime, and, in many cases, lack of information may perpetuate self-policed businesses reluctant to report. Authoritative use of new technologies (such as surveillance) and sharing of incident information across the multiple agencies may assist in the prosecution of corporate computer crimes.

Corporations

Similar to the authorities, corporations have had the history of viewing corporate computer crime as a small problem in the scope of making a profit. Gerulski (2002) quoted Forrester: "Enterprises spend more on coffee supplies than on IT security" (2002). Most corporations do not believe corporate computer crime will happen to them and security is viewed as something needing to be focused on physical assets only.

This position is not new to corporations. An example from the past demonstrates that corporations have not changed much in their response to cutting technologies in the past 100 years. In 1882, when sprinkler systems were introduced into the marketplace, few corporations saw the value in securing their business assets from something they believed would not happen to them. "Sprinklers were considered to be as dubious an investment as information security is today," but once the businesses had them, they "could stop thinking about fires and start thinking about their business" (Berinato, S., 2002, pp. 43, 52).

History has shown that corporations can be slow to see the value in security, but the recent events of September 11, 2001 may change this. While computer and information security is complex, constantly changing, and requires training, experience, and justification of expenses, computer and information security is essential to business survival. According to Roy, "the process and tools exist, it is more a matter of getting the companies and different organizations aware of the problem so they invest more money and resources" (personal interview, February 2, 2002).

Most businesses are not immune to "the threats of system downtime and data loss. In large organizations, a major computer outage can halt work across a broad swath of the enterprise" (Merchantz, B., 2002, pg. 31). A plan of action created in advance of an attack is needed. Scalet (2001) explains:

> When business and IT employees think they're under attack, they panic. They call all the wrong people. They start rebooting or unplugging computers, and in the process they often do more damage—either to data, business continuity or to the organization's reputation—than the intruder would have done. (Scalet, S., 2001, pg. 60)

Identifying crucial information, strategic direction, potential confidentiality issues, and protection levels is the first step. To do this, many corporations put security in the hands of systems specialists. Knowledgeable security experts familiar with the corporation's industry can address account creations, administrative access and permissions as well as potential holes in the system. If a business is to recover following a computer crime occurrence, however, it must have stringent insurance and backup processes, and a willingness to pursue criminal and civil damages where applicable.

Insurance coverage comes into play when dealing with a loss of corporate identity or proprietary information. Unfortunately, while security concerns are now at a peak within corporations, insurance coverage for information security may be harder to find and come at higher rates since September 11, 2001. "Many insurers will exclude online assets from standard commercial insurance policies this year, shifting the coverage to costlier supplemental policies." Some policies will offer no coverage if damage is terrorist-related. This supplemental insurance comes at a great cost to the corporation. Policies covering "viruses, security breaches…can range from 2 percent to 8 percent of the overall premium's cost…[often with the requirement of an] audit of security systems and policies…" (Hulme, G., 2002, pg. 24). Because of the increased cost and increased scrutiny of systems, many corporations have concluded that this added insurance is unnecessary.

Insurance coverage may not be the answer for all corporations, but all corporations must avoid complacency about securing their computer systems. Even a good cybercrime insurance policy does not remove the responsibility for diligence by the corporation. Keeping the management informed, maintaining an organized system administration standard, and educating employees is crucial. Many prepared corporations have computer systems and websites recoverable from corporate computer crime by just restoring systems from backups. At the time of a security breach, the administration must improve security and then reopen as soon as possible.

Improving security, either before a corporate computer crime or after, includes controlling restricted access to information as well as physical assets. Raising the awareness of technological changes and the need for computer forensics standards and education among all employees is needed. Use of technologies, from basic to high-tech, is imperative to secure the corporation. These technologies include:

- Securing locations where computer hardware is used and stored by maintaining control of laptops and access to all hardware as well as securing hard disks and data media.
- Securing on-line data by installing software security packages requiring passwords, installing network firewalls, installing and using virus protection software, and safeguarding confidential information.
- Preventing employee downloads of pirated software, shareware or freeware, preventing unauthorized capabilities to download from the Internet, and utilizing encryption for email.
- Utilizing internal auditing systems to direct internal software developers to develop software without vulnerabilities; utilizing network and host intrusion detection to prove the need for spending on security; utilizing proven security models (such as ISO 17799 focused on best practices for information security); and becoming more concerned about partners that access your systems.

(National Business Institute, 2001)

Identifying how much corporate computer crime can cost the corporation is imperative in determining how much to spend on security. Knowing the importance of the assets involved and being aware of the information technology available to the corporation and valued suppliers and partners are the first steps. Preventing misuse of access and information is a necessity. The corporation should never overestimate the loyalty of its employees or partners. Once access is given, it can easily be transferred to others.

This heightened awareness, respect and reliance on security must be maintained. Cor-

porate computer security should be a habit, but people "fall into and out of habits. People get blasé" (Conry-Murray, A., 2001, pg. 44). David Gerulski stressed that people should be first, then planning, then technology (2002). With this in mind, informing the employee population of the corporation about security policies should be addressed first. The employees should be made aware of the policies of the corporation. Awareness is a virtually cost-free proposal to most corporations. Electronic mailing lists, weekly or monthly newsletters or bulletins on a company Intranet can encourage security measures without additional cost to the corporation.

These security measures should be based on a standard policy for information technology for the corporation. To succeed in getting corporate acceptance of the policy, the policy should be implemented from the top down, beginning with acceptance and utilization by top management in the corporation and following down the ladder with strict requirements. A checklist of things to incorporate into a security policy document given by Wood, CISA, CISSP, independent information security consultant included:

1. "Perform background checks for all workers"
2. "Maintain a low profile in the public's eyes" (keeping computer centers out of reach)
3. "Wear a badge when inside company offices"
4. "Update and test information systems contingency plans"
5. "Store critical production data securely at offsite location"
6. "Install latest patches on systems located on network periphery"
7. "Install and monitor intrusion detection systems"
8. "Turn on minimum level of systems event logging"
9. "Assign explicit responsibility for information security tasks"
10. "Perform periodic risk assessments for critical systems"

(Conry-Murray, A., 2002, pg. 48).

Self-regulation through tough policies is imperative. When determining what safeguards to address, Parker (1998) suggests: "Common sense and organization objectives" for keeping it focused and yet secure; "Good advice from experienced experts" whose knowledge and competence can be priceless; Utilizing "security controls at reasonable cost from trusted vendors" to keep the security tight and assume best practices; and looking at benchmark cases and "practices of other organizations under similar circumstances" to determine the best route to follow for the corporation's specific needs (Parker, D., 1998, pg. 24).

These pre-defined policies for security control and for "responding to disaster— whatever shape it takes—can help guide a company through a crisis" (Conry-Murray, A., 2002, pg. 49). Along with these policies, Carnegie Mellon's CERT team believes response plans should take the following into account: "1. Triage: Identify, categorize and assign informing information" through which trends may be identified, and intrusions prioritized; "2. Analyze: Examine the report and identify actions to be taken," permitting investigation and evaluation of the seriousness of the threat; and "3. Respond: Will your team report to other[s]," permitting predefined communication channel alerts, whether corporate only, or including authorities, for further preventive actions (Bragg, R. 2001, pg. 27).

Creation of a corporate incident response team can be beneficial. The team should include representation from executives, IS, all business units, public relations, the legal department and human resources to create a functional team willing and able to respond in a crisis. Training and having all on board prior to the crisis will streamline the discussion on whether or not to report and how to deal with any issues while protecting the corporate reputation (Duffy, D., 2001).

With no response team, at a minimum, maintenance of internal incident reports and outside reports is "crucial for determining the effectiveness of security and monitoring trends over a period of time"(Parker, D., pg. 472). Keeping aware of local or market-related threats is also important, because even the best security rigidly identified and followed can have holes.

Because damage often involves the loss of intellectual property, losses may not be easy to calculate or identify. When the crime is reported to authorities and prosecution results, corporations can sue the perpetrator for civil or tort damages. For example, when dealing with a computer virus, there "is also a possibility of a class action by corporate and personal victims against a person who wrote and initially released a computer virus" (Standler, R., 1999, pg. 8).

Unfortunately, most criminals using viruses are young, with few assets, or else outside the jurisdiction of notified authorities. Smith, FBI, stated that even with "civil proceedings you may never truly know what the full scope of the damage was, or if the cancer has even been fully identified. Still the civil process is appropriate, as opposed to criminal, in certain cases" (personal interview, January 31, 2002).

Cooperation with authorities

Today, with the threat of cyber terrorism, every alliance available can be important. Varon quotes Vatis, a former FBI official and current director of the Institute for Security Technology Studies at Dartmouth College: "It's important [that CIOs] look at the government as a partner…In turn…government can share information about IT security threats and vulnerabilities that might be difficult for CIOs to learn on their own" (2002, pg. 41).

Through trusted relationships between private sector and government entities, alerts of potential threats can be shared. One such successful collaboration was that between the Electric Power Industry and the NIPC, in which "information gathered through the electric power industry led to detection of a potentially damaging computer exploit and issuance of a warning to industry members and the public" (Critical Infrastructure Protection, 2001, pg. 74). In some cases, participating corporations "already voluntarily exchange security incident and vulnerability data with Infraguard, a partnership among businesses, the FBI, various government agencies and academic institutions" (Colkin, E., 2001, pg. 23).

The U.S. government recognizes these potential benefits for both the private and public sectors. November, 2001 recommendations to Congress included "development of a 'top to bottom' national approach to dealing with potential cyber security issues, which involves federal, state and local agencies as well as private sector cooperation" (The cyberterrorism threat, 2001, pg. 1). It is then left to corporate leaders to determine whether collaboration will benefit them.

As the government begins to realize the potential benefits of information sharing, corporations look back at the government for assistance. Many corporations, recalling incentives given to corporations for the Y2k preparedness initiatives, hope the federal government will intercede by minimally requiring "security vendors to provide better products," and offering government subsidized "loans for small to medium-sized busi-

nesses for equipment and training"(Carlson, C., 2001, pg.17).

While the degree of involvement has not been defined completely, many government entities are willing to work with corporations to prevent corporate computer crime. Many companies have yet to realize the usefulness of the tools available to various policing authorities. These include negotiation power between nations, time zones, languages, "investigative skills, forensic knowledge, access to attachés in foreign countries, and established relationships with Internet players as big as Cisco Systems and as small as the local ISPs." (Mayor, T., 2001, pp. 2-3).

In one case involving innocent hackers, calling the FBI was the solution to the problem. The authorities were able to use their resources to turn "several of the group members into informants…[while they] tracked entry points, contacted ISPs, pored over logs, monitored hacking channels and contacted owners of each machine that had been hit." The result was prosecution of the one non-juvenile member (Mayor, T., 2001, pg. 2).

A foundation of trust is needed. Most corporations face the unknown when dealing with criminal issues and most government authorities face the unknown when dealing with corporate issues. Without the sharing of information, corporations and governmental agencies cannot determine whether the threat has occurred to only one victim or multiple victims. Having access to databases containing logs of reported corporate computer crimes as well as remedies utilized to correct damaged systems can initiate warnings, prevent recurrence and help prosecute the criminals. With this information, corporations can better understand the risks and the civil authorities can better understand both the nature and number of crimes committed.

The differences between corporate and governmental motivations, which result in differing perceptions about threats, vulnerabilities, and risks, can only be addressed when information is shared between the two. Some associations have been created to deal with information sharing on corporate computer crimes. These include:

- CERT—Computer Emergency Response Team—federally funded incident reporting alerting, research, and training
- CIAO—Critical Infrastructure Assurance Office—outreach to private sector, state and local governments to share information, coordinate incident response, training, R&D and help with legislation and creation of a national plan.
- ECSAP—Electronic Crimes Special Agent Program—United States Secret Service Electronic Crimes Taskforce—training for forensic investigation of computer crimes and public/private information sharing effort.
- Infraguard—run by FBI and NIPC in cooperation with private sector in which interests and knowledge in both sectors are combined to enable information flowing between them on threats and attacks of infrastructures.
- Internet Security Alliance—best standard practices for both legislators and industries
- ISACS—Information Sharing and Analysis Centers—industry specific info for critical infrastructure sectors such as electric, financial, information technology, oil & gas, telecom, U.S. government and water.
- NIPC—National Infrastructure Protection Center—government agencies, state, local government and private sector issuing attack warnings and guidance.
- SANS Institute—analysts and forensic handles—cooperative research between education and organizations, system administrators and professionals.

While this listing is in no way comprehensive, it exemplifies organizations currently available to assist in the reporting, investigation and assistance of cooperation between authorities and corporations. The problem lies, however, in not knowing which organizations should be contacted in a given case. As with border jurisdiction conflicts, possible turf wars and lack of collaboration is possible with so many associations attempting to do the same thing. While competition can often be good, and is very appropriate for sector-driven issues, over-duplication can be extremely wasteful.

Conclusion

Whether internal or external, innocent or not, corporate computer crimes occur on a daily basis. Advances in technology have created an environment in which criminals would be stupid not to take advantage of existing holes in the corporate infrastructure. Corporations, concerned about possible negative impact on their companies, face the perplexing dilemma of whether to take chances and report computer crimes or omit reporting them and risk further assaults.

Potential damages because of corporate computer crime are almost beyond comprehension. Criminal prosecutions, while paling in comparison to the number of corporate computer crimes committed, can only occur if reported to authorities. Legal statutes can also only be modified if the economic risks resulting from corporate computer crimes are identified. At that point, law enforcement agencies can be made aware of the magnitude of the problem and attempt to train and staff accordingly. Until then, authorities maintain jurisdiction to the best of their abilities through selection, prioritization as well as procedures and use of technology.

Corporations must respond to news of corporate computer crime by reverting to recovery policies. Those able to prepare sufficiently for the multitude of possible corporate computer crimes will be able to respond quickly to crisis situations. With the aid of insurance coverage, support from management, awareness of technology advances and security policies, corporations may be able to minimize their risks.

Through the power in numbers, cooperation between governmental entities and corporations open the door to greater resolution of the problem. Trusting relationships between the two are needed to promote a working relationship that benefits both and to share a broader awareness of the problem and possible solutions.

Corporate computer crimes are likely to continue in unanticipated ways. With the threat of digital catastrophe at our doorsteps because of the September 11 terrorist attacks, well-defined policies are necessary. Future possibilities may include legislation forcing corporate disclosure while protecting corporate anonymity, as both authorities and corporations stay one step ahead of the criminal. Additional future focus should be placed on strengthening agreements, treaties and associations across interstate and international borders.

Short of returning corporations to pencil and paper and totally eliminating computer systems, corporate computer crime is here to stay. Continuation of corporate silence, while possibly protecting a small piece of the economy, hurts the whole by keeping the information secluded. Today's growing computer crime statistics suggest a matching need for increased realization that computer security is vital to the continuity of a corporation. Information sharing and alliances between corporations and the government will be nec-

essary to create an environment that is hostile to the growth of corporate computer crime. Utilization of an Infraguard-style organization can serve to bridge the gap between corporations and civil authorities. This collaborative power in numbers can then facilitate the common goal of corporate computer crime prevention.

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Pretrial Diversion in the Federal Court System

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PRETRIAL DIVERSION is a voluntary program that provides an alternative to prosecution for an individual selected for placement in a program of supervision administered by a pretrial services or probation office. The offender who is selected for pretrial diversion enters into a contract with the U.S. attorney's office, pledging to meet certain conditions and to refrain from criminal activity for a specified period of time. Because participation is voluntary, persons may decline to enter the program and instead exercise their right to proceed with a trial on the charges against them. This article provides a demographic and administrative analysis of pretrial diversion cases in the federal court system during the five years spanning 1995 to 1999.[1] During this period, probation and pretrial services offices[2] activated 12,414 pretrial diversion cases, with 11,879 individuals enrolled in pretrial diversion and received for supervision by the district courts.[3]

History

The roots of pretrial diversion in the federal system lie in the treatment of juveniles facing judicial action in the federal courts. In 1947, the Judicial Conference recommended that courts be encouraged to use what was termed "deferred prosecution" in the cases of "worthy" juveniles, by placing them under the informal supervision of probation officers for a definite period.[4] In the 1960s, growth in pretrial release programs spurred interest in going beyond assuring appearance in court and led to efforts to focus on addressing the reasons for arrest. In the 1970s, diversion programs expanded following the recommendations of the 1967 President's Commission on Law Enforcement and the Administration of Justice. Diversion thus emerged as a national crime control strategy.[5]

By addressing the reasons for arrest, pretrial diversion is intended to reduce the likelihood of recidivism. Under diversion, the possibility that prosecution in the defendant's case might be suspended is meant to serve as an incentive to defendants to change their behavior and habits, particularly because it is clear that prosecution will occur if diversion is not completed successfully. Changed behavior through successful completion of diversion is also of value to the community and the courts.[6]

Anticipated benefits arising from pretrial diversion also include conservation of court time and resources for more serious crimes, as well as the opportunity for rehabilitation, which can reduce the likelihood of future criminal activity.[7] For the individual, who is often a first-time offender charged with a less-serious offense, satisfactory completion of the period of diversion offers the possibility of avoiding a charge on the record and a possible conviction. Positive outcomes for society occur when an individual receives treatment as a condition of diversion and when a pattern of illegal behavior is broken, which reduces that person's risk of becoming a repeat offender. Society also benefits when diversion results in restitution in the form of financial repayment to victims or service to the community.[8]

Diversion Procedures

In the federal system, the Department of Justice (DOJ) has responsibility for pretrial diversion and creates policies and procedures for persons diverted from prosecution under this program.[9] *The U.S. Attorney's Manual* includes eligibility criteria for divertees[10] and describes procedures to be followed. When pretrial diversion is used, a written agreement between the U.S. attorney and the chief pretrial services or probation officer defines aspects of its implementation.[11] The agreement describes the responsibilities of the U.S. attorney for referring potential candidates for pretrial diversion to the pretrial services or probation office, outlines the procedures to be followed if the individual breaches the conditions of the agreement, and describes actions that are taken upon successful completion of the requirements.

A pretrial services or probation officer typically prepares a diversion report that describes the offense, the candidate's personal history, including any criminal record, and an assessment of the person's risk factors; it also contains a recommendation regarding the person's participation in a pretrial diversion program. When the officer recommends an individual as a candidate for placement in pretrial diversion, the report typically suggests possible conditions, as well as a recommended length of diversion supervision.

The National Association of Pretrial Services Agencies [12] (NAPSA) has developed a set of standards for diversion entitled *The Performance Standards and Goals for Pretrial Release and Diversion.*[13] The original standards were developed in 1978, then revised in 1995. NAPSA defines a pretrial diversion program that includes the following standards:

- persons charged with criminal offenses are provided with alternatives to traditional criminal justice or juvenile justice proceedings;
- the accused participates in the program only on a voluntary basis;
- the accused has access to defense counsel prior to a decision to participate;
- service plans developed with the candidate are designed to address the needs of that candidate, and are structured to assist that person in avoiding behavior likely to lead to future arrests; and
- the program results in the dismissal of charges or the equivalent if the divertee successfully completes the diversion process.

In the federal court system, the use of diversion varies across districts, reflecting the discretion of the U.S. Attorney's Offices and district characteristics. How supervision is conducted also differs depending upon the types of offenses, needs of the divertees, and supporting programs available.[14]

Participation in pretrial diversion is voluntary and may require a waiver of the individual's Sixth Amendment right to a speedy trial, because participation in the program causes prosecution to be deferred pending satisfactory completion of the diversion period.[15] Prosecutors have the discretion to determine whether a defendant is suited for pretrial diversion, but are not authorized to selectively prosecute defendants based on impermissible considerations such as race or religion.[16]

Methodology

The district courts record pretrial services data primarily via the Probation and Pretrial Services Automated Case Tracking System (PACTS). Once the data reach the Statistics Division of the Administrative Office of the United States Courts, extracts from the data are posted in the Pretrial Services Act Information System (PSAIS) database, which produces the published workload tables and other data on pretrial services activity.[17]

The first step in creating the database for the analysis reported in this paper consisted of gathering electronic records of all PSAIS cases for which the case type was reported as DIVERSION (Type = D).[18] Two categories of diversion records were selected for analysis: records of diversion cases activated and records of persons received for diversion supervision. The examination of pretrial services cases activated addressed cases in the PSAIS database that were activated between October 1, 1994, and September 30, 1999, and for which pretrial diversion records were opened.[19] A case may be activated when the pretrial services office opens the record of an individual who is a candidate for diversion, or when the candidate has been accepted for diversion and has entered into a diversion agreement.[20]

The population of persons received for diversion supervision consists of persons who were accepted for pretrial diversion and, after agreeing to participate, entered into diversion supervision during the study period. These records were based on a file of cases in the PSAIS database for which the defendants were received for supervision between the dates listed above and for which a period of at least one month of diversion supervision was recorded on the record.[21]

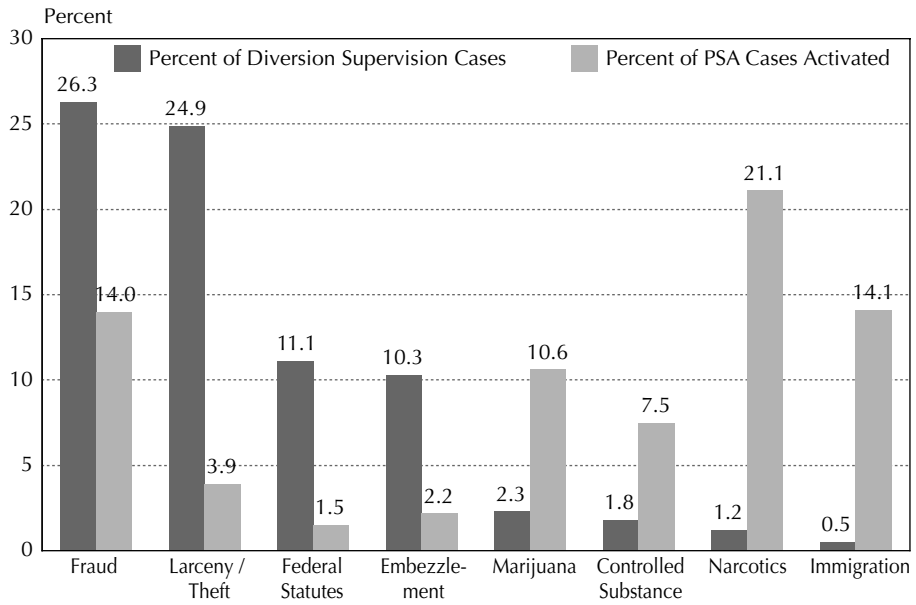
Descriptive Findings

Offenses for Which Diversion Is Used

Over the five-year period between 1995 and 1999, the most common major offenses charged in cases in which the defendants were enrolled in pretrial diversion were fraud and larceny/theft (See Figure 1). In 26 percent of all pretrial diversion cases reported, the major offense charged was fraud, which includes among other types of fraud, bank fraud, postal fraud, and interstate wire fraud. Cases in which the major charge was larceny or theft constituted the next-largest category, with 25 percent of all divertees during the study period facing charges such as theft of U.S. property, other misdemeanor theft, and postal larceny/theft. The third-largest category, "federal statutes," involved 11 percent of cases; for these the major offenses included national park and recreation offenses, obstructing the mail, and contempt, among a wide variety of other offenses. Embezzlement was the fourth-largest category; 10 percent of divertees during the period faced charges involving embezzlement from banks and the postal system, and embezzlement of public money or property. Together, these four categories of major offenses charged accounted for 73 percent of all cases in which the individuals received pretrial diversion.

The types of offenses involved in diversion cases differ from the overall distribution of offenses that comprise the federal courts' non-diversion pretrial services population for the same period. Whereas "white-collar" crime accounted for the majority of major offenses for the diversion cases, pretrial services cases as a whole during the period largely involved crimes related to drugs (39 percent overall, including narcotics, marijuana, and controlled substances) and immigration (14 percent). These categories were markedly less represented in diversion cases, as only 5 percent of divertees had a drug offense cited as the major offense, and only one half of one percent of divertees were cited for immigration violations as the major offense.

Figure 1
Major Offense Charged in Diversion Supervision and Regular Pretrial Services (PSA) Cases



It is not surprising that relatively few defendants for whom the primary offense charged is an immigration offense are offered diversion. Even though many immigration crimes may not involve violence on the part of these defendants, many of these defendants are not citizens and many lack ties to the community, which suggests they might not be good candidates for successful completion of a diversion program. Pretrial diversion is rarely offered as an alternative to prosecution for immigration defendants charged with illegal entry, who will be deported soon after trial.

Although diversion programs may offer drug treatment, only a small proportion of diversion cases involve individuals whose major offense is drug-related. Defendants for whom a drug crime is the major offense accounted for 39 percent of pretrial services cases activated over the five-year period, but made up only 5 percent of the pretrial diversion supervision population. The nature of the charges appears to limit the perceived appropriateness of diversion from prosecution. It is worth noting, however, that individuals under pretrial diversion supervision whose primary offense is in a category other than drug offenses may receive drug treatment during their diversion period as a collateral condition of their participation in the program.[22]

Demographic Characteristics

The demographic characteristics of divertees, as a group, are somewhat different from pretrial services defendants overall. Compared to defendants whose cases are activated in pretrial services in general, individuals enrolled in pretrial diversion and received for diversion supervision were more likely to be female, white, non-Hispanic, U.S. citizens, college educated, and employed than were members of the pretrial services population in general. These characteristics of divertees as a group largely reflect the demographic characteristics of persons charged with the types of offenses most likely to be involved in diversion cases, as discussed in the previous section.

Gender. Forty-four percent of the individuals who were diverted from prosecution and received for pretrial diversion supervision during the five-year period were female. This was a much higher proportion than in pretrial services cases activated overall, for which, during the same period, only 16 percent of defendants were female. Several factors appear to account for this difference. Female defendants, as a group, are less likely to have prior offenses[23] and are more often charged with offenses for which pretrial diversion is frequently used (see discussion above on offense categories).[24] For example, during the study period, across all pretrial services cases activated, fraud was the most serious offense charged for 21 percent of women, compared to 13 percent of men. Larceny/theft was the most serious offense for 8 percent of women, and 3 percent of men; embezzlement was the offense for 7 percent of women, 1 percent of men.

Race/Ethnicity. In the five-year period between 1995 and 1999, 63 percent of divertees were reported as being white, 28 percent black, and 4 percent Asian. Nine percent of divertees were Hispanic, and 81 percent were non-Hispanic.[25] In contrast, 36 percent of defendants in pretrial services overall during the study period were Hispanic. By combining the race/ethnicity groupings, the following characteristics are observed. The most distinctive demographic difference in race/ethnicity between the pretrial diversion population and the population of pretrial services defendants at large is in the representation of Hispanic defendants. As shown in Table 1, white Hispanic persons constituted approximately one-third of defendants in cases activated in pretrial services during the five-year period, but accounted for only 8 percent of persons participating in pretrial diversion. Conversely, more than one half of divertees were white non-Hispanic. Several factors appear to contribute to the difference in representation, primarily centering on patterns of offenses charged and the interaction with race/ethnicity and other demographic characteristics; these issues are covered more thoroughly in the discussion section of this paper.

TABLE 1

Race/Ethnicity of Defendants

	Pretrial Diversion	Regular Pretrial Diversion
White Hispanic	8%	34%
Black Hispanic	1%	2%
White non-Hispanic	54%	33%
Black non-Hispanic	27%	25%
Other/Unknown	10%	6%

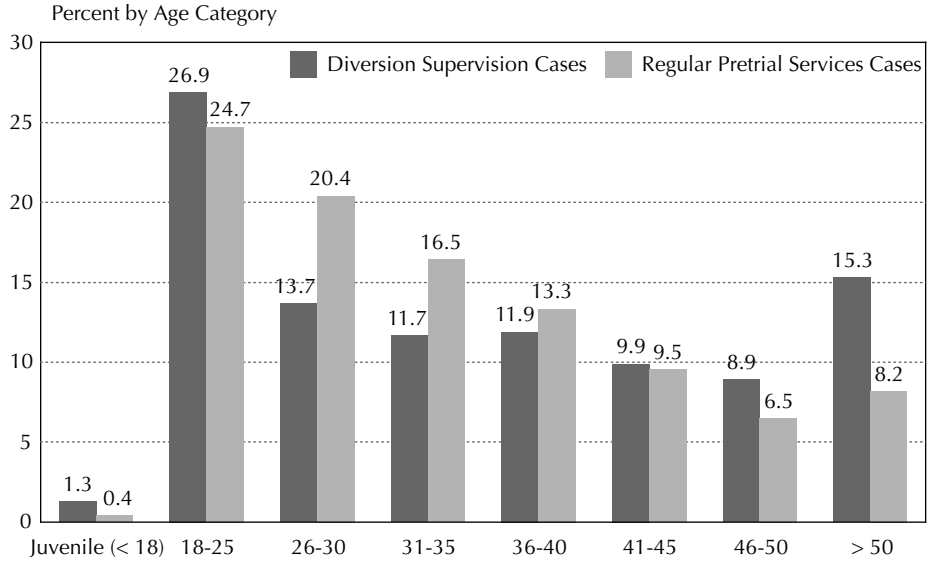
Citizenship. Ninety-three percent of divertees were U.S. citizens, 5 percent were legal aliens, and less than 1 percent were illegal aliens.[26] Defendants with cases activated in the regular pretrial services system during the same five-year period were less likely to be U.S. citizens (67 percent were citizens), more likely to be illegal aliens (19 percent of cases), and more likely to be legal aliens (9 percent of cases). Selection for participation in pretrial diversion is based on the likelihood that an individual will comply with the requirements of a diversion contract. Thus, it is not surprising that so few cases of non-citizens appear in pretrial diversion records, since the profile of many aliens who enter the pretrial services system includes the lack of a support structure in the community or home. Also, defendants known to be illegal aliens already have demonstrated non-compliance with the law based on their illegal status. Similarly, to the degree that recommendations for pretrial diversion are based on issues similar to those affecting detention decisions, research on pretrial detention reveals that citizenship appears to be the strongest, non-statutory predictor for release or detention. This largely reflects a presumption that defendants who have illegal alien status are more likely to flee if not detained.[27]

Age. The age characteristics of divertees were as follows.[28] During the study period, the average age was 36 years. One percent were juveniles (under age 18), 27 percent were age 18-25, and 15 percent were age 50 and above. Figure 2 shows the distribution of divertees by age grouping, along with the age distribution of defendants in pretrial services cases activated for comparison. This figure shows that younger (age 25 and below) and older (age 46 and above) individuals were more highly represented in the diversion group than among regular pretrial services defendants as a whole.[29]

The presence of a slightly greater percentage of younger individuals in pretrial diversion is consistent with the roots of pretrial diversion, which lie in efforts to rehabilitate juvenile offenders and let them avoid the stigma associated with the formal juvenile court system.[30] Thus, young offenders without prior offense histories more often are considered as candidates for pretrial diversion. Conversely, that the pretrial diversion population has a larger percentage of older defendants than the population of persons in the pretrial services system as a whole appears to reflect the nature of offenses for which pretrial diversion is offered. As noted above, defendants offered pretrial diversion are more likely to be charged with "white-collar" crimes, whereas drug offenses and immigration offenses are underrepresented among the

Figure 2

Age at Entry into Pretrial Diverson Supervision



major offenses with which defendants offered diversion are charged. As a group, older defendants are less likely to be defendants in drug and immigration cases, so with those defendants less likely to be offered diversion, the age distribution among participants in pretrial diversion is skewed to include more individuals in the oldest age group (over 50). Fraud defendants, who are more often candidates for pretrial diversion, are usually older.[31]

Education. Divertees were twice as likely as persons in regular pretrial services cases to have an education level that includes at least some college,[32] with 46 percent having an education level reported to include some college credits or completion of an undergraduate or advanced degree. In contrast, 23 percent of defendants in the pretrial services system in general were reported to have attended or completed college. Defendants participating in pretrial diversion had a higher level of educational attainment, which largely reflects the types of offenses charged to defendants offered pretrial diversion. As discussed above, pretrial diversion cases typically involve white-collar crime. The profile of defendants charged with offenses such as fraud and embezzlement, for example, includes a larger percentage of college-educated persons than does the profile of defendants in the population of pretrial services defendants in general.

Employment. Sixty-eight percent of divertees were employed, compared to 46 percent of defendants in the pretrial services system in general. As with the other demographic variables, the characteristics associated with employment are likely to be more positively associated with predicted success in pretrial diversion.

Prior Record. It is no surprise that very few of the pretrial diversion records contained divertees with a criminal record, either for a misdemeanor or a felony. Of the nearly 12,000 cases examined for this paper, fewer than 25 records reflected a history of misdemeanor or felony arrests. In contrast, of the overall pretrial services population, approximately half had some record of prior criminal activity.[33] The data confirm that federal divertees are nearly always persons for whom the present charges represent their initial involvement with the criminal justice system.

Administrative Characteristics

Duration of Diversion. Defendants placed on pretrial diversion during the study period had diversion status for as little as one month, and as long as five years. Data for the five-year period show that the median duration was 12 months, which occurred in 53 percent of the cases. The next most common period of diversion was 6 months (25 percent of cases), followed by 18 months (16 percent of cases). A diversion period of two years was reported for 1 percent of pretrial divertees received for supervision.

Community Service and Restitution. Conditions included in a pretrial diversion program may include a requirement to pay restitution, a requirement to serve a specified amount of community service, or both. In 50 percent of the cases studied, neither condition was part of the agreement; in 7 percent, both conditions were specified. In 26 percent of the cases, individuals placed on pretrial diversion were directed to pay restitution under their diversion agreements. At the low end of the scale, in 46 cases the restitution amount was a token one dollar; the amount was $500 or less in 702 cases (23 percent of cases for which restitution was required). The median amount of restitution ordered was approximately $2,000. At the high end of the range, in 1 percent of cases for which restitution was required as a condition of diversion, the amount the divertee was directed to pay was greater than $100,000. Restitution was most often part of a diversion agreement when the major offense involved embezzlement, fraud, or traffic offenses. In over 90 percent of cases involving drug offenses, sex offenses, racketeering, assault, immigration, and firearms cases, no restitution was required under the diversion agreement.

In 32 percent of cases, the individuals participating in pretrial diversion were required to perform community service as part of their diversion agreements. Differences occurred among districts in the assignment of community service. Two districts required community service under most of their pretrial diversion agreements: the Eastern District of Virginia did so in 518 of 564 diversion agreements (92 percent),[34] and the Eastern District of North Carolina did so in 289 of 340 diversion agreements (85 percent). The district with the largest number of defendants under diversion supervision during the study period, the District of New Jersey, required community service in fewer than 1 percent of cases (7 out of 819). The average number of hours of community service prescribed was 62. Hours required ranged from fewer than 10 (21 cases) to 500 or more (6 cases). The median number of hours prescribed was 50, and the most commonly prescribed number of hours was 100 (714 cases). The category of offense with the largest proportion of divertees assigned to perform community service was larceny/theft; 39 percent of defendants facing larceny/theft charges were required to perform community service as a condition of their diversion.

Outcomes. The diversion records revealed that, overall, for diversion cases terminated during the five-year period, a satisfactory disposition was achieved in 88 percent of the cases.[35] In these cases, the final disposition of the individual serving under the diversion agreement was that he or she completed the period successfully and the case was not prosecuted.[36] Of the offense categories represented

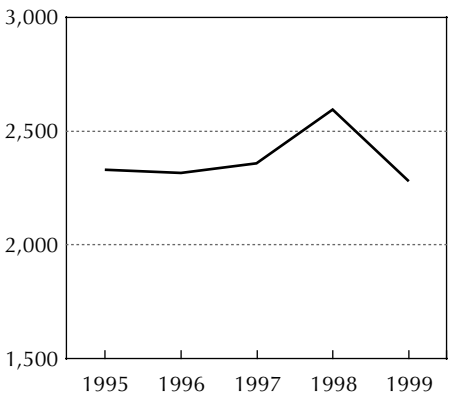
by at least 100 records in the data set, federal firearms (93 percent), narcotics (92 percent), and federal statutes (90 percent) were the categories associated with highest rates of successful completion of the diversion period. Failure to complete the pretrial diversion period satisfactorily occurred most often in cases for which the major offense was related to marijuana (only 82 percent completed diversion successfully, with 18 percent failing to do so), followed by a success rate of 85 percent when the major offense was related to forgery, assault, or traffic.

Pretrial Diversion Practices Across Federal Judicial Districts

Figure 3 presents data by year for the five-year period. Nationwide, the number of individuals received for federal pretrial diversion supervision averaged 2,376 over the period, ranging from a low of 2,279 in 1999 to a high of 2,595 in 1998. The rise in 1998 was consistent with an overall increase in pretrial services caseload; between 1997 and 1998, pretrial services case activations increased 13 percent, and the number of pretrial services defendants received for supervision rose 12 percent.[37]

Over the five-year period, the number of regular pretrial services cases activated averaged 70,311 per year, and an average of 30,033 individuals were received for non-diversion pretrial services supervision per year. The number of cases activated grew 34 percent between 1995 and 1999, and the number of pretrial services defendants received for supervision grew 6 percent. The pattern of offenses for which defendants on pretrial service supervision were released likely parallels the defendants' likelihood of obtaining pretrial diversion. The difference in the rate of growth largely reflects the increase in the numbers of drug and immigration cases, for which the defendants were more likely to be detained.

Figure 3
Individuals Received for Pretrial Diversion Supervision, by Year



The use of pretrial diversion varied considerably across the 94 judicial districts. During the five-year period, all districts had at least one case in which a defendant was placed in pretrial diversion supervision, but 18 districts averaged fewer than five diversion cases per year.[38]

Five districts accounted for 28 percent of diversion supervision cases nationally during the five-year period. The District of New Jersey had the greatest number of persons in pretrial diversion; its 819 divertees constituted 7 percent of all persons receiving diversion supervision nationally. Other districts with high numbers of diversion supervision were the Eastern District of Michigan, which had 792 cases (also representing 7 percent of the national total); the Western District of Texas, which had 609 cases; the Eastern District of Virginia, which had 564 cases; and the Eastern District of New York, which had 533 cases.

In the district with the highest number of diversion supervision cases, the District of New Jersey, the proportion of diversions to overall number of regular pretrial services supervision cases was 28 percent.[39] Four other districts had higher proportions.[40] The highest was that of the Northern District of Alabama, which had 842 pretrial services supervision cases and 384 individuals received for pretrial diversion, producing a diversion-to-regular supervision proportion of 46 percent over the five-year period.[41] The next highest proportions occurred in the Western District of Oklahoma (43 percent),[42] the Middle District of Pennsylvania (34 percent), and the Western District of Pennsylvania (30 percent).

Higher proportions of diversion supervision cases to regular pretrial services supervision cases may reflect unique policies of the U.S. attorneys in those districts, as well as the presence of larger proportions of cases in which the offenders and the major offenses fit the model for diversion.[43] At the other end of the distribution, several districts with relatively large numbers of pretrial services supervision cases during the five-year period reported relatively few individuals received for pretrial diversion supervision. For example, the District of New Mexico, the Southern District of California, and the Southern District of Texas each had a number of pretrial diversion supervision cases over the five-year period that amounted to only 2 percent of the total number of defendants received for regular pretrial services supervision. These districts are at the southwestern border of the United States, and their pretrial services caseload is heavily weighted with immigration and drug offenders. As a consequence, a much smaller proportion of defendants in these districts are identified by prosecutors as candidates for pretrial diversion.

The Link Between Major Offense, Criminal History, and Pretrial Diversion

A primary conclusion from this analysis is that the major offense charged, as well as the lack of a criminal history, appear to be the most significant factors for participation in pretrial diversion in the federal court system. The demographic characteristics of the population of individuals received for pretrial diversion supervision suggests that this is a unique subgroup largely composed of defendants charged with non-violent offenses such as fraud and embezzlement.[44] In general, the profile of defendants charged with such offenses tends to be reflected in the population of pretrial diversion participants, with some differences arising from age, gender, education, and race/ethnicity.

One of the unique characteristics of the pretrial diversion population is its minority group representation profile. Although the group of divertees examined for this paper is similar to the entire pretrial services defendant profile in terms of the representation of black defendants,[45] a primary distinction exists in the proportion of Hispanic defendants enrolled in pretrial diversion. Hispanic defendants made up 36 percent of the pretrial services defendant population in general for 1995–1999 period, but only 9 percent of pretrial divertees. The relationship of these characteristics results from the connection between Hispanic ethnicity and cases in which immigration violations are the major offenses charged. Because defendants in immigration cases are largely Hispanic, and defendants charged with immigration offenses are rarely candidates for pretrial diversion, Hispanics are under-represented in the pretrial diversion population.[46]

Examination of Successes and Failures in Pretrial Diversion

As noted above in the discussion of outcomes, pretrial diversion ended with unsatisfactory completion of the diversion period in 12 percent of cases for which the disposition was reported. On some demographic variables, the profile of persons who failed to complete

pretrial diversion mirrored the profile of those who succeeded. The two groups were similar with regard to gender distribution, proportion of Hispanic defendants, and distribution of citizenship status.

One group of divertees more likely to have a successful outcome consisted of older defendants (ages 41 and above), who as a group accounted for 34 percent of the pretrial diversion population examined in the study, but made up only 19 percent of the group that failed to complete diversion successfully. Some groups were more likely to have unfavorable outcomes to their diversion experience. For example, black divertees were over-represented in the group of unsuccessful diversion cases; they constituted 28 percent of divertees overall, but made up 45 percent of the group that did not complete diversion successfully. Younger defendants were similarly represented in the group of pretrial diversion cases that ended unsatisfactorily; 41 percent of those who failed to succeed at diversion were ages 25 and under, although they constituted only 28 percent of the diversion population as a whole. The results for education level were mixed, although generally the higher a defendant's education level the more likely that person was to complete pretrial diversion successfully.

That diversion was completed successfully in 88 percent of the cases suggests that most of the defendants selected for diversion were motivated and capable of fulfilling the conditions of their diversion agreements. Another successful outcome of pretrial diversion is a reduced likelihood of future criminal behavior.[47] As noted above, however, one quarter of the records showed that diversion lasted six months or less, which is not a particularly long time. In general, data on the impact of pretrial diversion on recidivism are not readily available,[48] although some evidence indicates that in some circumstances, defendants who have been diverted have lower recidivism rates than those who were convicted.[49]

Conclusions

Enrollment of defendants in pretrial diversion in the federal court system has provided an alternative to traditional criminal justice proceedings for more than two thousand persons annually. The number of pretrial diversion cases fluctuated within a relatively narrow range between 1995 and 1999, while the total number of regular pretrial services cases opened rose each year during this same period.

Participants in pretrial diversion are more likely to be persons charged with criminal offenses such as fraud, larceny, theft, embezzlement, and violations of other federal statutes than are persons charged with drug or immigration offenses. Demographic characteristics associated with "white-collar" and non-violent offenses are reflected in the profile of the pretrial diversion population during the five-year period examined in this paper. As a group, compared to the regular (non-diversion) pretrial services population, the profile of persons received for pretrial diversion supervision shows they are more likely to be female, U.S. citizens, employed, and relatively older, and to have an educational background that includes at least some college. The data show that the success rate of persons enrolled in pretrial diversion during this period was very favorable, as satisfactory completion of the diversion period and conditions occurred in 88 percent of diversion cases closed.

Overall, the data suggest that where pretrial diversion in the federal court system is offered, it generally works well. The information assembled from this summary of the administrative records may assist in future efforts to examine alternatives to prosecution. It suggests the characteristics of persons most likely to succeed at pretrial diversion, thereby indicating where the use of diversion could be expanded and increasing opportunities to fulfill the original intentions for pretrial diversion: providing rehabilitation, impacting recidivism, and preserving court resources.

Appendix Note

Data Issues

The majority of the analyses reported in this paper are based on data on file as of the end of calendar year 2000. The data set that was analyzed thus used the most current and correct data for the five-year period studied. Some of the numbers presented in this paper may not match tables published by the Administrative Office of the U.S. Courts because of cases that were reported to the Statistics Division after published tables were finalized. In addition, some data elements and factors related to the calculation of totals in tables of pretrial diversion data were revised, so one should exercise caution when interpreting trends in published data.

A recurring data issue has been the identification of patterns of overcounting that arose from programming that double-counted records under certain scenarios. During the 1990s the courts made a transition to PACTS, gradually replacing earlier dial-up procedures for data entry by which they entered data directly into the PSAIS. The programming used to produce the published tables showing numbers of pretrial diversion cases activated and individuals received for diversion supervision did not always reflect new edits and coding procedures. For example, some cases activated as complaints or indictment/information are recorded as closed and converted to diversion cases, with a "reason for closing" code that identified the case as pretrial diversion. However, instructions for how to handle the reporting changed during the mid-to-late 1990s, and courts were instructed to open a new case as an activation of a "Type D" record when the diversion was entered into post-charge. In 1999, the programming was corrected to eliminate double counting that appeared in some tables during the transition period. The analyses in this paper use the data for the five-year (1995 through 1999) and apply the corrected coding and counting methodology to all the data examined.

Endnotes

[1] Data reported in this paper are based on the fiscal year in which cases were activated.

[2] Excludes data from the District of Columbia; for the most part, the Statistics Division of the Administrative Office of the U.S. Courts does not maintain pretrial services data from the District of Columbia.

[3] During a given period, the number of defendants received for pretrial diversion supervision is typically lower than the number of pretrial diversion cases activated. Officers activate a pretrial diversion case when a pretrial diversion report is written on a candidate for diversion, but not all defendants for whom reports are written are enrolled in pretrial diversion.

[4] *See* Victor H. Evjen, *The Federal Probation System: The Struggle to Achieve It and Its First 25 Years*, 61 FEDERAL PROBATION, 81-92 (March, 1997), for a review of the history of the Federal probation system, which includes a discussion of the roots of deferred prosecution.

[5] For a discussion of the expansion of pretrial diversion during the 1970s, see Thomas Blomberg, *Widening the Net: An Anomaly in the Evaluation of Diversion Programs,* in Malcolm W. Klein and Katherine S. Teilman (Eds), *Handbook on Criminal Justice Evaluation*, Beverly Hills, California: Sage. 1979.

[6] *See* National Association of Pretrial Services Agencies (NAPSA), 1 *Pretrial Diversion Abstract Information Report* (January, 1998), for a review of the purposes and practices involved in pretrial diversion; available at http://www.napsa.org/docs/divabst.html.

[7] Carol Cabell, *Pretrial Diversion Provides Benefits, Saves Time and Money*, FEDERAL COURT MANAGEMENT REPORT, 1 and 3 (May, 2000); NAPSA, *supra* note 3.

[8] A discussion of the roots of pretrial diversion in the use of deferred prosecution in juvenile offender cases can be found in Stephen J. Rackmill, *Printzlien's Legacy, the "Brooklyn Plan," A.K.A. Deferred Prosecution,* 60 FEDERAL PROBATION, 8-15, (June, 1996). For an extensive review of state and federal cases dealing with pretrial diversion, see Debra T. Landis, *Pretrial Diversion: Statute or Court Rule Authorizing Suspension or Dismissal of Criminal Prosecution on Defendant's Consent to Noncriminal Alternative*, 4 A.L.R. 4th 147 (2000 Supplement).

[9] *See* Cabell, *supra* note 6. For example, Section 712 of the Department of Justice *Criminal Resource Manual* outlines procedures for submitting fingerprints to the FBI as part of the background investigation prior to diversion. 18 U.S.C. Section 3154 identifies the requirements for probation and pretrial services agencies to collaborate with the U.S. attorney to collect information and make reports for pretrial diversion.

[10] USAM 9-22.100 states that a person is ineligible for pretrial diversion if he or she has two or more prior felony convictions, is an addict, is a public official (or former public official) accused of violating a public trust, or is accused of an offense related to national security or foreign affairs. In addition, diversion may not be used if the person is accused of an offense which, under Department of Justice guidelines, should be diverted to the State for prosecution.

[11] Thomas J. Wolf, *What United States Pretrial Services Officers Do*, 61 FEDERAL PROBATION, 23 (March, 1997).

[12] The National Association of Pretrial Services Agencies (NAPSA) is the national professional association for the pretrial release and pretrial diversion fields. Incorporated in 1973, NAPSA's stated goals include serving as a national forum for ideas and issues in pretrial services and promoting research and development in the field. A complete overview of NAPSA, including the organization's mission statement, is available at http://www.napsa.org/mission.html.

[13] NAPSA (January, 1998), *supra* note 5.

[14]For example, a "fast track" form of diversion supervision has been applied in certain districts where military bases are located and used in cases where the offense is shoplifting. The divertee is typically a family member of an active duty military person, or someone else with access to military installations and military shopping facilities. In this program, the pretrial diversion agreement calls for the individual to pay for his or her participation in a "shoplifters anonymous" workshop or in a program of tapes and written correspondence courses that are scored by an organization in New York. When the individual successfully completes the program, receives a certificate, and commits no other crime within 90 days, the period of diversion supervision is considered to be completed successfully. The pretrial services office in El Paso in the Western District of Texas (TX-W) has used this type of program since mid-2000, with shoplifting offenders enrolled in pretrial diversion with the agreement of the judge advocate general on the military base nearby. The Western District of Oklahoma has instituted a similar program. Telephone interviews with: Cynthia Cranford, pretrial services supervisor in the Western District of Oklahoma (January 12, 2001) and with George Rodriguez, pretrial services supervisor in the El Paso office of the Western District of Texas (January 30, 2001).

[15] The pretrial diversion agreement includes a statement that the divertee consents to a delay based on his or her voluntary participation in the pretrial diversion agreement, waives any defense to prosecution on the grounds that this delay operated to deny his or her rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial, and waives any right to bar prosecution by reason of the running of the statute of limitations for a period of months equal to the period of the agreement. *Also see* Rackmill, *supra* note 7, page 14.

[16] *See U.S. v. Richardson,* 856 F.2d 644, 647 (4th Cir. 1988).

[17] See Appendix Note for a discussion of published tables and data used for the analysis reported in this paper.

[18] There were 17,312 records on file with TYPE=D in the PSAIS database, including cases activated through part of CY 2000.

[19] A case was included if it was activated during the study period as TYPE = D (pretrial diversion). A total of 12,414 diversion cases activated during the five-year period. In some cases, diversion records were activated and pretrial diversion reports were prepared, but diversion was subsequently denied.

[20] Candidates who are not accepted for diversion, or who decline to participate in pretrial diversion when it is offered, remain in the regular pretrial services system and their cases proceed normally.

[21] Cases were included if the case was reported as TYPE = D (pretrial diversion), a supervision district was reported, and a period of diversion of at least one month was indicated. A total of 11,879 divertee supervision records were posted during the five-year period. For this examination of diversion supervision, courtesy supervision cases (TYPE = J) were not included.

[22] Data on offenses other than the most serious offense charged are not recorded in PSAIS, and thus were not available for analysis.

[23] *See* Deborah W. Denno, *Gender, Crime, and the Criminal Law Defenses*, 85 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 80 (Summer, 1994), which summarizes sources indicating greater male involvement in violent crime, including research showing gender differences in the prevalence of crime. Males commit more violent crime, and more offenses, during both the juvenile and the adult years. The greater number of offenses for males reflects both their greater participation rate in crime and their more frequent commission of offenses once they start participating.

[24] *See Infra*, Figure 1. All together, fraud, larceny/theft, and embezzlement were the major offenses charged in 62 percent of the pretrial diversion cases examined in the five-year period.

[25] Ethnicity was unknown or not reported in the remaining records.

[26] Citizenship was unknown or not reported in the remaining records.

[27] *See* Thomas Bak, *Pretrial Detention in the Ninth Circuit*, 34(4) SAN DIEGO LAW REVIEW, 993-1051 (1998).

[28] Age was calculated as of the date the individual was received for supervision.

[29] Age categories in published data on age of pretrial services populations were revised in 1997; the data for age of pretrial services defendants is based on the Pretrial PROFILES for 1997, 1998, and 1999 on file in the Statistics Division of the Administrative Office of the U.S. Courts.

[30] *See* C. Panzer, *Reducing Juvenile Recidivism Through Pre-Trial Diversion Programs: A Community's Involvement*, 18 JOURNAL OF JUVENILE LAW, 186-207 (1997).

[31] For example, fraud was the major offense charged in approximately 25 percent of cases activated in pretrial services for older defendants (age 41 and higher) over the five-year period, but for younger defendants (age 25 and below), fraud was the major offense in approximately 7 percent of cases.

[32] Including "some college," "college graduate," and "post-graduate" as highest education level.

[33] The percentages reflected in the annual profiles of the pretrial services population typically range between 47.7 percent and 50.5 percent.

[34] In the Eastern District of Virginia, the U.S. attorney's office requires all divertees to pay some or all of the costs of prosecution, and almost every divertee has a standard condition to perform community service. Communication with Carolyn Ortwein, Chief Pretrial Services Officer, Eastern District of Virginia (June 18, 2001).

[35] Outcome data were available for 10,662 records of individuals who received pretrial diversion supervision during the five-year period. Of these, 9,405 cases were terminated with satisfactory status, and 1,257 with unsatisfactory status. For 800 records of TYPE = D, the record was closed when

the person was assigned to another district for courtesy diversion supervision and a new record of TYPE = J was created (and the "J" records were not included in the current analysis).

[36] The Department of Justice *Criminal Resources Manual* provides instructions for reporting via an FBI disposition form when an offender successfully completes a diversion program.

[37] The data for persons received for supervision for the 1995–1999 period came from an analysis completed in 2000, which used a corrected program that eliminated the overcounting of supervision records that had occurred prior to 1999.

[38] Data for the District of Columbia are not normally included in pretrial data gathered and reported by the Statistics Division of the Administrative Office of the U.S. Courts; however, three TYPE D records were activated with diversion supervision shown in the District of Columbia.

[39] The District of New Jersey reported 819 pretrial diversion supervision cases during the five-year period. A total of 2,875 pretrial services supervision cases were reported for the entire nation in the annual reports of the Director of the Administrative Office of the U.S. Courts for 1995 through 1999.

[40] As routinely measured, the number of "regular" pretrial services defendants received for supervision is tracked separately from the number of defendants received for supervision under pretrial diversion agreements—that is, pretrial diversion numbers are not percentages of the total supervision workload, but are considered apart from and in addition to the regular pretrial services supervision workload. The workload formulas instituted by the Administrative Office of the U.S. Courts in June 2000 provide workload credit for both types of supervision when tallying the workload factors.

[41] An additional factor affecting the proportion in the Northern District of Alabama was a change during the five-year period in the number of pretrial services supervision cases that resulted when the district, which does not have a separate pretrial services office, formed a separate pretrial services unit, thereby expanding its capacity for regular pretrial services supervision workload. Telephone Interview with Don Mosley, Pretrial Services Officer, Northern District of Alabama (January 13, 2001).

[42] According to the pretrial supervisor in the Western District of Oklahoma, the greatest impetus for increasing pretrial diversion cases in the district came from the military judge advocate general (JAG) on the nearby military installation, who tends to use pretrial diverison on the large number of petty misdemeanor cases activated there. Many are petty misdemeanor cases, which often involve theft by military family members. Telephone interview with Cynthia Cranford, Pretrial Services Supervisor, Western District of Oklahoma (January 12, 2001).

[43] For example, in the Northern District of Alabama, defendants charged with misdemeanor marijuana possession in one of the national forests located there are frequently candidates for diversion. Telephone Interview with Don Mosley, *Supra*, note 41.

[44] Records in the pretrial services database do not provide data on multiple offenses, but list only the major offense charged in each case.

[45] *See Infra*, Table 1. Black (both Hispanic and non-Hispanic) defendants constituted 28 percent of pretrial diversion supervision cases and 27 percent of regular pretrial services cases.

[46] A recent (March 2001) 12-month profile of defendants in cases activated in which immigration violations are the major offenses charged showed that 86 percent were Hispanic. Similarly, Hispanic persons make up approximately 44 percent of drug defendants, although drug offenders constitute only 5 percent of divertees.

[47] The data available for the analyses performed in the preparation of this paper did not allow an examination of recidivism rates for divertees, as it was not possible to match records in the diversion files with subsequent offense records.

[48] Data on the effectiveness of pretrial diversion in preventing recidivism are elusive. Among the factors confounding reporting of recidivism by divertees is the fact that following successful completion of a period of diversion, the individual normally has no conviction and no record.

[49] *See* Lea L. Fields, *Pretrial Diversion: A Solution to California's Drunk-Driving Problem,* 58 FEDERAL PROBATION, 20-27 (December, 1994), for a discussion of how diversion provides for quicker evaluation and treatment for offenders charged with driving under the influence (DUI) than what would occur if the individual were to await a trial date and conviction before enrolling in a program of rehabilitation and/or education. Fields cites data from the state of Oregon showing that a sample of DUI defendants who underwent diversion had lower recidivism than did a randomly selected sample of DUI defendants who were convicted.

Theory and Practice of Probation on Bail in the Report of John Augustus

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A REPORT OF *the Labors of John Augustus for the Last Ten Years, in Aid of the Unfortunate …* (1972) is a terse account, despite the lengthy title, of what John Augustus did as an inventor of probation for criminal offenders in the United States. First published in 1852, the report described what he did, leaving it mostly to the reader to piece together the why and how of it. It is a record of extraordinary success from the day Augustus began in 1841 until publication of the report 10 years later. Despite formidable opposition, he managed to continue his labors at least until the year before his death at the age of 75 in 1859. The self-effacing Yankee friend to the unfortunate revealed very little about himself in his report. Nor did he take the trouble to explain what philosophy guided his actions, other than some general references to Christian charity; nor did he offer any organized presentation of what tactics he found most effective. He had no actual coworker or disciple to explain or carry on his labors, although similar work was apparently being done by one other Boston philanthropist, John M. Spear, of whom little is known (see Augustus, 1972, pp. 60-61, 79, 81, 100; in what follows, all page references are to Augustus, 1972 unless otherwise specified). Starting in 1872, thirteen years after Augustus' death, Rev. Rufus W. Cook, chaplain of the Boston jail, carried on volunteer work similar to Augustus and Spear until 1878, when the State of Massachusetts passed legislation to appoint an official probation officer for the city of Boston.

What is known about Augustus himself comes from fragments in the *Report*, published testimonies (Anonymous, 1859; Fenner, 1856), and newspaper accounts which Augustus included as a sort of appendix incorporated in the report. Augustus was born in Woburn, Massachusetts in 1784. He moved to Lexington in 1805, where he established a prosperous shoemaking business. He donated a large parcel of land to that city for the construction of a school, the Lexington Academy. It was the time when Horace Mann in Massachusetts was leading the education cause in America, starting with mandatory education, school construction and systematized management of schools. At about the age of 29 Augustus married a twenty-year-old woman known to us only as Sally. They had a child whom they named Harriet. The daughter died when less than a year old, and Sally died about the same time. Some years later Augustus married again, this time to Harriet Stearns. They had a daughter, whom they also named Harriet, who died at the age of 10. However, they had two sons who survived. Augustus and his wife did raise at least one girl, his first child client, who "is now married happily, and resides in Worcester county of this State," Augustus wrote at the time of the *Report* (p. 14).

When Augustus moved to Boston in 1827, he again established himself as a shoemaker. He had five or six employees. When he began bailing people in 1841, he took to working much of the night to keep his shop going. For the first two years he had only his own income to support his activity, but he began to get financial help from others after that. Still, his own financial resources were exhausted after four years, he had to give up his business after the fifth year, and thenceforth was entirely dependent on help from others (see pp. 103–104). He relied on Boston philanthropists to support his bail activities and even to post bail for himself when his enemies conspired to imprison him. Augustus was already about 57 years old, older than the average life span at that time, when he began his labors on behalf of the unfortunate. Even so, he was a very determined, very independent, very fast-talking bundle of kinetic energy who amazed people by how much he did in a day. He was described as "a thin, elderly man of medium height, his face somewhat wrinkled, and his features of a benevolent expression," a "warm-hearted and impulsive man," who "generally utters what is uppermost in his thoughts, without stopping to calculate the effect which it will be likely to produce" (p. 75).

In addition to his labors on behalf of those in trouble with the law, Augustus was well known for the help he gave to abandoned children and to people who were ill and destitute. On one occasion, in 1848, he played a major role in persuading a church group to forgo construction of a new church and instead use their funds to establish a home for abandoned children (see p. 43). Augustus' work on behalf of offenders was only part of his charitable activities.

In Augustus' report it is possible to discern from what is written and what is unwritten a coherent theory which guided the court interventions of Augustus as well as a consistent set of tactics adapted to specific types of cases. Classification of offenders was the starting point for Augustus' labors, which developed over time more by chance than by design. A chronological approach is the easi-

est and most accurate way to an understanding of his court interventions.

John Augustus' First Case—A Common Drunkard

Augustus was emphatic in declaring that he did not work for any kind of charitable or reform society. A newspaper article reported,

> John Augustus was out on his daily mission of love and charity, at an early hour in the morning of the great Odd Fellow's Celebration.… Mr. Augustus has invariably declined to connect himself with any Lodge of Odd Fellows, whose principles he so well illustrates in his life and labors. He is a Lodge in himself "a true Odd Fellow, uncreated by any association or body of men" (p.68).

Augustus' first endeavors were limited to reforming alcoholics. Temperance societies were active throughout America. The largest were the George Washington Temperance Society for men and the Martha Washington Temperance Society for women. Augustus was quite familiar with these societies, and those in Boston soon became familiar with him. The *Report* mentioned the "Washingtonian Temperance reform" (p. 4), "the Martha Washington Temperance Society" (p. 12), and "the Sons of temperance" (p. 98). Quite apart from his work bailing offenders, Augustus often appeared at the homes of drunkards to help restore peace (see p. 97). But Augustus did not work for temperance societies, nor draw financial support from them. In some manner unknown, he developed his own network of charitable supporters, among whom were some "merchant princes" of Boston and other prominent philanthropists (p. 28; see also pp. 36 and 44). Still, the temperance movement rather than religion, enlightenment philosophy, or civic duty provided the first impetus for Augustus' labors.

Augustus' first case was described in three different places in the *Report* (pp. 4–5, 26, and 72), first by Augustus himself, then a second and a third time in documents by others which he cited. Augustus himself, reporting in his usual laconic manner, writes that he spotted a common drunkard about to be tried, spoke to him briefly, and was convinced that the man would reform. He waited while a very clear and convincing case against the man was presented and the man was found guilty, then intervened to post bail before the man was sentenced. The judge consented, Augustus had the man take "the pledge," and the man was fully reformed before returning to court for sentencing less than a month later. At that time the judge, delighted with the man's transformation, imposed the token sentence of a one-cent fine and court costs. This set a precedent for later cases. In all later cases of poor defendants, the fines were nominal, although substantial fines were imposed on Augustus' reformed clients whose friends or family had the resources to pay (see p. 58).

Augustus did not tell why he was in court that day when the man was arraigned, nor whether he had any prior acquaintance with the court. However, some reasonable deductions may be drawn from the bare bones of the account. First, Augustus seems to have been familiar with both the physical layout and the routines of the court. He knew that the man was brought in through the door from the lock-up; he knew when and where to approach the man for a private conversation; he knew when to intervene in the proceeding and what form his intervention should take, namely an offer to stand bail for the man. Whether John M. Spear was already acting in a similar manner at that time is unknown. The circumstances hinting that Augustus was familiar with the court and the absence of any inquiry by the judge suggest that Augustus himself may not have been a stranger to the judge. Throughout Augustus' report one finds that some judges consistently took his side even when other judges and other members of a court opposed him. Augustus may have been frequenting the police court in search of a suitable case prior to that day in August, 1841.

A suitable case would be a case of a "common drunkard," legally defined at the time as someone who had been arrested for intoxication at least three times in a six-month period (see p. 84), whose circumstances intimated the likelihood of successful reform. Augustus reported that he had the man take "the pledge" on the spot. The pledge was an oath not to drink alcohol ever again. The pledge, which was still in common use by temperance advocates a hundred years later, was a written pledge which was signed and handed over to someone else, in this case to John Augustus. Augustus apparently went to court with a pledge form in his pocket. He was probably looking for a common drunkard to reform that day.

Augustus was not interested in a first offender or an occasional offender. He was looking for a common drunkard, a habitual offender. This would not be an easy case for reform. Augustus did report that he looked the man in the eye during their conversation before the trial, which some readers have taken to be a spooky ability to determine character by peering into a man's eyes. However, Augustus was a much more level-headed Yankee than that. Augustus did not disclose the contents of his conversation with the man, but it may be surmised from accounts of his later interventions with other habitual drunkards. Augustus' inquiries always concerned the drunkard's family. There is no indication that Augustus ever took a case of an unmarried drunkard or one with no children. Augustus' conversation with the man probably aimed at ascertaining whether the man had a wife and children and whether the wife was a sober and faithful wife and mother. Indeed, Augustus' follow-up report on this first case highlighted these facts, originally omitted, that the man had a loving and dutiful wife as well as children.

The *Report* (pp. 53–57) included a newspaper account of an extreme case of a longtime drunkard who was deemed beyond help by everyone except Augustus. However, among the details of the account were the facts that the man's wife and child were in court at the trial, and that the man's wife was a devoted wife and mother, although the drunkard had not provided for them for a long time. Apparently these were the most essential facts in Augustus' mind, and so to everyone's surprise he stood bail for the man. Augustus' follow-up report on the case indicated that the man reformed, the family moved from the city, and it had become a happy and comfortable family. In addition to the clues contained in case reports, the importance of the family in Augustus' reform efforts was highlighted in other ways. For instance, Augustus advised that the various temperance societies would be more successful in reforming drunkards if they "should visit the abode of the drunkard," "become acquainted with the condition of his family," and "more frequently visit the families of drunkards" (p. 98). Augustus regarded "home visits" as a necessary part of the strategy to reform people.

All of Augustus' reports of reforming grown men were characterized not only by employment but by immediate employment. Augustus' own accounts of his work with grown men did not include any mention of helping them find employment, although the summary of his work presented to the Massachusetts State Legislature in 1845 by some citizens of the County of Norfolk stated that

Augustus helped his first client find employment (see p. 26). At any rate, it may be that Augustus' criteria for selecting a case included an assurance of the individual's ready ability to earn a livelihood. The person had to have the means or the connections necessary to begin immediately to support his family.

A Theory of Rehabilitation during a Period of Probation before Sentencing

A theory of rehabilitation is implicit in the account of Augustus' first case. It is both a family-focused social theory and closely connected psychological theory. Despite his familiarity with temperance societies and his occasional guarded cooperation with them, Augustus did not demand or suggest that the drunkards he bailed should join a temperance group. It would seem a natural and easy thing to do, given his initial focus on common drunkards. In addition, he had a generally positive attitude towards temperance societies. At one point he spoke of the good work done in the Martha Washington Society by one of his former charges. But Augustus seems not to have accepted the idea that a temperance society might be, in modern terms, a support group or therapeutic milieu for the reform of an individual. His later work with other types of offenders manifested an insistence on separating offenders from their criminal acquaintances. Perhaps with drunkards also he believed it necessary to distance one offender from others. Augustus specifically recommended that the Sons of Temperance and other "temperance societies of whatever name" should adopt his practice of visiting the families of drunkards (pp.98–99). In Augustus' theory of rehabilitation the only social support group for rehabilitating a drunkard was the family. His was exclusively a family-centered approach to reforming the individual.

In describing his first case, Augustus remarked that the man's initial appearance suggested that he might "never be a *man* again" (p. 5, italics in the original). The same phrase, "to be a *man* again," appears elsewhere in the report. Here is the psychological dimension of Augustus' theory of rehabilitation. It is somewhat akin to the more general modern concept of self-esteem. But it has much more precise meaning in the writing of Augustus. For Augustus there was only one way the offender might become a *man*, and that was by supporting his family. In the thinking of John Augustus, perhaps typical of the age, one became fully a man only by having and supporting a family. To be a man was to be the man of the house. Thus, from a psychological perspective as well as a social perspective, the family was the key to rehabilitation in the theory and practice of John Augustus.

Augustus did not use the word "probation" as a term for what he was doing. He referred to his activity as "bailing" people, e.g., "This year [1848] I accomplished a greater amount of labor in bailing persons, than during any other single year since beginning my labors in the courts" (p. 37). When he did use the word "probation" it was in the old-fashioned but ordinary sense of "testing" or "trial," as the word is still used when referring to the initial employment period of a police officer or firefighter. Furthermore, this period of probation was not an alternative sentence in place of imprisonment, nor was it a suspended sentence. It was a period of testing prior to sentencing, for the purpose of determining what sentence would be appropriate for the particular offender. In cases where the individual seemed to be reformed before sentencing, the actual sentence imposed on Augustus' charges was a token fine. In cases where the individual did not reform, the sentence was imprisonment.

There may have been several legal precedents or bases for what Augustus did. The English court practice of "recognizance" in the case of petty offenders enabled the offender to pledge appropriate conduct and provide a bond to secure his release until a specific date when the case would be tried or otherwise disposed of. The cases of Augustus' clients had already been tried but sentences had not yet been imposed. Either way, a specific period of probation was established by the court. What might have been novel from this perspective was that Augustus was not the defendant and furthermore was a stranger to the defendant rather than a relative, landlord or employer. It may have been an additional innovation that subsequently Augustus was able to stand bail for numerous offenders.

In English courts there was also an established practice of "judicial reprieve" whereby the imposition or execution of a sentence was postponed, generally to allow the convicted to apply for a pardon. But none of Augustus' clients sought pardon from anyone, and all were eventually sentenced to either fines or imprisonment, even if the sentences were token. Their "probation" was not an alternative sentence. The English barrister and philanthropist Matthew Hill, who first advocated a form of "probation" in England in the same year as Augustus in the United States, 1841, was inspired when he observed that some English judges imposed a token sentence of one day in jail on young defendants whose subsequent conduct would be supervised by a parent or master. These cases were considered concluded, and these defendants did not return to court for any future approbation or sentencing. From this practice evolved a broader English court practice of placing young defendants under the supervision of reputable volunteers who might not be the defendant's parent or master, to which were added follow-up reports and oversight by inspectors. However, these cases were also considered concluded, and it was only upon commission of a subsequent offense that the individual might be punished further. In Massachusetts there was unique legal provision for delaying sentencing when "public justice does not require an immediate sentence" (Allen, et al., 1985, p. 39), but this provision may not have required posting bail. By 1836 there was also legislation in Massachusetts encouraging the release of petty offenders "upon their recognizance with sureties at any stage of the proceedings" (Allen et al., 1985, p. 40). From a legal point of view, Augustus' practice is probably understood best as he described it, "bailing people" and providing them a period of probation in which to demonstrate self reform after conviction but prior to sentencing.

Augustus' Second Kind of Client—Female Drunkards

If Augustus' cases are described in terms of offender classifications, Augustus' second class of offenders was female drunkards. At first he refused to get involved in these cases. When passing by jail cells on the way to visit a defendant prior to trial in July, 1842, Augustus was accosted by a woman in another cell who begged for his help. His reputation for bailing people was already established, and she knew how to appeal to him. She told him emphatically that she had a husband and children. Still, he refused to help her. But later he felt guilty for doing so and resolved to take the first suitable female case. Then a woman from a temperance society came to him and asked him to take the case of a different female drunkard. Before agreeing, the always methodical Augustus checked out the case. He found the woman's husband at his job and was assured by him that he was a loving and dutiful husband and that they had small children. Augustus' theory and practice in re-

forming female drunkards was the same as with males, a family-centered approach. Augustus then bailed the woman, his first case with a woman. A follow-up visit to the family on the next Sunday found a scene of domestic bliss with the children being dressed for Sunday school. The home visit was another vital component in Augustus' family-centered probation practice.

Bailing and Reforming Children

Augustus' third class of offenders was children. It happened by accident in October, 1843. He chanced to be in court when two children were arraigned for larceny. The circumstances of the case were quite muddled, for the children were charged with stealing from a store whose employees were teasing the children by seizing apples the children were selling. The children were two sisters, ages 8 and 10. The father of the girls appeared in court. He was drunk. He blamed the older girl and condemned her as fit for prison, but he spoke kindly of the younger girl. Moved by the injustice of the criminal charges and the girls' misfortune in having a drunkard father, Augustus intervened to stand bail for the younger girl. He seems to have accepted the father's condemnation of the older girl, at least at first. Augustus took the younger girl home with him. But he may not have intended to keep her in his house. The next day he went to find the girl's mother. When he found her, she turned out to be a drunkard. Augustus would not return the girl to two drunkard parents. This did not at all meet his standard for a suitable family. He decided to raise the younger girl in his own family. He reported that it was as if a voice had said to him, "Take this infant under thy guardian care, for she has none to help her; be thou her father and her guide..." (p.14).

As for the older girl, an acquaintance of Augustus, who probably learned about the case from Augustus, told Augustus that his wife was willing to take her in and he asked Augustus' aid in securing her release from prison. This was arranged, and so the sisters were placed separately with solid, middle-class families. This accidental arrangement seems to have become the pattern with Augustus' way of working with children. It was consistent with his ideas about the family, albeit an adopted family. One might note that childhood as it exists today was scarcely known in the 1840s and would hardly encompass anyone over the age of ten or twelve. Starting with household chores at a very young age, children were expected to do work in the labor-intensive 1840s world of few machines or conveniences.

Although Augustus later took many cases involving children brought to court on various charges, starting with an 11-year-old boy later that same year, his report mentions only one case in which the charge was a violent crime. That was a seven-year-old boy charged with rape. Augustus seems to have found the charge incredible in that case. Most of the cases with children involved charges of larceny. Augustus confined his efforts "mainly to those who were indicted for their first offense, and whose hearts were not wholly depraved, but gave promise of better things" (p. 19). Augustus' strategy with young offenders was to "see that they were sent to school or supplied with some honest employment" (p. 35). He also petitioned the court to postpone sentencing in these cases time after time so that the "season of probation" could be extended for several months instead of the cases being concluded in a one-month term.

The Case of the Madam

In 1845 Augustus was approached by a woman who had been indicted for running a house of ill fame. The woman asked Augustus to provide surety for her, and she promised that if he did she would "leave the city, abandon her career of vice, and return to her friends in the state of New York" (p.21). Augustus agreed. This became Augustus' fourth class of offenders. It was a new kind of client for Augustus. But this turned into the case where a misunderstanding on the part of the woman's lawyer caused the woman to miss her court appearance and Augustus' enemies conspired to make it look like he assisted her to flee, for which they tried to get Augustus himself imprisoned. Supporters intervened to bail Augustus himself. In his defense in this case, Augustus pointed out that he had caused one other house of ill repute "to become desolate" (p. 22), although he did not specify how he did this.

The women who ran houses of prostitution may not have owned the houses they ran. Augustus reported nothing clearly on this point but the particulars of his one clear case suggest that the woman left the house immediately without selling it. It seems to have been Augustus' efforts to shut down houses of prostitution that finally prompted his opponents to try to put an end to his activities. From the beginning Augustus encountered opposition from police officers assigned to work in court and prison officials who collected fees for each case remanded to prison. That such police officers and prison officials derived a substantial part of their income from fees was a practice which can be traced back to the Middle Ages in English and European legal systems and tracked forward into the twentieth century in some American states. But Augustus strongly implied that police, and very possibly other court officials and perhaps politicians, also derived income from houses of prostitution. When it came to shutting down houses of prostitution, "the strong arm of the law was averse to such an act" (p. 22). In the *Report* there is no mention of Augustus ever taking another case of this kind.

Rescuing Young Prostitutes and Placing Them in Families

Augustus' fifth class of offenders was young prostitutes, starting with seven girls from ten to thirteen years of age rescued from houses of ill repute in 1847. Boston in the 1840s was a very busy and bawdy seaport with an influx of destitute Irish immigrants. Some of the prostitutes were quite young, and to Augustus they may have been just a small step beyond his child cases. For instance, there was the case of "a little Irish girl, about 14 years of age" who was rescued from a brothel in the "black sea," which seems to have been a denizen of black sailors (p. 69). In such cases Augustus seems to have followed the criterion of taking only first offenders. Augustus' theory of how people fall into a life of vice or crime was not a one-step theory. The report speaks of people falling into a vice not so far as to be beyond hope. In other words, an individual's fall is progressive, starting with a single lapse and progressing to a point beyond reform. But with young prostitutes Augustus seems to have drawn the line of no return strictly. A second arrest placed a prostitute beyond his hope for reform. The report narrates the trial of an older prostitute in which the gross injustice and corruption of the court irked Augustus greatly, but he did not offer bail for her (see pp. 9–11). However, for a young offender, the first arrest might itself be the culmination of many years of falling into criminal habits. Augustus narrated the case of a girl whose father "died a drunkard's death" when she was only seven years old, and who then entered the "street school," where she learned to beg, lie and pilfer before she became an inmate of a house of prostitution at the age of fifteen (pp. 59–60). Augustus

placed the girl with a family where she became "faithful and industrious," so that when she appeared in court for sentencing only the usual token fine was imposed.

For the young first-arrest prostitutes Augustus' program of reform consisted of placing them as domestic servants (e.g., see p. 59, p.63). Domestic service was, by far, the most common employment for women at that time. A survey of women's employments in New York City as late as 1907 (Bache, 2000) found that the second largest employment category for women was seamstresses, employing 15,069; but 103,963 women were employed in domestic service. It is not surprising that female offenders on probation or parole were generally steered towards domestic service until the middle of the twentieth century. To Augustus, domestic service was not merely convenient but ideal because of what it entailed in the nineteenth century. In Augustus' time it was ordinary for a middle class family to have several domestic servants. They usually lived on the bottom floor of the house and were given only a meager wage in addition to room and board. The lady of the house diligently supervised the servant girls, teaching them domestic skills, sometimes reading and writing also, manners and deportment. For example, in the case of a fifteen-year-old homeless immigrant girl placed in a household by Augustus, he reported that "the lady [of the house] who was very kind, took especial pains to instruct her properly in her duties…" (p. 98). The lady of the house also governed the domestic servants' behavior outside the house, considering it her duty to protect diligently the reputation of the household. This kind of setting was well suited to Augustus' ideas about how to reform people. It approximated a family structure. The ordinary family structure at that time was not the nuclear family but rather the extended family, which included various relatives and even non-relatives, such as a master's apprentices. The family structure could easily absorb a young woman rescued by Augustus. It would not comport with Augustus' theory of rehabilitation to have these young women living alone or with just other young women, or to have them employed in less controlled settings. The young unfortunates had to be surrounded by nurturing but controlling people, given responsibilities, and kept apart from other offenders.

Starting in 1845 Augustus had bailed young women who were without a home and needed temporary shelter. During 1846 he found temporary shelter for a total of forty females. In the ensuing years as many as 15 at a time were given temporary shelter in his own house. He also placed some women in other homes on a temporary basis and even made arrangements for some to be provided for in a boarding house at considerable expense. In addition, places were found for some girls and young women in charitable institutions. Finally, in 1848, Augustus met with a group of some 25 philanthropists, who agreed to provide funds for a home where females might stay as long as the exigencies of their cases required. It would be contrary to Augustus' thinking to envisage some sort of group housing as a reforming environment. But he was overwhelmed by the number of young girls needing help. It was a challenge to find places for all of them in suitable households and on short notice. He did specify that the housing for young women would be only a place for temporary lodging.

Continuing the Work of John Augustus

At the end of the *Report* (p. 100), Augustus wrote that his activities would not continue on so large a scale in coming years, due to his increasing age and the general condition of his health. He hoped that some other person would come forth to continue the work and that John Spear would continue to labor for the fallen. Admirers of Augustus debated whether the state should appoint someone to do the same kind of work, but they believed that such work would be done most effectively by unpaid volunteers prompted by personal convictions (see p. 61). Given the corruption among court officials noted by Augustus throughout the *Report*, and considering the efforts of corrupt police officers to profit by being assigned as probation officers when laws authorizing probation officers in various places were passed about a half century later (see Lindner, 1994), Augustus' admirers may have been right at that time. The 1878 Massachusetts law which provided for the first paid probation officer required him to report to the chief of police; but this was changed three years later so that the probation officer then reported to the State Commissioners of Prisons. The law was revised again in 1891 to bar active members of the police force from acting as the probation officer. Uncertainty and experimentation characterized the early years of probation. A mix of paid and unpaid probation officers with police officer, court officer, truant officer, or social work backgrounds were to be found among the officially appointed probation officers in various cities (see Lindner & Savarese, 1984a; Lindner & Savarese, 1984b; Lindner & Savarese, 1984c; Lindner, 1994). Understandably, those with some kind of law enforcement background approached the work with a law enforcement ideology, while those with a social work background approached the work with a social work ideology more like the theory and practice of John Augustus. But John Augustus' theory and practice were guided more specifically by convictions that a family was the social setting for reform and that the self-esteem which came from fulfilling one's obligations, particularly family obligations, was the psychological basis of reform.

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Managing Offender Resistance to Counseling— The "3R's"

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IT IS THE RARE correctional counselor who, upon the conclusion of a counseling group, is not left feeling battle-weary, disillusioned and unsure of his or her competence. Offenders are often highly resistant to counseling interventions and seek to avoid the sometimes painful process of self-examination at all cost! They will exhibit a wide range of combative behavior intended to distract, derail, and otherwise discourage the counselor from conducting effective treatment. Offenders have devised elaborate strategies intended to wrest control of the counseling process (1) and engage in tactics designed to evade the assumption of personal responsibility for their criminal conduct (2). When all else fails, of course, offenders will engage the counselor in an overt and often heated struggle for power and control which can exact an enormous emotional toll from the counselor.

Walters (3) contends that the most important issue in managing offender resistance to treatment is the *avoidance* of extended debates with offenders. If the counselor chooses to enter into verbal combat with a resistant offender, the latter only escalates his or her efforts to win the debate. This is attributable to the "win at all cost" mentality which characterizes criminal offenders and substance abusers, as well as the desire to "save face" in front of peers (4). Unfortunately, correctional counselors often tend to respond to offenders' opposition to treatment interventions by directly and forcefully challenging them. Such a confrontational approach invariably results in the very power struggle which it is so important to avoid (5).

How, then, does the counselor effectively address offenders' opposition to treatment without becoming entangled in a struggle for control of the therapeutic process? The purpose of this article is to introduce the "3R's" of managing resistance to treatment: *redirection, reframing*, and *reversal of responsibility*. These interventions enable the counselor to call attention to an offender's behavior without provoking a conflictual and unproductive interaction. However, before presenting the "3R's" by way of description and illustration, it is necessary to examine in greater detail the problems inherent in the direct confrontation of offender resistance.

Confrontation

Most models of counseling and treatment emphasize nonconfrontational and nonadversarial methods. Similarly, research has consistently revealed that confrontation arouses defenses and activates resistance (5). Confrontation sometimes deteriorates into a means of attack and an attempt to tear someone down (6). Such a misuse of confrontation forces the recipient into a corner out of which he or she must emerge fighting in a desperate attempt to save face (7). Goldring (8) suggests that confrontational interventions are only effective when they catch a person by surprise and expose dramatic discrepancies between professed and overt behavior. Indeed, Fautek (9) conceives of confrontation as a special form of constructive criticism containing a healthy mixture of observation and suggestion.

However, the current author has seldom used, or seen other clinicians use, confrontation in such a therapeutic manner. More times than not, the author and others have resorted to confrontational approaches in an ill-fated attempt to outwit an offender who has artfully dodged personal responsibility for his or her criminal thinking or behavior. In short, the treatment agent becomes immersed in a power struggle in which he or she is mismatched.

The 3R's of Managing Offender Resistance

For nearly two decades the author has endeavored to simultaneously challenge incipient criminal thinking on the part of offenders in treatment, and avert or quickly withdraw from futile and endless struggles for control. The author has enjoyed considerable success in the use of three management strategies derived from his experience in a positive poor culture/guided group interaction program for juvenile offenders. All three strategies represent *indirect* approaches to the management of treatment resistance and the avoidance of power struggles in the process.

Redirection

Offender resistance is often the by-product of a criminal thinking pattern identified by Walters (3) as the *power orientation*. This particular cognitive pattern is a derivative of two criminal thinking errors, the *zero-state* and the *power thrust*, originally described by Yochelson and Samenow (2). In both cases, the authors are referring to an offender's attempt to regain a sense of control over his or her environment following a perceived loss of same. In psychoeducational classes or counseling groups, offenders are frequently exposed to information and criticism which is often ego-dystonic or otherwise unpalat-

able. One way offenders can combat or avoid such information is to distract or divert the clinician from the task at hand. If successful with such a (power orientation-based) ploy, the offender is able to avoid the hard work associated with self-examination (1).

Redirection quite simply involves the counselor's effort to return the focus of attention to the issue or task at hand (8). The first, and most obvious, way to redirect offenders' attention is by *ignoring* resistance. Indeed, as long as the offender's remark or action is mild and unlikely to cause any substantial harm, the counselor is advised to let it go unaddressed. This is especially true if an offender gossips with staff members in an attempt to derail the treatment specialist from his or her agenda. Ignoring a potentially disruptive remark will serve to maintain the flow of interaction within the class or group, and preclude the inevitable power struggle surrounding a limit-setting intervention by the therapist.

Another form of redirection is *undefocusing,* defined by Stanchfield (10) as a continuous reference to the issue at hand. Defocusing entails offenders' efforts to shift the counselor's attention from his or her agenda. Through skillful utilization of undefocusing, the clinician remains undaunted by such manipulative ploys and thus adheres to his or her lesson plan. For example, consider the following interaction between a substance abuse counselor and an offender during a drug education class.

> *Counselor*: "Okay, let's continue our discussion of the basic steps in developing a relapse prevention plan."
>
> *Offender*: "Hey, Mr. Blackburn, did you see on the news that marijuana can ease the suffering of cancer and AIDS patients? How come you never tell about the positive effects of drugs?"
>
> *Counselor*: "You raise an interesting question, Mr. Collins. However, it is not relevant to our discussion of relapse prevention."
>
> *Offender*: "Yeah, but it has something to do with illegal drugs. Isn't that what this class is all about?"
>
> *Counselor*: "The issue you bring up may be important to consider at some other time, but right now we need to make sure that everyone has a solid understanding of relapse prevention."

Notice that the counselor is patient and polite in addressing the offender, but is unwavering in his redirection to the agenda for this particular class meeting. The counselor recognizes, but does not directly confront, the attempt by the offender to defocus; a power struggle is thus averted.

Undefocusing is also useful when an offender attempts to engage the counselor in an argument. Offenders are likely to become argumentative when they are challenged, criticized, or held accountable. The argument invariably turns to the counselor's performance of his or her duties, with the offender citing examples of the staff member's unfairness or ineptitude (10). It is imperative that the therapist redirect the offender to his or her *own* treatment, as illustrated in the following dialogue between a counselor and a member of a group of female offenders:

> *Offender:* "Miss Reynolds, you keep talking about the need to show tolerance and respect to each other. But some of the officers in my dorm treat us like we're numbers—not people. I'm afraid I'm just going to click on one of them some day."
>
> *Counselor*: "Then perhaps the group needs to give you some more help with stress management and anger control. Aren't they two key aspects of your treatment plan?"

Observe how the counselor virtually ignores the offender's reference to staff. It is absolutely essential to help an offender maintain focus on *his or her* contribution to interpersonal conflict, rather than allow the offender to become defocused and waste time and energy trying to change the behavior of people over whom he or she has no control.

Nearly every correctional treatment specialist who conducts counseling groups with offenders is faced with at least one group member who loves to tell "war stories." Although these autobiographical sketches, whether true or otherwise, can be interesting and engrossing, they are seldom relevant to treatment and, in many cases, are intended to distract from the group process. Undefocusing can be very helpful in redirecting the offender to the task of *meaningful* self-disclosure and self-examination. By so doing, the clinician is essentially saying to the offender (and group as a whole), "This is not story telling hour; we have *real* work do to!"

Redirection is also facilitative in identifying parallels between offender's current behavior and prior criminal conduct. Offenders often espouse the view that they can't "work on" therapeutic issues while incarcerated because prison is an "artificial environment." The reality, however, is that offenders bring their core conflicts into the therapeutic process, whether the issue surrounds interpersonal relationships or attitudes toward authority (11). Therefore, whenever an offender describes how he or she behaved irresponsibly in the past, the astute therapist will redirect the individual to the way he or she behaves in the counseling group. Following is an example of such an interaction employed by a counselor working with inmates in a residential substance abuse program:

> *Offender*: "Back when I was shooting up and robbing people, I didn't care about anything except getting my next hit on the pipe. Now that I'm clean and sober, I see how selfish I used to be."
>
> *Counselor*: "Would you like to get some feedback from the other guys (group members) regarding how you continue to hurt others and show signs of selfishness?"

By redirecting the offender's attention to the present, the counselor reminds the offender that treatment is a continuous process and suggests that parallels between past and current antisociality continue to exist. Notice, also that the counselor redirects the offender to other group members, who can share many more firsthand observations of the offender's behavior than the counselor. The strategic activation of the group process is itself a highly effective means of pre-empting a power struggle between the counselor and the offender receiving feedback.

Time and time again, the author has found the examination of *current* interpersonal conflicts and other psychological issues to be considerably more useful than reviewing historical events. Indeed, historical explorations are not only unhelpful, but often serve to *detract* from the task of understanding *current* attitudes and behaviors (12). The correctional counselor is thus encouraged, whenever possible, to redirect the offender from "then and there" to "here and now."

Reframing

Many correctional counselors make their work with treatment-resistant offenders more difficult than is necessary by ignoring straightforward and relatively simple interventions. For example, when an offender denies that he has exhibited evidence of an antisocial thought or behavior, some clinicians will forcefully and relentlessly confront the offender, thereby prompting a futile and exhaustive power struggle. If, on the other hand,

the therapist were to succinctly and nonconfrontationally reframe the offender's denial as a lack of readiness to engage in the change process, the offender has the option of simply agreeing or disagreeing with the therapist's observation. Reframing, then, represents the second of the "3R's" of managing resistance. This intervention entails asking offenders to adopt a perspective different from the one they currently embrace (13). In the following paragraphs, the author describes four methods whereby resistance can be reframed so as to highlight the offender's need for treatment without provoking a power struggle. Examples of each type of reframing are provided.

One of the simplest, but nevertheless potent, ways in which denial and resistance can be reframed is to address an offender's semantics. Words mean very different things to chronic offenders than to most people (2). For example, the word "respect" to many offenders means that other people stay out of his or her way (5). Likewise, offenders often consider a "friend" to be someone who will do or say whatever the offender wants (1). Offenders will also choose specific words in order to trivialize violent or otherwise irresponsible behavior. For instance, perpetrators of domestic abuse may refer to their violence toward women as a "little problem" (14). In any of these cases, it is incumbent upon the therapist to reframe the offender's words such that the covert (true meaning) is made overt. Consider the following excerpt from a group counseling session with sex offenders:

> *Rapist*: "Yeah, I'll admit that I got a little rough with the lady. But it's not like she had to go to the hospital or anything."
>
> *Counselor*: "Can you clarify exactly what you mean by 'getting a little rough'?"
>
> *Rapist*: "Well, you know, I mean she ended up with a few bruises and maybe a black eye, that sort of thing."
>
> *Counselor*: "That's interesting. According to the police report, your victim had two black eyes, showed evidence that she'd been choked, and sustained several cuts and abrasions which became infected because she had *not* been taken to the hospital."
>
> *Rapist*: "Yeah, well, what do you want me to say?"
>
> *Counselor*: "What do the rest of you guys (group members) think about Mr. Chambers' use of the expression, 'I got a little rough with the lady'?"

In this vignette, the counselor successfully reframes the offender's initial statement in terms of the true severity of the physical injuries inflicted by the rapist. Notice, too, that the counselor astutely challenges the offender's semantics by relabeling "the lady" as "your victim." Moreover, the counselor wisely chooses to redirect the offender's resistance to the group, thus avoiding what was intended by the offender to become a power struggle.

Another way of reframing is to put a negative spin on a statement which an offender intends to be perceived as positive. For example, many offenders believe that they should be treated with respect by all who enter their path. Such an entitlement-based belief can easily be challenged by staff members whose remarks are found to be harsh or discourteous. Consider the following scenario:

> *Offender:* "Can you guys (other group members) believe that I got a shot (disciplinary report) just because I told that rookie (first year correctional officer) to call me 'Mister?' Just because she wears a badge doesn't mean she can't give me the respect I'm due."
>
> *Counselor*: "Is that all you said?"
>
> *Offender:* "Pretty much, I just told her that she needed to treat us guys with respect if she wanted to get any."
>
> *Counselor*: "So basically, you told the officer how to act…how to do her job. Is that right?"
>
> *Offender:* "No man, I just asked her for some respect."
>
> *Counselor*: "You asked, or did you demand?"
>
> *Offender:* "I don't know. She might have taken it like a demand."

In this dialogue, there are actually two examples of reframing. First, the counselor suggested that the offender was essentially telling the officer how to do her job. Second, he relabeled the offender's use of the word "asked" as a "demand." In both instances, the counselor reframed the offender's statement to the officer as disrespectful—the very way he claimed to have been treated by the officer! The offender's statement is thus cast in a very different light than the one initially presented by the offender.

A third means by which therapists can reframe offenders' opposition to treatment is to reinterpret such resistance in a positive context. For example, correctional treatment specialists are bombarded by offenders who want to blame their criminality on peer pressure, poor parenting, poverty, and so forth. A therapist's stance which regards such a disadvantage as an "opportunity" or a "challenge" can help break through the offender's denial (15). Indeed, changing the attribution for one's criminality from a "recipe for failure" to an "opportunity for growth through adversity" can increase the probability of future success (13). Offenders should be asked which interpretation, positive or negative, is most likely to enable them to achieve their goals, avoid conflict with others, and feel the way they want to feel (16). Consider the following illustration:

> *Offender*: "I can't believe I let that asshole [peer] punk me."
>
> *Counselor*: "What do you mean?"
>
> *Offender*: "He got into my locker and took some coffee without asking me. Hell, I would have given it to him if he told me he needed some."
>
> *Counselor*: "So, you feel like he got over on you?"
>
> *Offender*: "Yeah, plus I haven't said anything to him about it."
>
> *Counselor*: "Why not?"
>
> *Offender*: "Cause I'm afraid that we'll get into a fight and I'll end up going to the hole" [disciplinary segregation].
>
> *Counselor*: "It sounds to me like you're thinking about long-term goals instead of letting your feelings run your life. That's a real step forward, isn't it?"
>
> *Offender*: "Yeah, I guess so. I mean, I do want to get closer to home and I've already got 16 months of clear conduct. I don't want to blow it now."
>
> *Counselor*: "So getting closer to home so you can visit with your family is more important to you than settling a score over some coffee. Is that right?"
>
> *Offender*: "Yeah, I guess so."

In this scenario, the counselor first seeks to clarify what the offender means by the word "punk." Before a statement can be reframed, the counselor must understand the precise meaning of an offender's statement to himself. The counselor then reinterprets the offender's decision not to retaliate as evidence that he is delaying immediate gratification

and, instead, focusing on what is most important to him. This use of reframing is essentially an exercise in values clarification: The antisocial value (not permitting inmates to "get over") is put side by side with a prosocial value (securing family contact). The offender is then asked to determine which value is pre-eminent (9).

Much of the therapist's work with offenders involves explicating criminal thinking errors and highlighting an offender's choice to be irresponsible (5). Accordingly, the final method of reframing to be examined is the identification of the criminal thinking pattern(s) implicit in an offender's resistance, and then pointing out its destructiveness for both the offender and others. For example, if an offender is describing random acts of kindness he has performed prior to incarceration, this manifestation of *sentimentality* (3) is labeled as such. The offender is then challenged to explore the pain he has inflicted on others, and to dispense with the idea that doing good deeds is somehow compensatory for committing crimes (5). Elliott and Walters (4, 17) offer additional strategies for the therapeutic management of criminal thinking patterns exhibited by offenders undergoing treatment.

Elliott (18) has articulated a four-step process whereby offenders' resistance is reframed in terms of problem behaviors typically found among juvenile offenders participating in positive peer culture/guided group interaction programs. This device is easily modifiable for use in highlighting specific criminal thinking patterns manifested by offenders in other venues. The process is intended to expedite the identification and confrontation of problematic behaviors or cognitive distortions as they occur in counseling or psychoeducational groups. Perhaps more importantly, adherence to the four steps described below will effectively preclude lengthy and often bitter power struggles between the counselor and the offender whose behavior is being challenged.

> ***Step 1***—The counselor simply acknowledges that an offender's statement or action is indicative of criminal thinking. The criterion for such an assessment is whether or not the offender or someone else is or could be harmed in any way by the verbalization or gesture.
>
> ***Step 2***—The statement or action is labeled (reframed) in terms of the underlying criminal thinking pattern. The author recommends that Walters' (3) classification system be utilized because of the solid theoretical foundation upon which it is built as well as its economy (i.e., only eight cognitive patterns). However, some counselors might opt to employ Yochelson and Samenow's (2) array of 52 criminal thinking errors. Regardless of the system adopted, the idea is to label the cognitive error as such.
>
> ***Step 3***—The counselor articulates his or her rationale for reframing an offender's behavior as evidence of the identified thinking pattern or error. This statement of rationale should be cogent and succinct, and limited to a description of the specific way in which the offender's statement or action is or could be harmful to self or others. Whereas the application of a label (Step 2) simply calls the offender's attention to his or her criminal thinking, the rationale statement pinpoints the self-defeating and/or socially destructive nature of same.
>
> **Step 4**—The offender is asked whether or not he or she recognizes and accepts ownership of the criminal thinking pattern identified in Step 2 and clarified in Step 3. This is a *yes or no* question; there is no need for any prolonged, contentious response on the part of the offender. By the same token, neither the counselor nor other offenders should debate the inmate's decision to accept or reject the confrontation. The intent is simply to make the offender aware of his or her criminal thinking patterns as they are evidenced. Hopefully, after repeated confrontation regarding the same or similar patterns, he or she will move toward accepting responsibility for same.

Following is an example wherein the four-step process for exposing criminal thinking patterns is applied following the issuance of certificates to offenders who just completed a drug education class:

> *Offender*: "Hey, Miss Weaver. Is this (certificate) all we get?"
>
> *Counselor*: "What do you mean, Mr. Johnson?"
>
> *Offender*: "This certificate isn't worth the paper it's written on. The Parole Board isn't going to pay any attention to this."
>
> *Counselor*: "Are you aware of a criminal thinking pattern you're displaying?" (Step 1)
>
> *Offender*: "I'm just making an observation."
>
> *Counselor*: "Could it be that you're engaging in entitlement based thinking?" (Step 2)
>
> *Offender*: "How do you mean?"
>
> *Counselor*: "What I heard was that you felt that you were entitled to something more than what you received. In other words, it was as though you were deprived of something which you were owed. In the past when you've felt that way, you have robbed people to get what you want" (Step 3).
>
> *Offender*: "I don't see that at all. I just want something to show for my effort."
>
> *Counselor*: "You don't see your statement as an example of entitlement?" (Step 4)
>
> *Offender*: "No, I really don't, but I'll look into it."
>
> *Counselor*: "Good."

The entire four-step process, if executed in the manner depicted in the preceding example, should require no more than sixty seconds. The counselor is admonished to approach all four steps in a calm, matter-of-fact, and utterly non-defensive manner. Again, the purpose of these steps, like all approaches to reframing, is to clarify the nature of resistance and encourage self-examination.

Reversal of Responsibility

The excuses and justifications verbalized by offenders to explain their criminality are prime targets for early counseling and treatment efforts. Offenders frequently attribute their antisocial behavior to unfairness or societal injustice, or they may blame the victims of their crimes and/or others in order to minimize the seriousness of their criminal conduct. Such external projections of blame are referred to by Walters (3) as "mollification," and by Yochelson and Samenow (2) as "the victim stance." Walters (19) contends that, regardless of the form it assumes, mollification must be challenged; otherwise, the offender will continue to externalize responsibility for his or her criminality rather than engage in honest self-examination.

Unfortunately for the counselor, the confrontation of deeply entrenched criminal thinking patterns, such as mollification or the victim stance, is a daunting therapeutic task. Offenders cling tenaciously to their self-serving neutralizations and rationalizations, and will shift from one justification system to another in order to evade personal responsibility for the harm they have caused to others. Accordingly, they become highly defensive

and fiercely resistant when directly challenged by treatment staff. It has been the author's experience that spiraling and inherently counterproductive power struggles are inevitable consequences of a counselor's well-intentioned confrontation of an offender's display of mollification. Moreover, the intensity of the offender's resistance to assuming personal responsibility for his or her antisocial behavior is often so great that redirection and reframing prove ineffective as interventions. At this juncture, it is necessary to employ the most complex yet powerful of the "3R's," reversal of responsibility.

Reversal of responsibility, hereafter referred to simply as *reversals*, requires the counselor to reflect an offender's words or actions back to him or her in such a manner that the offender must assume personal responsibility for them (20). Virtually anything an offender does or says represents reversal material, but the third "R" is especially useful in responding to an offender's externalization of blame for his or her current life situation. For example, consider the following dialogue between a correctional counselor and a prison inmate:

> *Offender*: "You know I wouldn't be here (juvenile correctional facility) if both my parents weren't alcoholics."
>
> *Counselor:* "So you're suggesting that everybody who has parents with problems gets into trouble?"
>
> *Offender:* "Well, not exactly. I'm just saying that I didn't get an even break."
>
> *Counselor*: "I see. So, in other words, you had no choice but to break the law. Is that what you're saying?"
>
> *Offender*: "No, I'm not saying that I didn't have any choice, just that it was a lot harder on me than on other kids."
>
> *Counselor*: "I get it: in order to live a responsible life, you've got to have an easy life."
>
> *Offender*: "No! That's not what I mean at all. I…I… don't know what I mean."

Notice how the counselor's reversals placed the inmate in such a bind that he could not escape the personal responsibility for his dilemma. Observe, too, that the reversals were presented matter-of-factly and non-sarcastically. This intervention is only effective when applied in a manner which is respectful and non-offensive (1), especially when the offender's mollification assumes the form of complaining about the counselor or other staff as depicted below:

> *Offender*: "Hey, Mr. Gregory (balding drug treatment specialist), you need to hand out some shades. That sun shining off your head is blinding us (inmates in drug education class)."
>
> *Counselor*: "You know, Terry, it will be really great when you feel good enough about yourself that you don't have to put others down."

In this brief exchange, the counselor takes the wind out of the offender's sail, but does so in a way which is neither harsh nor humiliating. The counselor manages to retain his own sense of dignity and self-respect while according the same consideration to the offender. Moreover, the reversal is potentially therapeutic, in that it identifies a critical treatment issue (self-esteem) and promotes self-examination. Obviously, the counselor's reversal in this case served to preclude an emotionally charged and fruitless power struggle.

Reversals represent an indirect method of challenging resistance rather than directly disputing or criticizing an offender's comment or action. For example, the counselor might say, "What did that behavior get you?" instead of, "Your behavior only succeeded in making your situation worse" (5). The former statement challenges the offender to consider the motives for and consequences of his behavior, whereas the latter response only serves to discourage the offender and place him on the defensive. By asking the simple and straightforward question, "What did that behavior get for you?", the counselor holds a mirror up to the offender so that he can examine the self-serving yet self-defeating nature of his behavior. Indeed, one way to conceive of reversals is to regard them as efforts to clarify an individual's choice points and their consequences.

There is an infinite array of reversal strategies, all of which are intended to focus the offender's attention on what *he or she* is doing to contribute to a current predicament. The counselor's job is not to deny the contribution of other people, but to remind the offender that he or she has no control over the actions of others (5). Such an approach preempts a needless debate and struggle for power by suggesting that even though outside forces may play a role in an offender's misfortune, the offender is ultimately responsible for his or her behavior. For instance, consider the following brief interaction:

> *Sex Offender*: "I was molested by my stepfather and uncle. I guess I was destined to do the same thing to somebody else."
>
> *Counselor*: "I understand that you experienced adversity while growing up. However, what does that have to do with making a decision to harm children now?"

Notice that the counselor does not actively dispute the offender's mollification statement, thereby averting an argument or debate. Instead, the counselor acknowledges the adversity experienced by the offender as a child, but challenges him to assume full responsibility for his choices as an adult. The strategic employment of reversals can, therefore, enable the counselor to successfully target mollification without becoming embroiled in a power struggle with an offender. The Appendix contains 50 examples of possible reversals with which counselors can respond to typical mollification statements and other forms of resistance manifested by offenders in treatment.

The effective use of reversals is informed by at least three caveats. First, under no circumstance should a reversal contain or imply any ridicule, anger, or sarcasm (21). Second, reversals are not to be confused with the popular notion of "reverse psychology," which is occasionally humorous but often condescending (1). Finally, like any treatment strategy, this intervention requires considerable practice before one can become proficient in its application.

Conclusion

The author has introduced three strategies through which correctional counselors can effectively manage offender resistance to treatment without becoming mired in a circular, contentious, and altogether useless power struggle. Indeed, the "3R's" effectively challenge primary issues, such as mollification and other criminal thinking patterns, but do so without leading the counselor to a beleaguering and demoralizing verbal conflict with an offender. Redirection, reframing, and reversal of responsibility all serve the purpose of continuously presenting offenders with feedback that counters their tendency to discount or deny the injury they have brought to both themselves and others.

The successful application of the "3R's" is contingent upon the counselor's recognition that he or she must *not* try to convince an offender to change his or her thinking or behavior. Any attempt in that regard will most certainly degenerate into a power struggle because the offender will fervently endeavor to convince the counselor that change is un-

necessary or unattainable (13). In fact, it is *not* the counselor's job to make *any* decisions for an offender; rather, the counselor simply supplies the offender with information and affords him or her the opportunity for self-examination and change (19). One might even argue that, to an offender who is resistant to treatment, the counselor's best reply is simply this: "It's your life, and it's your choice to look into the mirror."

APPENDIX

THE REVERSAL OF RESPONSIBILITY

1. How diligent have you been in tracking down and taking advantage of available services?
2. So you're saying that you have such little self control that you must blame _____ for losing your cool?
3. How hard/far are you willing to work/go to get/stay straight?
4. What could you have done differently in that situation?
5. Some day you may feel good enough about yourself that you won't need to make excuses.
6. What did you (not) do that created a problem for yourself and/or others?
7. What are you (not) doing to continue to create problems in your life?
8. What are you (not) doing to increase or decrease your chances of being targeted/accused/blamed?
9. What are you (not) doing right now to help yourself?
10. How honest are you being with yourself right now?
11. Only time will tell.
12. So you're saying that you are so powerless/helpless/dependent that you can't make choices/decisions for yourself?
13. What are you doing to practice making the right choices/good decisions?
14. What are you doing to practice the skills/behaviors you're learning in this program?
15. What are you doing to seek out the help/support you need right now?
16. How are you using your time to help yourself/others?
17. It's unfortunate that your family may not have been there for you, but how are you trying to help/improve yourself today?
18. To what extent are you practicing what you preach?
19. What are you doing to enhance your trustworthiness/credibility?
20. So you're saying that you are incapable of self-reliance?
21. I see, you're saying that one good deed counteracts all the pain and suffering you've caused?
22. Do you do/take everything someone asks you to do/take?
23. So you're saying everybody who comes from a lousy family/neighborhood is destined to be a criminal?
24. Is there someone in your family/neighborhood who has risen above his/her background?
25. Did your good deeds bring you to prison?
26. Would a videotape of your life be consistent with your stated beliefs?
27. Are you saying that you want to feel better or get better?
28. Are you helping or hurting your _____ right now?
29. You say that you want what's best for _____, but do your actions match your words?
30. You seem to know quite a bit about _____. Could it be that you are being overly familiar with him/her?
31. It sounds like you're more interested in not getting caught than getting your life together.
32. You seem to be protesting a little too much.
33. Some day, hopefully, you'll be as good at accepting responsibility as you are at talking your way out of it.
34. You've already lived the fast/easy life. What do you have to lose by learning to work hard/delay gratification?
35. Perhaps some day you can be as willing to take criticism as you are to give it.
36. I look forward to the day when you learn the difference between acting tough/instilling fear and being strong/commanding respect.
37. What you (don't) do today will partly determine what your future life will be like.
38. It would sure be nice if you were as concerned about your obligations to them as you are about their obligations to you.
39. You say that counseling/treatment is not worth the effort. Does that mean you're happy/satisfied with the way your life is right now?
40. You say that you didn't hurt him/her. I'm curious—what is your definition of harm to others?
41. Have you always been fair and reasonable in your treatment of others?
42. Are your beliefs about _____ worth risking/sacrificing your freedom?
43. Haven't you made enough bad decisions while sober? Why take a chance on messing up your thinking even further?
44. Are/were you part of the problem or part of the solution in your unit/neighborhood?
45. Is _____so important to you that you're willing to sacrifice your freedom?
46. Is a life outside prison worth learning new ways of thinking and acting?
47. Have you given half as much to others as you've expected/demanded them to give to you?
48. Respect seems to be awfully important to you. How much respect are you showing to _____ right now?
49. Are/were you building _____ up or tearing him/her down?
50. Do/did you respect/care enough about _____not to treat her like a piece of property/jeopardize her freedom?

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Prisoner Reentry and the Role of Parole Officers

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OVER THE PAST few years, there has been a renewed interest in the reentry of prisoners to the community. This has come about for several reasons. First, with the tremendous growth in the prison population in the United States, there has also been a tremendous growth in the number of releasees. Camp and Camp (1998, p. 59) report that 626,973 prison inmates were released from prison during 1998. In New York City alone, the New York State Department of Correctional Services releases approximately 25,000 people a year to the city, and the New York City jails release almost 100,000 (Nelson, Dees, & Allen, 1999). In the State of California, 124,697 prisoners left prisons during 1998 after completing their sentences, almost ten times the number of releases only 20 years earlier (Petersilia, 2000a). Even with the increase in the number of adult felons in prison, a significant number are supervised in the community. In 1997, the Bureau of Justice Statistics reported a total of 5,726,200 adults under correctional supervision. Of those, 3,296,513 were on probation, 557,974 were in jail, 1,176,922 were in prison, and 694,787 were on parole (Bureau of Justice Statistics, 1999, p. 1).

Second, the increasing number of inmates returning from prison has taxed available community resources for offender reintegration. When there were only a few hundred thousand prisoners, and a few thousand releasees per year, the issues surrounding the release of offenders did not overly challenge communities. Families could house ex-inmates, job-search organizations could find them jobs, and community social service agencies could respond to their individual needs for mental health or substance abuse treatment. However, with the high number of offenders now returning to their communities, the impact of these offenders on their families and their communities has intensified (Petersilia, 1999).

Third, in many states, the release decision and process has changed, resulting in a change to the once prevalent preparation for release emphasized by both prison and parole board administrators. With the previous extensive use of indeterminate sentences and release by parole boards, correctional systems were organized and operated in a manner to ensure inmates were prepared for reentry. Prison counseling staff emphasized programs to prepare inmates to appear before the parole board. Parole consideration required inmates to make sound release plans. Inmates had to develop a plan, parole officers investigated the plans, and reports on the plan acceptability were made to the parole board. If substantial support was not available in the community, halfway houses were routinely used to assist in the prison to community transition. If someone was granted parole, the parole board identified the conditions of supervision and the required treatment programs. After an offender was released, parole officers, whose primary responsibility was to guide the offender to programs and services, supervised offenders in line with the conditions mandated by the parole board.

Currently, many states have opted to abolish parole, and 15 states and the federal government have now ended the use of indeterminate sentencing. Twenty other states have severely limited the population eligible for parole. Only fifteen states still have full discretionary parole for inmates. In 1977 over 70 percent of prisoners were released on discretionary parole. By 1997, this had declined to 28 percent (Bureau of Justice Statistics, 1997). This change has modified much of the historical preparation for release, and the correctional process has de-emphasized release preparation in favor of emphasizing monitoring the ex-inmate after release.

Changes have occurred in the way offenders are supervised in the community after release from prison. For most of the 1990s, both probation and parole underwent a transition from helping and counseling offenders, to managing risk and conducting surveillance. This perspective is referred to as the "new penology" (Feeley & Simon, 1992). Rhine (1997, p. 73) describes this perspective as one in which:

> crime is viewed as a systemic phenomenon. Offenders are addressed not as individuals but as aggregate populations. The traditional corrections objectives of rehabilitation and the reduction of offender recidivism give way to the rational and efficient deployment of control strategies for managing (and confining) high-risk criminal populations. Though the new penology refers to any agency within the criminal justice system that has the power to punish, the framework it provides has significant analytic value to probation and parole administrators.

It has been suggested that supervision styles of parole and probation officers fall into either a "casework" or a "surveillance" ap-

proach. A casework style of supervision places emphasis on assisting the offender with problems, counseling, and working to make sure the offender successfully completes supervision. A surveillance style of supervision emphasizes monitoring and enforcing compliance with the rules of supervision and detecting violations leading to revocation and return to custody. The transition from casework to surveillance style of supervision can have a dramatic effect on the reentry of offenders. Some of the impetus for the change result from an increase in caseload size. Petersilia (2000b) reports that in the 1970s, parole officers were usually assigned 45 parolees; today parole caseloads of 70 offenders are common. With significantly larger caseloads, parole officers have little time to focus on the offender as an individual, or provide counseling or referral to community agencies. As a result, officers have little choice but to concentrate on surveillance, and the impersonal monitoring of offenders.

Many issues confront prison releasees as they return to the community. A study by the Vera Institute of Justice in New York City identified a number of these (Nelson). The study included 88 randomly selected inmates released from city jails in 1999. Issues identified included finding housing, creating ties with family and friends, finding a job, addressing alcohol and drug abuse, continued involvement in crime, and the impact of parole supervision. Most offenders end up living with families or friends until they find a job, accumulate some money, and then find their own residences. For most releasees, their age at release, lack of employment at time of arrest, and history of substance abuse problems all make it difficult to find a good job. Release is a stressful time, and many ex-inmates relapse into drug or alcohol abuse.

Although these issues present practical, social, and economic concerns, they pose another dire result. Whether because of tougher parole and release supervision with minimal tolerance for mistakes or the failure of the system to prepare inmates for release, an increasing number of inmates being released are reincarcerated as parole and release violators. During 1998, there were 170,253 reported parole violators from the states, representing over 23 percent of new prison admissions (Beck & Mumola, 1999). Even more alarming is that 76.9 percent of all parole violators were charged with a technical violation only, without commission of a new felony (Camp, p. 59).

The emphasis on surveillance of community offenders results in a trend to violate releasees for minor technical violations, as administrators and parole boards do not want to risk keeping offenders in the community. If these minor violators later commit a serious crime, those deciding to allow them to continue in the community despite technical violations could face criticism or even legal action. This "risk-free" approach represents an "invisible policy" not passed by legislatures or formally adopted by correctional agencies. However, these actions have a tremendous impact on prison populations, cost, and community stability.

Research Design

To date, there has been limited research on what parole officers do while supervising offenders and assisting with reentry to the community. A study by Saint Louis University faculty attempted to identify some of the important reentry activities performed by parole officers, and to determine what they perceive as important in assisting offenders to successfully return to the community. The researchers requested permission from the Missouri Department of Corrections to administer a survey and conduct interviews with officers in the Eastern Probation and Parole Region of the State of Missouri. Missouri is a "combined" state, where the Department of Corrections oversees both probation and parole supervision throughout the State, and officers supervise both probationers and parolees.

The study research design included several steps:

***Step 1*:** Identify the tasks performed by parole officers, create data collection instruments, and pretest these survey and interview instruments. Sample survey and interview instruments were shared with Missouri probation and parole district administrators, who suggested revisions to clarify questions and make them more representative of the functions of parole officers.

***Step 2*:** Survey officers and identify the types of activities performed in supervising parolees. All probation and parole officers in the Eastern Probation and Parole Region of Missouri were potential candidates for completing the surveys. While completing the surveys was voluntary, approximately 46 percent of the possible officers did so (114 out of 250). The actual return rate of those asked to complete the survey was higher than 46 percent, because not every officer was available on the day of the survey administration.

Step 3: Conduct interviews were conducted with eleven (approximately 10 percent of those surveyed) probation and parole officers to collect more detailed information about survey questions, and to seek officers' opinions of the most important aspects of their jobs. Interview questions covered the role of parole officers, the importance of supervision activities, the conflicts between helping offenders and protecting society, and other qualitative aspects of probation and parole officers' duties.

***Step 4*:** Analyze the data and write the report. The data were analyzed, and a final report was written and provided to the Missouri Department of Corrections. The report describes the functions of probation and parole officers, and relates some of these officers' opinions on the importance and impact of their supervision perspectives.

Data Collection and Analysis—Surveys

Survey Administration

Researchers went to each of the six district offices within the Eastern Region of Missouri to administer surveys to all available officers. At each office, a few additional surveys were left for officers not available on the day of survey administration. The written survey, as well as the verbal instructions from the researcher, explained that a random sample from officers completing the written survey would be asked to participate in an in-depth interview on the same subject matter. Eleven officers participated in the interviewing process. At least one employee at each district office is represented in the interview data.

Description of the sample

As noted, 114 surveys were completed and eleven officers interviewed. The mean age of respondents was 33.5 years, with the youngest respondent being 21 years old and the oldest respondent 56 years of age. The average time on the job as a probation or parole officer was 5.5 years, but the range encompassed almost 23 years. Sixty percent of respondents were women, and 40 percent were men. The sample was distinctly white in nature: 76.4 percent of respondents described their ethnicity as "White/Non-Hispanic," while just over 19 percent listed themselves as "Black/Non-Hispanic."

Almost all respondents have college degrees, which is a requirement for the job of probation or parole officer in the state of Missouri. Of this group, 22.3 percent have

some graduate school education, and another 16 percent have earned a graduate degree. Among graduate degree holders, a criminal justice major was most frequent, representing 54.1 percent of respondents. Psychology was the college major for 17.1 percent of respondents. Other majors included sociology (9.0 percent), social work (4.5 percent), education (3.6 percent), business (1.8 percent), and an "other" category (9.9 percent) in which majors such as art or history appeared.

The great majority (95.6 percent) of respondents supervised both probationers and parolees. Caseload types were fairly evenly split, with 55.3 percent of respondents managing a specialized caseload, 43.9 percent managing a regular caseload, and one officer supervising a mix of regular and specialized caseloads. The specialized caseloads included intensive supervision, sex offenders, violent offenders, mental health offenders, or substance abuse offender caseloads. Mean caseload size was 60 offenders for each officer. The smallest caseload was 8 offenders, while the largest caseload indicated by survey respondents was 127 offenders.

Programs available for parolee reentry

Officers completing the survey were asked to identify programs available for assisting with prisoner reentry. There were 104 responses to the question, with only 10 respondents not giving an answer. Respondents were amazingly consistent in their citations of available programs for parolees. This is unusual for free-response questions. Only two responses out of 104 could not be coded into one of the five categories noted below. The great majority of respondents identified more than one program that they were aware of, were currently using, or had used in the past. Responses, in order of frequency, are as follows:

1. *Job training and/or vocational rehabilitation.* Fifty-seven respondents (55 percent) cited these programs.
2. *Substance abuse treatment.* Fifty-six respondents (54 percent) cited these programs.
3. *Residential facilities and/or halfway houses.* Forty-three respondents (41 percent) cited programs offering transitional housing arrangements.
4. *Work release programs.* Thirty-five respondents (34 percent) cited these programs.
5. *Employment assistance.* Twenty-three respondents (22 percent) cited some kind of employment assistance program, to include help with finding a job, keeping a job, support while on the job, and specific needs with job training.

Officers were also asked to identify the most important aspect of reentry programs for improving parolees' chances for success. Ninety-five of the 104 officers listed responses to this question. In order of frequency, respondents indicate the following activities as the most important:

1. *Keeping the offender in a steady job/steady employment/legitimate means of making a living.* Thirty-two respondents (34 percent) cited steady or continuous employment as critical. Key in their responses is the term "steady" or "stable," meaning episodic or odd jobs were not the intended.
2. *Obtaining and being successful with substance abuse treatment/staying drug free.* Twenty respondents (21 percent) cited staying off drugs and alcohol as critical for success. Respondents stated that if the offender was still using drugs, access to and participation in any other program was "a waste of time."
3. *Support systems/resources as needed (generic terms).* Nineteen respondents (20 percent) cited support for offenders as critical. Most said simply, "support" but 9 respondents (47 percent of those who cited support) cited specifically family support and 3 respondents (19 percent) cited peer support.
4. *Structure/stability/patterns.* Sixteen respondents (17 percent) cited structure in the offenders' post-institutional life as critical to success. Examples of this structure (other than that which employment brings) were not given. However, from the responses it appears that officers are referring to offenders staying with the routines of their behavior as they should, getting up and going to work on time, attending required programs, and meeting their other responsibilities, such as paying fines or following curfews.
5. *Supervision, monitoring, or control itself.* Fourteen respondents (15 percent) cited the supervision of offenders in meeting their parole or probation conditions as critical. They used terms such as supervising, monitoring, controlling, and following up.
6. *Holding offenders accountable for actions.* Four respondents (4 percent) cited holding offenders accountable for their actions. These respondents noted that offenders need to be held responsible for their own behaviors and their own successes or failures in post-institutional life.

Finally, officers were asked to identify the most important aspect of their job in improving a parolee's chances for success. Again, there was a high response rate, with 105 officers answering this question. As with the first part of this question, there was strong cohesion among responses. Four themes emerged in these responses.

1. *Monitoring/supervising/controlling aspects of the job of parole officer.* Thirty-five respondents (33 percent) cited some form of supervision as crucial to the success of the parolee. Terms such as monitoring, supervising closely, verifying, making sure, supervision, surveillance, and ensuring compliance are all used in this response.
2. *Assess needs and refer/direct to appropriate community agencies.* Twenty-nine respondents (28 percent) cited assessment of individual offender needs (most respondents did refer to specific offender needs rather than "blanket" referrals) and/or referral to treatment resources. Only a few respondents cited specific referral programs such as substance abuse or sex offender programs.
3. *Help maintain employment.* Twenty-one respondents (20 percent) cited various aspects of keeping offenders employed in appropriate jobs. Referral assistance, on-the-job support, encouraging the offender to maintain full-time employment, and assessing continuing employment needs were some of the common responses cited.
4. *Hold offender accountable/responsible for behaviors and success.* Fourteen respondents (13 percent) cited offender acceptance of his or her responsibility as a crucial job factor. Respondents indicated that holding offenders accountable for the various aspects of supervision and making sure that they recognized the consequences for violating supervision were important, because all the programs in the community would not help those who refused to accept responsibility for the outcome of their period of supervision.

Individual Interview Analysis

The final question on the survey informed respondents that more extensive individual interviews were to be held, that they would be voluntary, and asked if they would agree to be interviewed. No respondents indicated an unwillingness to be interviewed, and a random group was selected. In addition, officers specifically requesting to be interviewed were accommodated. The interview group included at least one officer from each district office. The makeup of the interview group in age, time on the job, caseload type and size, and background mirrors the survey group. Responses to the interview questions that focused on prisoner reentry are presented below.

Officers were first asked to describe any parolee reentry programs in their district or the state with which they were familiar, and rate how effective they believed them to be. "Parolee reentry" programs were defined as programs that assist with the return of offenders from prison to the community. Of the eleven responding officers, the following percentages listed these "parolee reentry" programs:

Drug and alcohol programs: 77.7%
Work release programs: 77.7%
Counseling programs: 55.5%
GED programs: 44.4%

Officers listed the specific programs they most regularly used for these types of offender needs. Most responding officers suggested that these reentry programs are always effective, if they are implemented correctly. As an example, one officer replied that the halfway house regularly used works well for offenders while they are living there. Two respondents commented that GED programs are extremely effective. The majority of officers agreed that the most effective reentry programs are employment and drug treatment programs.

Officers were asked their opinion of what two or three things could be done to reduce the level of parole revocations in Missouri. The majority of officers suggested a more proactive approach to all programs—placing offenders in programs to match their needs rather than placing them in programs after problems arose. Specific suggestions to reduce revocation rates (by percent of the eleven respondents) included expanded use of the following programs or activities:

Drug treatment and therapy: 45%
Job training and work release: 45%
Halfway house programs: 18%
Electronic monitoring: 27.3%
Intensive sentences and accountability: 18%
Smaller caseloads: 18%

Summary and Conclusions

The results of these surveys and interviews are important to consider in the casework-surveillance debate, and indicate a need to review the activities performed by parole officers in supervising and assisting offenders in their return from prison to the community. With the rising number of prisoners released from prison each year and the increase in the percent of prison admissions made up of parole violators, it is critical that the reentry functions most critical to success be identified and expanded. In this study, researchers surveyed and interviewed parole officers in St. Louis, Missouri to determine what supervisory functions they performed that they considered most important in the reentry process, and which of those they believed most effective.

Parole officers identified maintaining steady employment, staying drug free, receiving support from family and friends, and developing stable patterns of behavior as the most critical aspects of success for successful prisoner reentry. When asked what they do in their job that is most important in improving parolees' chances for success, officers identified close monitoring of behavior, assessing and referring parolees to community agencies based on their needs, helping parolees maintain employment, and holding offenders accountable for their behaviors as most important.

While these findings are certainly not new, they do provide additional insight. As noted above, over the past decade, there has been a transition from the dominant style of casework supervision, which emphasizes assisting the offender with problems, counseling, and working to make sure the offender successfully completes supervision (Rothman, 1980), to a style of surveillance supervision which emphasizes the monitoring of offenders to catch them when they fail to meet all required conditions (Rhine, 1997). The concern is that this transition parallels an increase in the number of parole revocations, to a point where they now represent almost one-fourth of all new prison admissions. Over three-fourths of these parole violations are for technical violations only.

In this study, officers asked to identify the aspects they considered most important to successful prisoner reentry as well as their own job contributions to this success, responded with activities that seem to be on the "casework" side of the supervision style continuum. Officers believed that by assessing and referring parolees to community agencies based on their needs, helping parolees maintain employment, and holding offenders accountable, they contributed to offenders' success in maintaining steady employment, staying drug free, having support from family and friends, and developing stable patterns of behavior. While monitoring and holding offenders accountable can seen as "surveillance" activities, in this study, their focus is not on catching offenders who violate conditions of supervision so that they can be returned to prison. In fact, all of the activities identified by the majority of parole officers as important aspects of their jobs for improving the chances of successful offender reentry are activities that emphasize assisting offenders in their success in the community.

These findings suggest that even during a period when parole officers are increasingly charged with close surveillance of parolees through the use of intensive supervision, electronic monitoring, urine testing for drug use, and specialized supervision programs for offenders with histories of violence, they continue to believe that the most effective functions they perform are those that help and assist those under supervision. It is possible that we have pushed the emphasis on surveillance and risk reduction to a point where the casework activities become second priority, triggering more failures in reentry than in the past. Parole administrators and correctional policy makers may need to reconsider such surveillance policies to prevent them from overriding the importance of traditional casework activities in improving the success rates of offenders returning to the community from prison.

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A Model for Developing a Reentry Program

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AN ABUNDANCE OF material has been published during the past few years detailing with much anxiety the growing problem of prisoners re-entering society. Over the next several years, approximately 600,000 inmates are expected to be released annually from either a federal or state prison or jail. In some quarters it is estimated that, by the year 2010, inmate releases may approach 1.2 million per year, according to criminologist Joan Petersilia of the University of California at Irvine.

Clearly, at its present rate of growth the convict population of the United States will be a formidable force with considerable impact on our socio-economic and political life. If this sounds like a Stephen King thriller, consider that at present there are over 1.9 million adults being held in prisons or jails; it is estimated that 5 million Americans have served or are serving prison sentences; and over 4.5 million are under parole or probation supervision, with over 80 percent of those in the latter category. In just 20 years, the number of inmates being released has quadrupled. What the academics and practitioners have been preaching for years, that despite mandatory sentencing, sooner or later they all come out, is in fact a reality.

If society isn't ready to invest in resources to aid these returning convicts in positive change, the consequences may prove catastrophic. Why invest? Partly because the cost of administering justice has quintupled between 1982-1995, from 9 billion to 44 billion dollars, and partly because there has been no significant return on this expenditure. Why not then reallocate this money in the hope of a more promising return? This article proposes some suggestions for an effective and productive reintegration of the offender into society while simultaneously providing for the safety of the community.

If the citizenry and its civic leaders are truly committed to easing the reentry of offenders into the community, while transforming them into productive individuals, thus reducing the risk that they pose to the tranquility of society, five essential things must occur. These include:

- A paradigm shift in the way that we look at corrections;
- The building of a complete and true criminal justice system:
- Coalition building—to include cooperation, collaboration, and partnering between all interested agencies and parties;
- Proactive community involvement through Restorative Justice programs;
- Objective evaluation of all programs in use or being proposed.

Some of these elements will be illustrated later on in this article when I describe a re-entry program presently being developed in Essex County, Massachusetts.

Paradigm Shift

Political rhetoric aside, we need a widespread acceptance that prisons and jails seldom if ever change behavior. Being incarcerated in a most asocial environment does not socialize one. While acknowledging the need for prisons and jails, it is time to admit that they have a very limited purpose. Incarcerating individuals for the sole purpose of incapacitating them and preventing further criminal acts is not working. Rather, we must strive to more energetically direct our financial resources towards developing a network of more effective and efficient community correction centers (day reporting centers) and halfway houses, while simultaneously offering to judges a menu of various intermediate sanctions to be imposed in lieu of incarceration.

Tangential to the emphasis on community corrections and the use of intermediate sanctions is the need to revisit mandatory sentencing. Most research on this issue shows that the wrong people—i.e. the petty drug offender—are the ones who usually receive the harsher mandated sentence, while the more violent offender is often sentenced to less time. A recent study by the U. S. Dept. of Justice on *Offenders Returning to Federal Prison, 1986–1997,* reports that "as the length of time served in prison increased, so did the rate of return to prison."

Additionally, we must examine our local policies on parole and probation violations. Of the 33,815 offenders who were returned to federal prison between 1986–1977, 60 percent had violated their conditions of supervision, and another 10 percent were returned for other violations, excluding a new arrest. All violations, whether for a new offense or of a technical nature such as not reporting, must be addressed, but we need to examine whether or not many of those violations might be better disposed of by imposing available intermediate sanctions. Violations should be tracked by type, and an assessment made as to the efficacy of the sanction imposed.

Research by Joan Petersilia and others shows that hard-core individuals prefer do-

ing time to any form of intensive community supervision, which they perceive to be too intrusive to their lifestyle. Also, for some gang members, incarceration provides a degree of safety from life on the street, while for others it mistakenly enhances their tough-guy reputation to have "done time." Thus, judges and district attorneys have to be made aware that in many instances less is better, if we interpret that to mean that less time served with a substantial amount of post-release supervision is actually better than more time served—especially as it appears that offenders released to either probation and/or parole remain free longer than those inmates who have wrapped up their time.

Since so many offenders have issues around substance abuse, violence, educational and vocational deficiencies, mental health and mental retardation, and homelessness, the importance of community supervision and participation in community correction center programs following release becomes amplified.

Finally, within this paradigm must be the realization that just as there is no such thing as an ex-alcoholic or ex-addict, only an alcoholic or addict presently in recovery, so there is no such thing as an ex-convict. Rather, the released offender is a convict who is not committing any crimes at present. David Plotz, in an article entitled "Ex Con Nation," reports that a national recidivism study conducted in the mid 1980s found that nearly two thirds of ex-inmates were rearrested on serious charges within three years of their release. A tracked group of 68,000 former inmates committed more than 300,000 felonies and misdemeanors in the same three-year period following release.

In-house educational and vocational programs alone will not reduce recidivism. The ex-offender most definitely needs to take one day at a time. While he or she needs to be supported by a system of safety nets, offenders must recognize that by strict definition they will always bear the stigma of convict and the ancillary discrimination that goes with it.

Many of the changes proposed by this paradigm shift may require the education of our governmental leaders and legislators. That requires our own involvement and leadership, whether we are practitioners; academics; service providers or just interested citizens. As a well-respected practitioner stated many years ago, "When irrational but well-meaning policies established by politicians fail, we in corrections become the scapegoat for failed policies that we had no input in designing."

Building a True Criminal Justice System

For too long, the criminal justice practitioners have failed to see the big picture. Instead of working within a total criminal justice universe, we have contented ourselves with simply functioning in our own independent mini-systems, whether community corrections, institutional corrections, law enforcement, the courts, etc. Yet, even within these mini-systems one often finds either a mere semblance of competition or total detachment. Federal, state, and local police departments often compete with one another either for taxpayer's dollars or field intelligence. Occasionally, the competition takes on an intramural character, as when federal agencies like ATF, FBI, and DEA compete with one another or when county Sheriffs fail to coordinate activities with the city police departments within their jurisdiction. The court system is no exception, with prosecutors frequently blaming judges for being too lenient and the latter sometimes viewing the former as too vengeful. However, of late we have seen closer cooperation and collaboration between agencies. In many cities, parole and probation officers often make home visits together. There is more sharing of information between all agencies; and with this comes a more trustful climate.

Now we must move to the next plateau and engage in a full and open atmosphere of partnership, described by George Keiser of the National Institute of Corrections as two entities each bringing something of value to the table. A truly effective reentry program will require all the component disciplines to come together, to coalesce into a complete and effective system. Information on the offender needs to be gathered, gleaned, shared and stored.

Police departments and prosecutors must be willing to provide reports and offender information to the courts and the correctional institution to aid in both sentencing and inmate classification. In those instances where inmates are going to be released to some sort of supervision, whether parole or probation, the supervising officers should be meeting with the institutional staff prior to the release date. This not only lets the probation/parole officer ascertain the offender's pattern of behavior while incarcerated, but gives him or her insight on programs the offender participated in and the level of participation. Thus, the supervising officer can have a treatment and rehabilitative plan in place prior to the offender's release. This also gives the offender the message that, "Oh no, my institutional caseworker is talking to my parole officer." Offenders being released to supervision should be released at the local probation and/or parole office. This provides a degree of seamless supervision while cutting down on the risk of having the offender in the community with the same friends, in the same neighborhood, and in the same environment that he left when he was incarcerated. Jail staff has plenty of anecdotes of inmates upon release being picked up by their friends and buddies. As they drive off, the released offender can be seen lighting up a joint or opening a can of beer.

Local jurisdictions should explore the feasibility and practicality of establishing Re-Entry Courts in order to augment and enhance traditional intensive probation supervision. These courts, similar in scope and operation to drug courts, can serve to closely monitor the offender's progress, thereby meeting the need for public safety and offender accountability, while providing oversight of the delivery of services required for the offender's successful reintegration. Additionally, these courts can encourage the offender as he/she progresses through the system. The reentry court model, like the drug court, would provide judicial oversight of structured, community-based treatment; aid in identifying offenders for both treatment and referral immediately upon release; monitor compliance to court-mandated programs; and impose a hierarchy of sanctions for non-compliance.

Even when an offender is wrapping up or completing his full sentence, a representative of the police department in the locale where he is living might be assigned to visit him or her prior to release just to let the offender know that the police will be keeping close watch.

With such a close working relationship, every criminal justice agency is on the same page. Moreover, the offender is put on notice that he or she is under surveillance. For until recently, the streetwise offender was well aware that the left hand did not know what the right hand was doing. In addition, each agency went about their business independently gathering their own data. Many times an inmate would be classified as not being a drug addict or alcoholic because there was nothing on his criminal record to indicate this condition. However, the supervising probation or parole officer was well aware of the problem, but never informed the institutional staff. Under this suggested reform, that situation would change. The ex-

pectation is that the data gleaned and passed on at every entry point into the system will become useful information.

Coalition Building with Non-Criminal Justice Agencies

This agenda item differs from the above in that it refers to those agencies outside of the criminal justice system, but that nevertheless are very important ancillary players. Plotz in "Ex Con Nation" tells us that more offenders than ever suffer from mental illness; this is especially true of female inmates. Moreover, most mentally ill inmates suffer from co-occurring substance abuse. A staggering 75 percent of female jail detainees were determined to have a substance abuse problem. Returning offenders are apt to be more dangerous than previously; many are homeless or will be returning to a non-supportive environment. Additionally, prisoners tend to have 5 to 10 times the national rates for HIV infections, tuberculosis, and Hepatitis C. The Urban Institute tells us that in 1997, one-fourth of all Americans with HIV/AIDS were released from prison or jail.

And high percentages of released offenders still lack educational and vocational skills and thus remain either unemployed or underemployed. A number of them are either mentally retarded or suffer from some type of learning disability or attention deficit disorder. Female offenders have specific needs centered on issues of child rearing, housing, domestic violence and sexual abuse. Among incarcerated females who report mental and/or emotional issues, some 73 percent reveal that they have experienced some form of physical or sexual abuse. Added to all of these is the stigmatization of being branded an ex-con.

Moreover, the exponential effect on children of incarcerated parents needs to be considered. In 1999, some 721,500 parents of minor children—those under 18 years of age—were confined in federal and state correctional institutions. Approximately 1.5 million minor children, from some 336,000 households, had at least one incarcerated parent, the majority of whom were either violent offenders or drug traffickers. There can be no doubt that this phenomenon has dire consequences for these young people. The need for adequate and effective social service intervention with these children and their families is essential to their well being.

For a reentry program to be successful, representatives from all the disciplines numerated above must be brought to the table; information about needy individuals must be shared; and a better understanding of each other's agencies and the universe in which they operate must be achieved. Criminal justice agencies can no longer be expected, nor should they presume, to be able to go it alone.

For example, Travis et al. report that returning offenders tend to gravitate to the same neighborhoods. He cites, for instance, an area in Brooklyn that comprises three percent of the block groups and nine percent of the population. Yet, in this relatively compact area are housed 26 percent of the parolees living in Brooklyn. This example illustrates a legitimate need to map where returning offenders take up residence, so that resources such as public health facilities, employment and job training agencies, as well as community policing teams can be concentrated. Criminal behavior will never be totally eliminated, but it certainly can be curtailed and recidivism drastically reduced when service agencies and CJ agencies join hands and work in conjunction with one another.

Restorative Justice Programs

Since the peace of the community is disturbed whenever a criminal act is perpetrated—whether upon an individual or a group of victims—the community through its representatives should be active participants in the reentry or reintegration of the offender. The offender needs to be made aware of the physical and emotional hurt, as well as the financial loss sustained by the victim and/or the community. Even absent an individual victim, there is no such thing as a victimless crime. Rather, there is the collective victimization of society. All crime, even petty crime like prostitution, graffiti, and public disorder, numbs the sensibilities and squanders the financial resources of the community, while it erodes the social fabric.

A reentry program needs to incorporate within its framework a Restorative Justice Program that motivates the returning offender to accept the consequences of his actions and responsibility for the harm and damage that he has caused. One model that is suggested is Vermont's Offender Responsibility Plan (ORP). Originally developed as a partnering of that state's Department of Corrections and local law enforcement agencies, it has been expanded to include representatives of diverse agencies and the community. The ORP contains tasks to be achieved, both while the offender is incarcerated and upon his reentry.

The ORP, which should be developed by the offender with input from the victim, other affected parties, and also representatives from the local community at large, should address the needs of the victim; restore value to the community; motivate the offender to act prosocially by making changes in their behavior; identify the harm done to the victim; and aid the offender's reentry into society with the support of family, neighbors, and the community at large. It is the offender who draws up the plan, thus making him the major stakeholder, and he must be held in compliance with it.

Program Evaluation

Finally, all of the programs being used, both in the correctional facility and in the community, need to be objectively evaluated. Without such an assessment we run the risk of getting false-positive or false-negative results. An offender may fail because we are either referring the wrong person to a good program or a good candidate to the wrong program. Additionally, a program must not be judged simply on the number of people who complete the program requirements. A program that is too selective in whom it will accept guarantees for itself a higher number of successful participants. On the other hand, we must look with a degree of skepticism at programs that will accept anybody and everybody. For that reason output and outcome measurements must be in place. A program's success rate should be determined by the length of time an individual remains crime free; in essence program success should be proportional to the recidivism rate of the offenders it serves. Tools such as the Correctional Program Assessment Inventory (CPAI) and the CPAI Questionnaire developed by Paul Gendreau and Don Andrews are very helpful in assessing the particular strengths and weaknesses of program staff and services.

By its very nature, an objective evaluation must be performed strictly by individuals not affiliated with either the program being evaluated or the referring correctional agency. Also, measurement tools such as Pareto diagrams and histograms should be used to identify the services needed; to gauge the quality of the service being provided; and to determine what programs work.

A Model in Progress

In Massachusetts there are 13 Houses of Correction or county jails, each administered by a county sheriff. Misdemeanants and some felons are sentenced to these facilities. Unlike

most states, where sentences to county jails do not run longer than one year, in the Bay State, offenders can be sentenced to a local facility for up to two and a half years, although the average stay is usually just under a year. As a result, in any given year, more offenders are released from jail than from prison. An additional consequence is that these offenders tend to recidivate more frequently. Thus, the need for post-release services and supervision through an effective re-entry program becomes acute. In Essex County, where at any given time approximately 25 percent of the inmates are recidivist, Sheriff Frank G. Cousins has begun to institute just such a program.

Responding originally to a rash of fatal heroin overdoses of epidemic-like proportion—in the City of Lynn, just north of Boston, more individuals died from heroin overdose in a five-year period than from homicide—the Sheriff's staff and local probation and parole staffs began a joint effort to improve upon an already fairly good working relationship. Since many of the individuals succumbing to heroin overdose were recently released from the county jail to either probation and/or parole supervision, developing an improved communication network was vital to both public safety and the successful reentry of the offender.

A majority of those incarcerated were sentenced as a result of either a probation revocation, a split sentence of incarceration and probation, or incarceration with an on and after probation imposed on a companion case. Thus, it was apparent that a wealth of information was already available in the local probation offices. A procedure was instituted whereby probation provides the jail with all pertinent information, such as in-take forms, police reports, court-ordered evaluations, and any probation risk and need assessments. Assigned probation officers meet with the jail's classification and treatment staffs shortly after an offender is incarcerated. They also meet with the offender to encourage participation in treatment and rehabilitative programs such as substance abuse, alternatives to violence, and adult basic education.

Prior to the offender's release, all parties again meet to evaluate the offender's participation in treatment/programs and to develop an aftercare strategy to go with the probation supervision plan. If the inmate is being released to parole supervision, the same process applies. On the day of release, the offender is delivered by the jail transportation staff to either the local parole or probation office, where the terms of supervision—which range from traditional supervision, to participation in either a residential treatment program, or a halfway house—are again reinforced and the offender actually set at liberty.

Additionally, under Chapter 211F of its General Laws, Massachusetts has established an Office of Community Corrections, with a mandate to set up community correction centers or day reporting centers in collaboration with the Sheriffs. In these facilities, offenders participate in substance abuse counseling; alternatives to violence; adult basic education; and life skills. They must also undergo regular drug testing and perform community restitution projects as part of their weekly regimen. High-risk individuals may also be required to submit to electronic monitoring. In Essex County, Sheriff Cousins has established three such centers, which play an important role in providing post-incarceration services and supervision in conjunction with probation and parole agents.

Before an inmate is released, the institutional and community correction staffs coordinate with representatives from the community correction centers, when appropriate, as well as with various public and private agencies in the area, to help provide the returning offender with a safety net of needed services. Liaison with local community-policing teams is also established to insure maximum surveillance of the offender's movements. Existing in-house programs are now being evaluated for effectiveness and efficiency, while new initiatives such as a partnering with a local community college to provide distant learning opportunities are being explored.

Conclusion

The statistics provided in this article are not new. They have been replicated in other articles, monographs, and U.S. Department of Justice research papers. In the January 21, 2002 issue of *Time* magazine, an article entitled "Outside the Gates" by Amanda Ripley tells the moving story of 41-year-old Jean Sanders' re-entry into society after several stints in jail and prison. Sanders fits the prototype of the returning offender, no job, no home, a distrustful family, and very little hope. What is intended here is to get the practitioner to view macroscopically the problems associated with offender reintegration. No longer should this process be seen as solely a criminal justice issue. That would be myopic to say the least.

If we are to provide for the orderly reentry of offenders into society, it is necessary to develop full partnerships with all of the correctional, police, and service agencies involved. Control and rehabilitation of offenders must be seen in the context of a societal problem. Root causes of criminal behavior need to be identified and eradicated. Programs that are shown to work need to be reinforced and expanded, while the poor ones are discarded and not allowed to drain our limited resources. Only then can we avoid the dire consequences of being an ex-con nation. We can hope that, by massing our resources and working in an environment of cooperation we can, to paraphrase the Greek poet, Aeschylus, "Tame the savageness of man, and make safe the world in which we live."

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A Successful Reintegration into the Community: One NGRI Acquittee's Story

Randy Starr
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[*Editor's Note: Randy Starr's reentry story is unusual because of the circumstances of his crime, the court verdict of Not Guilty by Reason of Insanity, and the journey he has traveled since then. In 1979, Randy Starr was charged with the murder of his mother. Found not guilty by reason of insanity, he was hospitalized for five years, during which his condition was treated with psychiatric medications and intensive counseling. "I cannot remember when I have last seen a person use a period of enforced hospitalization as effectively for his own benefit as you have done," the director of his inpatient unit wrote him after his release.*

Though Mr. Starr's path within the criminal justice system was uncommon, he faced many of the standard issues on reentry into the community under conditional release: finding a job and suitable housing, establishing responsible habits and a healthy lifestyle, dealing with loneliness, judging whom to confide in, etc. Released in 1984, Mr. Starr is employed as a staff training and development instructor, and has been married for over 15 years.]

REINTEGRATION INTO the community as a "Not Guilty by Reason of Insanity (NGRI) "conditional-releasee" is a particularly challenging procedure. Most of those in this classification make it, but there are many that don't. This article is written with the intention of lending insight into some of the components that helped me successfully run this gauntlet of reentry.

The 50 states in the U.S.A. have their own uniquely distinct ways of addressing how best to deal with their forensic populations. The legal and political atmosphere constantly changes. The pendulum swings back and forth from the left to the right. Counting the Federal system, imagine 51 pendulums in motion, at different points, regarding how strictly or liberally the laws deal with these forensic individuals. A friend of mine who works as an administrator in the mental health field compared this dynamic to a helix. We need to consider these constantly changing times and political and legal climates, and their accompanying philosophies on treatment and release.

The Federal Court System has its own related trials and tribulations. Thus, what might appear to be a single theme of how to best contend with the delicate issue of appropriately monitoring the conditional-release of the Not Guilty By Reason of Insanity (NGRI) acquittee has 51 opportunities for variation. Presumably, the similarities will predominate over the numerous and distinct differences. There are specific desired ingredients required to make a successful conditional release, though, and I'll try to list some of those that worked for me. But first, let me briefly describe the unfortunate details of my case history.

In the latter part of 1979, while in a demented rage, I murdered my mother. My mental illness led me to believe that she was an evil person and that she was going to somehow hurt me. At the time I thought my attack on her was self-defense. I was wrong. In fact, she was a good person and innocent of any wrong-doing toward me. Both my paranoia and my twisted thinking had become overwhelming. Nearly five years earlier, I had been diagnosed as being schizophrenic of an undifferentiated type. Retrospectively, however, there were clearly a host of other behavioral maladjustments figuring in there, including but not limited to: 1. My inclination toward mania; 2. My growing paranoia; 3. My poor impulse control and growing tendency toward violent outbursts; 4. My inability to appropriately deal with stress; and 5. My life-learned pattern of seeing the world with an anti-social slant. After a brief hospitalization on a psychiatric ward in a general hospital, during those years I had received very unsuccessful and sporadic outpatient treatment. My maladjustments had merely worsened as my abuse of alcohol, prescription medications and street drugs increased. My mother's trust of me, her ignorance of mental illness and the innate vulnerability of being alone with a mentally ill person prone toward outbursts of violence all combined to put her in harm's way.

After a three-month stay in a horrendous county jail, I was found Not Guilty by Reason of Insanity. Both a psychiatrist and a psychologist had examined me and agreed that I was, in fact, insane at the time of the crime. At a bench trial, all parties in the courtroom agreed on this insanity ruling. I was quickly sent to our maximum security psychiatric facility in Chester, IL, where I spent the next

I would like to dedicate this article to James L. Cavanaugh Jr., M.D. and the staff at the Isaac Ray Center of Chicago, IL and to the memory of my mother. I would also like to thank Migdalia Baerga, MSW, Mental Health Administrator with the Office of Probation and Pretrial Services, Administrative Office of the U.S. Courts, for her encouragement and suggestions for this article, Ellen Fielding for her editorial support, and my wife for ongoing support and belief through over fifteen years of marriage. Email can be sent to me at: randy.starr@worldnet.att.net

seven months under their intense watch. Afterwards, I was transferred to what was to be one of three other lesser security state psychiatric facilities I would eventually be housed at.

For over a year I didn't realize the wrongness of what I had done. With the appropriate psychiatric drugs, which were to lessen my problems with anxiety, agitation, and distorted thinking, and both excellent one-to-one counseling and group therapy, I started responding to treatment. One day the reality of my mother's murder fully set in, and I broke down in tears. We had finally reached a major turning point in the course of my inpatient treatment. Much challenging work, of course, remained, but at this point I quit nagging at the staff about when I might be discharged and started actively participating in the treatment plan being formulated for me.

I'd grown up in a family that didn't trust authority figures. We had warped family values and put too much focus on the merit of the big-eat-the-little mentality. Alcohol abuse was the norm, not the exception. When mental illness struck me a few years before my NGRI crime, I was ill prepared to cope appropriately with anything remotely challenging in life. My recovery started with my hesitant steps at trusting others—a select few staff members to begin with. Later, I gained insight into my mental illness, and later still started better understanding the nature of my alcohol and drug abuse. This was a difficult process, requiring a lot of hard work on my part and on the part of many supportive staff members. Initially, I resisted the notion that I had both a mental illness and a serious alcohol and substance abuse problem. They call it being dually diagnosed and that's what I was. As time passed, I was to gain much appreciation of the merits of Alcoholics Anonymous.

My case was monitored by a prestigious internationally acclaimed outpatient forensic-oriented facility located on the near West side of Chicago. During my five years of inpatient treatment, I progressed a long way from being that demented and out-of-control person that I'd become. I learned how to better trust and how to more positively communicate and interact with others. Finally it was time for all of us involved to start preparing to reinforce the excellent treatment I'd received as an inpatient with outpatient treatment once I was back out in the community.

The trust given to me by the Isaac Ray Center staff meant a lot to me, because they were a winning team and I wanted to be one of their winners! Dr. James Cavanaugh, the medical director of this facility, was also the primary psychiatrist assigned to monitor my case. When I was first interviewed by him (to see if this program would accept me), I was impressed with his forthrightness and his expertise in interviewing. Let's face it—after a few years a person who has been receiving a lot of psychiatric treatment, especially the more intense forensic inpatient sort of treatment, can easily become a bit of a professional patient. With that professionalism can come a bit of a ho-hum attitude at meeting with yet another psychiatrist, psychologist, etc. Then, along came this high-impact and intense guy, Dr. Cavanaugh!

He reminded me of Sergeant Friday off the old Dragnet series. It was clear that he was a no-nonsense interviewer and certainly not there to cater to any nurturing needs that I might have. He talked a lot about the legalities involved in the conditional-release process, the legal accountability all parties were subject to. Dr. Cavanaugh explained that the Isaac Ray Center had to take account of both the patient's concerns and societal concerns. Non-compliance with their program on my part would also be viewed as contempt of court. He was clear about the consequences of non-compliance. He elaborated on the legal leverage that his agency would have over me. He reviewed my entire case with me. We discussed my descent into the throes of mental illness, various dynamics pertaining to my extended history of alcohol and substance abuse, my propensity toward violence, the crime itself, the treatment I'd received since my crime, and where both he and I stood in regard to our diagnostic and prognosis concerns.

The multiple diagnostic labels I'd accrued over the years of both out-patient and inpatient treatment were at least partially acknowledged. There had thus far been numerous such speculative attempts at diagnosing my mental illness, including (and again, not limited to) 1.paranoid schizophrenia; 2. bipolar; 3. borderline personality disorder. It was, of course, a very intense two-hour session. He reviewed various medication issues with me and talked of what might await me in outpatient treatment with the Isaac Ray Center. A couple of times, when he brought up issues of concern he wanted to explore further and I tried to evade his questions, he would bring me right back to the point several minutes later. It was clear this guy was good at what he did. He reminded me more of a highly seasoned cop than a psychiatrist. Overall, however, he and I got off to a very favorable start.

The only things remaining between me and court-mandated outpatient treatment by Dr. Cavanaugh and his staff were the judge presiding over my case, the state's attorney, a court-appointed psychologist, angry family members of my mother, community protest and the local TV media shoving their camera into my face and the local reporters writing less than accurate accounts of the procedure in the newspaper. My first attempt to gain conditional-release was denied by the court. At my second such attempt, about a year and a half later, I received the sought after approval.

In Illinois, no probation officer is assigned to the conditionally released acquittee during the initial court-mandated period of time (which is typically a minimum of five years, but can be extended to a greater length of time if indicated). On the other hand, accountability to the court of origin continues to be a paramount factor during this delicate time period. In my case, for example, if at any time I had been uncooperative, in particular regarding the expectations placed upon me by the outpatient facility, and the original court stipulations set upon release, I could have quickly found myself once again as an inpatient psychiatric patient, facing the original maximum date of hospitalization first set in my case of a total of twenty years. Therefore, with the serious legal leverage still hanging over me, I had that additional (and sometimes needed) incentive to keep following the conditional-release stipulations and conditions.

Both the overseeing psychiatric administrative staff (and the therapist responsible for the individual case) are held to a very high degree of responsibility to the legal system regarding closely monitoring the individual's continued behavior and mental status. As is the case for the NGRI inpatient in Illinois, mandatory supervisory reports continue to be sent to the court on a regular and frequent basis, and are often required as regularly as every 60 days.

House visits weren't ever initiated by the staff accountable for my continued compliance with their outpatient program. They at all times, however, could have easily showed up at my doorstep, my place of employment, etc., and with no questions asked by me either. Had I been in violation on any level and in any manner, they could have had me cited with contempt of court, sending me, perhaps, first to the local county jail, then back into the forensic psychiatric facility. Psychiatric decomposition would have likely quickly had me appropriately routed back into an inpatient status, too.

Late in 1984, I once again hit the street. Al-

though my ex-wife had been relatively supportive during this challenging ordeal, she had divorced me about a year and a half before I was conditionally-released. That was after five years as an inpatient NGRI patient in the state of Illinois. Considering the increasing political and legal heat threatening the NGRI ruling in general, I was very lucky to have gotten out when I did. While still an inpatient (with a primary focus on transitional concerns), I'd been hooked-up with the Isaac Ray Center nearly three years at this point. I was older and much wiser than when I'd committed my NGRI crime. Still, there remained much for me to learn. My primary redeeming characteristic was that I was eager to keep on learning. I'd learned the merit of shutting up and listening when the occasion merited such a response. My period of enforced hospitalization had taught me a valuable lesson on how to be patient. I now believed in both my own self worth and the presumptive worth of those I met. I needed to accept responsibility for both my NGRI crime and the need to actively participate in my treatment program. I had, of course, come a long way over the recent years. I had learned to walk a straight line regarding my behavior. I no longer was prone to impulsive and illogical violence. Further, quoting an old co-worker's favorite saying, "I don't smoke, drink nor chew nor associate with those who do." I'd learned to trust the professionals who administered this valuable psychiatric treatment, and to play my part as a key participant on this team. Ostracized by all of my biological family, except for my son because of continued ties with my ex-wife, I drew on the care and concern of well-meaning staff members, focusing on what I had to be grateful for rather than on what I didn't have. This arena of my life was just one example of the success of that newly developed philosophy toward life I was now taking. Further, I progressively learned how to put myself in other people's shoes and to see things from their perspectives.

The ease of the transition from inpatient to outpatient was largely the result of effort and good planning on the part of the inpatient facility I'd been at, and the outpatient facility I'd be linked to, and my willingness to cooperate with those efforts. While I was hospitalized, some solid aftercare plans had been put together, but for them to have any value I would have to use good old common sense and follow these plans.

First, my living situation. I'd found a little studio apartment a couple of weeks before my conditional release. The court had given its okay for the conditional release and now I had to find a suitable place to live before the hospital staff could okay the discharge. I quickly hit the bricks in search of an affordable and acceptable apartment, which posed a challenge because of my limited funds. There was also the reality of how and where I was going to find anyone who would rent to someone with a several year gap in their life history. The standards I set for my apartment were marginal at best. It couldn't be a flophouse, but I couldn't afford anything nice either.

I walked the streets of north side Chicago, in an area known for affordable and plentiful lodging—Rogers Park and surrounding areas. The windows of the various apartment buildings having current rentals would display information about what was available and for how much. I kept my psychiatric history to myself as I interviewed for the couple of places I'd narrowed my choice down to. The first property manager pretty much said, "I don't know what you're hiding, but I smell a rat as I look at the way you filled this application out." I had been too honest about the gaps of time listed. The next rental application I filled out wasn't nearly as accurate with the dates, times, places, etc. The property manager didn't seem the sort of guy who cared a lot about details like that. We hit it off from the start. Bingo! I got the apartment. Finally, I had the key to my own residence again!

It was a rat hole and roach infested but it was a starting point for my new life. Though I could tell it wasn't going to be the safest place to live, it was marginally acceptable. I could tolerate its shortcomings by seeing it honestly, as just another stepping stone toward better times and better things. With the benefit of liberal pass privileges, a sincere drive to do well, and some street smarts, I'd managed to land myself a pretty good job at a large natural history museum as a cashier-clerk about six months before my actual release. It paid just a few cents above minimum wage, but the money allowed me to scrape by. I was proud of the place I was working at, and having my freedom counted for a whole lot to me.

During the first year of my outpatient treatment I was required to attend a minimum of one weekly session with a therapist at the Isaac Ray Center, the primary agency monitoring my case. During that first year I also was required to go twice monthly to an alcohol and substance abuse counselor. I was also committed to attend a minimum of three A.A. meetings per week for at least the first three months of my reintegration period. In addition, for those first three months I was required to show up at least once weekly at a neighborhood drop-in center. The first two stipulations—the weekly therapy session and the twice monthly visit to the substance abuse counselor—were strictly monitored. The latter requirement of attending the three A.A. meetings per week and the once-a-week drop-in center participation, however, were monitored far more casually, though there was always the chance that I'd be given a spot-check analysis which would catch any alcohol or other substance abuse. I was never given such a spot-check, but I was doing what I was supposed to with those requirements. Quite frankly, a lot of good faith and trust were given to me by the Isaac Ray Center staff. With much pride and cooperation, I always tried to live up to the faith and trust they had in me. I was on a court-mandated outpatient conditional-release status with them for five years, but on my own chose to continue our ties for an additional year. It was in 1990 that I quit receiving outpatient treatment from them. Our joint mission, commitment to the legal system, and our successful partnership had been accomplished. Admittedly, however, I took comfort in the fact that my treatment staff made it clear to me that if anytime in the future I needed their assistance, they would be available for me. Fortunately, however, I've never needed it.

The challenges facing me during those first few months of my conditional release were plentiful. I was 34 years old and living independently. You need to understand that I'd left home and gotten married when I was just 16 years old. After 12 years of marriage to an often well-intentioned yet enabling spouse, I'd been hospitalized because of my NGRI crime. Here I was, however, living independently—earning my wages, paying my bills, buying and cooking my own food, cleaning my own home and clothing, furnishing my apartment the best I could, keeping my appointments, figuring out my transportation needs, staying away from bad people, booze and street-drugs, and potentially compromising situations, and, perhaps, most stressful of all trying to keep the roach infestation problem under control. (The bugs were driving me nuts!) My frequent solitude and loneliness were also challenges. The stress level after just the first few weeks had me feeling as if my eyes were starting to bulge and my hair stand on end. I became far more understanding (even sympathetic) about other recently discharged patients I'd seen over the years,

who had failed shortly after their return to the community. In the past I had reacted with some arrogance to their failure. I was no longer so arrogant now.

All of the insight and coping skills I'd learned while in the hospital were being reinforced by my outpatient treatment with the Isaac Ray Center staff. These professionals expected sincere and conscientious participation on my part, while at the same time providing the utmost quality in their own services. The staff wanted me to dot my every "i" and cross every "t," and this was the high quality of service they were providing. Neither of us gave the other any lame or bogus excuses. They gave me their 100 percent and I gave the same to them. It wouldn't have worked any other way! The academically acclaimed and extensively published Dr. Richard Rogers, who had been my therapist during those three years of transitional treatment before my actual conditional release, had taken a job elsewhere, which broke my heart. He was replaced by a well-educated though inexperienced young psychologist who seemed too young and too inexperienced with forensic issues. I enjoyed talking with her, though, and in keeping with the Hippocratic Oath, she did no harm, but I sorely missed the rapport that Dr. Rogers and I had established. He had been to me a therapist, job coach, academic advisor, positive role model, mentor and even friend. After another couple of years, the young doctor moved on and was replaced by an insightful and somewhat nurturing registered nurse with much expertise in working with violent forensic offenders, Ms. Sue Liles, who had years of experience working with forensic patients. I once again felt like I was in good hands. Still, I missed Dr. Rogers and at times felt like I was just trying to hold onto the valuable insights I'd gained through my beneficial therapeutic affiliation with him.

While hospitalized, I'd learned the importance of focusing more on what I had and less on what I didn't have. Once out I had my freedom to focus on and the pride of having done all that it takes to gain a conditional release. I learned to accept and expect that I'd be doing without a lot of the simple pleasures of life, while at the same time appreciating and savoring that which I did have in life. A genuine positive attitude adjustment had been achieved over the years. It's true that I was barely making enough money to pay my expenses. It's true that I was living in an impoverished setting. It's true that at times I barely had enough to eat. It's also true, however, that I was a very fortunate individual who had gone through some extremely challenging times and weathered them. Sure, my little studio apartment was a real dump. On the other hand, I lived just a half mile or so from a nice public beach on the shores of Lake Michigan. It didn't cost a nickel for me to walk along the beach, sucking in some fresh air while I enjoyed the sunshine and the majestic view afforded to all by the powerful Lake Michigan. I didn't dwell on what I didn't have but on what I did have.

Once, one of my museum co-workers paid a brief visit to my apartment. (I rarely had any company over.) She was clearly aghast at the dirty and barren look it had, and said so: "What are you, a Buddhist monk or something like that? Hey guy, don't you have any furniture?" With a smile I responded, "Come back in five years and I'll be doing much better." It was that confidence (which grew from my newfound belief in God, my fellow-man and myself) and willingness to be patient at achieving my goals that kept me in the winning track. My goals were both realistic and attainable. At the same time, my standards had become high. I was "sick and tired of being sick and tired!" There was no longer any room in my life for self-destructive losers. I figured that associating with negative people would be worse than just being by myself at times. This proved to be a valuable perspective, although I also avoided merely isolating. With therapeutic help, I'd established a sufficient support network to get me by.

My support network had some significant strengths and weaknesses. For example, as a part of my conditional release, I'd relocated to Chicago, Illinois, nearly 200 miles from the much smaller city where I'd grown up. Except for my son and my ex-wife, I was completely estranged from all of the people I'd grown up with—relatives, friends, neighbors, former classmates, co-workers, etc. These dynamics lent unusual and sometimes demanding components to my reintegration into the community. On the other hand, talk about an opportunity to start fresh! Aside from the Isaac Ray Center's staff, I kept my NGRI-related business to myself. This wasn't an easy task, but I felt it was necessary at the time.

The NGRI element of my background was never discussed at the Substance Abuse Center. Their staff never specifically mentioned it nor did I. We dealt with issues directly associated with my staying away from alcohol or other substance abuse. That was okay with me. In A.A. I shared freely of my alcohol and other substance abuse-related problems, but always stayed away from sharing information about my history of mental illness or any of the NGRI stuff. Again, it was a choice I'd made, and no, I never got close enough to any other A.A. member for them to be my sponsor or vice versa. The Isaac Ray Center staff sort of filled that role capacity for me. Sometimes with A.A. members, I'd test the waters to get a better feel about where they stood on forensic-related dynamics. For example, I might bring up a current media topic dealing with mental illness and criminal behavior, asking, "What do you think of that?" If the person I was talking with went off on a vindictive tangent, I'd know not to let my guard down about this element of my life. I always figured we've all got our secrets and crosses to bear. On the other hand, if the response was more liberal and upbeat, I'd be more likely to get closer to him or her. At work, I was even stricter with what I would share. I got along fine with my superiors and coworkers, and even received a couple of significant promotions over the five years I worked at my first "reintegration period" job. Still, I kept my cards close to my chest.

All the while, I kept the content and quality of my interactions with the Isaac Ray Center staff realistic and honest. I trusted their staff. In this therapeutic context, we were clearly working together very well as team members. This was a worthy and positive partnership that we had cultivated over the years. Although the nature of my NGRI crime (matricide) will always bear heavily on me, having received treatment from this outstanding forensic facility I can easily say that I'm very proud to have received my five years plus court-mandated outpatient treatment from such a high-caliber facility!

I completed treatment with the Isaac Ray Center over a decade ago. At about that same time I entered into the field of social services myself, but this time as a provider of services, not a recipient. While hospitalized, I had completed the requirement for a long-sought-after Associates in Arts degree. About a year after my reintegration into the community, I started studies toward earning a Bachelor of Arts degree, with a major in human services. Soon afterwards, once working in the field of additions, I became certified with the state of Illinois as an addictions counselor. These accomplishments all took a lot of time and hard work. Initially, I worked with inpatient alcoholics and drug addicts. After that, I went

on as a field worker with an internationally based mental health organization. Next, in 1996, and perhaps most significant in my continued pursuit to "give back," I was hired as a consumer specialist working with primarily forensic patients at the largest psychiatric facility in Illinois, Elgin Mental Health Center. I played a non-adversarial role, helping to instill a sense of personal responsibility in the patient, while always advocating the merit of a non-adversarial partnership between both staff and patients. I was instrumental in developing, implementing and co-leading (with various unit-based clinicians) motivational and educationally oriented groups that I named Responsibility Groups. A primary goal of mine has revolved around sharing successful experiences and insights I've gained over the years with others, both patients and forensic staff in particular. Sometimes people listen and my message seems to be well received, other times I have faced much adversity and rejection. There is personal risk involved when one shares so openly such an unfortunate and dastardly violent and mentally ill past as mine. Still, it's more than worth the risk to me. I greatly enjoy my work.

After working as their consumer specialist for over three years, I applied for the position I hold currently (for over three years now), of a staff training and development instructor. In this current position, my history isn't a focal point, although it is a commonly known reference point.

When I'm not working, I do a lot of networking throughout the mental health community, both in the United States and Canada, in the field of forensics. I find this exchanging of information, experiences, and insights very rewarding, and my efforts seem to be appreciated by many mental health administrators and clinicians around the country. In my continued pursuit to give back to the society that has been so good to me, these past five years I've presented at mental health conferences, mostly of a forensic nature, and I've written much of a mostly narrative nature. A few years ago, through an opportunity offered to me by Dr. Pat Corrigan, Robert Lundin, and the staff at the Psychiatric Rehabilitation Center of the University of Chicago, I wrote and published a book, *Not Guilty by Reason of Insanity: One Man's Recovery*.

Years ago I first heard a quote that grabbed my attention, although I have no idea of its origin: "You alone can do it, but you can't do it alone!" Partnership and reaching out to one another in the spirit of bettering that which has already been achieved in the area of mental health services is our worthy goal. Life continues to go well for me, and I'm a contributing member of society, thanks be to God!

The Influence of Demographic Factors on the Experience of House Arrest

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A GREAT DEAL of research has focused on how various groups perceive and experience incarceration. Research into this area is justified on the grounds that understanding will yield information about appropriate strategies to effectively and efficiently supervise, protect, and treat incarcerated offenders. Groups whose incarceration experiences have been considered by criminologists include female prisoners (Enos, 2001; Kruttschnitt, Gartner, & Miller, 2000; Loucks & Zamble, 2000), older prisoners (Edwards, 1998; Fry & Frese, 1992; King & Bass, 2000), and minority prisoners (Frazier, 1995; Wright, 1989). Researchers have also considered the influence that length of sentence has on the incarceration experience. Together, research suggests that different kinds of offenders will experience incarceration differently and length of sentence will have a significant influence on the offender's adaptation (Curran, 2000; Casey & Bakken, 2001; Moyer, 1984).

While a great deal of research has considered the role of demographic factors in the adaptation to incarceration, much less research has considered how various groups adapt and respond to certain alternative sanctions. The current study examines the way that different types of offenders respond to the experience of being placed on house arrest with electronic monitoring. Four questions guide this research: 1) Do male and female offenders perceive and respond to house arrest with electronic monitoring differently? 2) Do black and white offenders perceive and respond to house arrest with electronic monitoring differently? 3) Do older offenders perceive and respond to house arrest with electronic monitoring differently than younger offenders? And 4) How does length of sentence influence offenders' perceptions about, and experiences with, house arrest with electronic monitoring? In the review of literature, research on the incarceration experiences of different offenders will be considered to set the framework for research on the way offenders experience house arrest with electronic monitoring. The results of this study will aid in understanding strategies that would be most useful in supervising and treating different types of monitored offenders.

Review of Literature

Incarceration and Race

Minorities were incarcerated at increased rates throughout the 1980s and 1990s (Mauer, 1997). Although research suggests that race does not influence sentence length (Kramer & Steffensmeier, 1993), young black males are more likely to receive a prison sentence than young white males (Spohn & Beichner, 2000; Spohn & Holleran, 2000). According to the Bureau of Justice Statistics (1997), blacks are about twice as likely as Hispanics and six times more likely than whites to be imprisoned at some point during their lives. In fact, 28.5 percent of black males will be imprisoned at some point in their lives, as compared to 16 percent of Hispanics and 4.4 percent of whites.

As far as the imprisonment process and race is concerned, at the most basic level, inmates define themselves by their race (Maghan, 1999). Consequently, it is believed that race has "an important effect on the interpersonal dynamics of the prison" (Leger, 1988: 167). Some research shows that black and white inmates 1) adjust to prison in similar ways, 2) have similar needs, 3) rate the prison setting in similar ways (Wright, 1989), and 4) commit the same proportion of rule infractions (Finn, 1995), while other research finds important differences regarding the prison experience for different races. As an illustration, one study found that black inmates use prison health clinics more often than white inmates (Suls, Gaes, & Philo, 1991). Another study on nearly 50,000 disciplinary actions found that black inmates had higher rates of violent misconduct than white inmates did. Black inmates' rates of drug and alcohol violations, however, were lower than white inmates' (Harer & Steffensmeier, 1996).

Female Inmates

Roughly 6.5 percent of all individuals incarcerated in the United States are females (Gilliard & Beck, 1998). Many incarcerated females turned to crime because of substance abuse, sexual abuse, dysfunctional families, or partner abuse victimization (Greene, Haney, & Hurtado, 2000; Henriques & Manatu, 2001). Some research shows that women receive preferential treatment at the hands of justice professionals because they are less likely to be incarcerated than males (Spohn & Beichner, 2000). For those who are incarcerated, however, a set of needs different from the male inmates' needs exist (Coll & Duff, 1995).

One need that is particularly different has to do with parenting issues that are commonly found with incarcerated females (Dodge & Pogrebrin, 2001). Estimates suggest that 80 percent of females incarcerated in the U.S.

have dependent children (Kiser, 1991; Moses, 1995). What this means is that authorities must help incarcerated mothers 1) find caregiving for their children, 2) maintain communication with caregivers, and 3) establish and maintain parental rights (Enos, 2001). Based on these differences and others, different types of programs are needed in female prisons than in male prisons (Koons et al., 1997; Morton & Williams, 1998).

Elderly Inmates

Researchers have also considered the incarceration experience of older offenders. The number of older inmates, defined as 55 years of age or older, doubled in the 1980s (King & Bass, 2000), and it is expected that older inmates will make up nearly one-third of the prison population by 2010 (Neeley, Addison, & Craig-Moreland, 1997). Reasons for an increase in older inmates include the consequences of stiff sentencing policies, changes in the demographics of society, and recidivism among chronic offenders. Citing data from a national study, King and Bass (2000) note that most older inmates are males, in fair to poor health, with prior substance abuse or depression problems, and unmarried. They also note that elderly inmates prefer to be separated from younger inmates.

Concerns about personal safety are likely at the core of this desire to be segregated from the younger population (Hemmens and Marquart, 1998). Because of their health needs, older inmates are believed to be the most expensive inmates to incarcerate. Also adding to the costs of incarcerating older offenders is the fact that they are also in need of different kinds of programs than younger inmates (Aday, 1994; Morton, 1993).

The Role of Sentence Length

Research has also considered the role of sentence length in the incarceration experience. One study finds that inmates with longer sentences have "fewer complaints, higher self esteem, and lower anxiety and depression" (Schill and Marcus, 1998: 224). In a similar fashion, a study of 127 female inmates found that short-term inmates were more likely to be disruptive than long-term inmates, but long-term inmates committed more serious violations when they were disruptive (Casey and Bakken, 2001). These findings seem to suggest that the early stages of imprisonment require the formation of coping skills to adjust to prison life. Once the inmates adapt, they tend to be more adjusted to their experience, but occasional outbreaks may occur.

House Arrest with Electronic Monitoring

To deal with concerns about prison overcrowding, jurisdictions across the United States have begun to rely more and more on house arrest with electronic monitoring. House arrest has been used for decades (Lilly and Ball, 1987), while electronic monitoring surfaced in Florida in 1984. Since electronic monitoring was developed, the use of house arrest has expanded dramatically. House arrest with electronic monitoring entails the use of technology to monitor offenders' whereabouts. Offenders are confined to their homes, but are usually permitted to go to work, medical treatment, or religious services. These programs are similar to work release, but different in that, because the offender is not incarcerated, the state does not have to pay exorbitant incarceration costs.

Researchers have addressed the ethical issues surrounding this alternative sanction as well as its success. While house arrest with electronic monitoring is seen as an alternative sanction, research shows that it parallels the traditional sanction of incarceration (Gainey and Payne, 2000; Payne and Gainey, 1998). Just as there is variation in the way various types of offenders experience incarceration, it is plausible to suggest that different types of offenders (by gender, race, age, and sentence length) will experience house arrest with electronic monitoring differently. A few studies have indirectly addressed this possibility.

With regard to sentence length, for instance, research finds that those who have been on the sanction longer are more likely to violate their conditions of probation than are those who are on the sanction for shorter periods of time (O'Toole, 1999). As far as race is concerned, research has found that blacks prefer prison to intensive probation, while whites tend to prefer community-based sanctions (Crouch, 1993). In terms of gender, research shows a similar finding—females prefer alternative sanctions over incarceration (Wood and Grasmick, 1999). Taken together, what these findings imply is that different groups may be experiencing some aspect of this one type of alternative sanction differently. But, is it the alternative sanction that is experienced differently, or is it simply perceptions about the sanction that are different? The current research addresses whether the experience of house arrest with electronic monitoring varies among different groups and whether length of time on the sanction influences one's experiences.

Method

Sample

To gain insight into the house arrest with electronic monitoring experience, a survey was administered to 49 electronically-monitored offenders. Initially, we intended to interview in person all of the offenders for the project. Due to time constraints, however, some offenders were unavailable for face-to-face interviews. The survey was modified so that it could be completed one of four ways. These strategies and the number of respondents who used that strategy include the following: 1. face-to-face interviews (n=12); 2. telephone interviews (n=3); 3. self-administering the survey at the sheriff's office (n=29); and 4. mail return surveys (n=5).

Respondents were virtually evenly split in terms of race—53 percent were black and the rest were white. About three-fourths were male and most had a high school degree (85 percent) and a job (91 percent). They ranged in age from a low of 21 years to a high of 63 years and their average age was 34 years. In addition, their length of time on the sanction ranged from a low of one month to a high of 18 months. Their average amount of time on the sanction was 4.16 months.

Measures

A survey instrument was developed to assess the experience of being on house arrest with electronic monitoring. The survey instrument included four sections: 1. an open-ended section asking about general aspects of the house arrest with electronic monitoring experience; 2. a close-ended section asking offenders about specific costs or consequences of being placed on house arrest with electronic monitoring; 3. a close-ended section assessing individuals' perceptions about the utility of the electronic monitoring sanction; and 4. a demographic section. The current study uses information gathered from the last three sections to gain insight into whether house arrest with electronic monitoring is experienced differently among different offenders.

Section 2 of the survey included a series of statements about the possible negative aspects of the house arrest with electronic monitoring sanction (e.g., not being able to go for a walk when you want, not being able to drink alcohol, shame, etc.). Offenders were asked to indicate whether different experiences were "no problem" (coded 1), "a minor problem" (coded 2), "a moderate problem" (coded 3), or "a major problem" (coded 4). Using the same sample as the one used in the current

study, these items have been analyzed in the form of six sub-scales (e.g., privacy issues, shaming issues, disruptiveness, social restrictions, work problems, and drug use, See Gainey and Payne, 2000). The way responses to these items relate to the open-ended questions has also been considered (See Payne and Gainey, 2002). This paper analyzes the items individually to see whether specific differences exist among various groups experiencing the sanction.

Items from the second section, 24 in all, are also combined to form a composite scale assessing the entire house arrest experience. Scores for this scale, labeled *electronic monitoring's punitiveness scale,* were developed by summing the individual responses to each item in section 2. Possible scores could range from a low of 24 (meaning that the sanction was not at all punitive) to a high of 96 (meaning the sanction was quite punitive). The scale rates high in terms of its reliability (alpha = .91).

Section 3 of the survey included a number of statements about individuals' perceptions about the sanction. Items from this section of the survey have been scaled in the form of five sub-scales (e.g., deterrence, cost-effectiveness, effectiveness, punishment, and rehabilitation). These scales have been analyzed using a sub-sample of the sample used in this study along with a sample of students enrolled in criminal justice and sociology courses at a medium-sized urban institution (Payne and Gainey, 2000a). The current study examines whether different types of offenders from the entire sample respond differently to specific aspects of the sanction.

Factors Influencing Offenders' Experiences and Perceptions

Cross tabulations and t-tests were conducted to see whether various demographic characteristics (e.g., gender, race, and age) and length of time on electronic monitoring influenced offenders' experiences with or perceptions about electronic monitoring. For the experience questions, the categories "no problem" and "minor problem" were combined, as were the "moderate problem" and "very big problem" categories. For the perceptions' questions, "disagree" and "strongly disagree" were combined as were the "agree" and "strongly agree" categories. Significant differences were found with race, gender, age, and length of sanction moderately influencing various perceptions and experiences. Tables 1 and 2 outline the gender differences uncovered.

Gender was significant in five areas. First, and in line with previous research on a subsample of this sample (see Payne and Gainey, 1998), females were more likely to cite having to wear a visible monitor as a problem than males. Over three-fourths of the electronically-monitored females (n=10) agreed that the visible monitor was a problem while 37 percent of the males (n=13) cited the visible monitor as a problem (Chi Square = 6.01, phi = .35, $p < .01$). Second, females were slightly more likely to cite not being able to stay late at work as a problem. Over 58 percent of the females (n=7) cited this as a problem as compared to about a fourth of the

TABLE 1

Consequences of House Arrest with Electronic Monitoring by Gender

	Females citing problem		Males citing problem	
Cost/Consequence	Number	Percent	Number	Percent
Not being able to go for a walk or a run when you want to	7	53.8	19	54.3
Not being able to go to the store when you want to	10	76.9	18	51.4
Not being able to stay late at work	7	58.3	10	28.6*
Not being able to meet friends after work	3	23.1	9	25.7
Not being able to turn the ringer off on your phone	2	15.4	7	20.0
Not being able to ignore the answering machine	2	15.4	6	17.1
Not being able to call waiting	4	30.8	3	8.8*
Having to limit the length of conversations on the phone	4	30.8	15	42.9
Not being able to go out to eat when you want to	7	53.8	17	11.4
Not being able to drink alcohol	3	23.1	4	11.4
Having to provide urine for drug and alcohol testing	0	0.0	1	2.9
Having to worry about friends showing up with alcohol or drugs and getting you in trouble	1	7.7	3	13.6
Having your family or friends know where you are at every moment	1	7.7	2	5.7
The embarrassment of having to tell people that you can't go out	6	46.2	7	20.0
Having to keep your house in order in case a staff person checks in on you	0	0.0	1	2.9
Embarrassment of having to tell your friends or family members that you are constrained to the house.	5	38.5	8	22.9
Having to wear a visible monitor	10	76.9	13	37.1**
Having a strange box on your phone that people might ask about	3	23.1	6	17.1
Having your work interrupted by law enforcement calls	2	15.2	11	32.4
Having your leisure time interrupted by calls from a staff person	1	7.7	6	17.1
Having to worry about technical problems that you might get blamed for	6	46.2	16	47.1
Not having weekends free	6	46.2	18	52.9
Having your sleep interrupted by calls to check up on you	4	30.8	7	20.6
Not being able to get away from family or roommates when you want.	2	15.4	10	28.6

*One tailed test p <.05 level. **One tailed test p <.01 level

TABLE 2

Perceptions about the Punitiveness and Fairness of the Sanction by Gender

	Females citing problem		Males citing problem	
Statement: "I think that electronic monitoring…"	Number	Percent	Number	Percent
As a form of punishment may be too lenient	4	30.8	9	25.7
Can be an effective method of punishment	9	69.2	31	91.2*
Ensures that the offender is punished	7	53.8	23	67.6
Really isn't a form of punishment for many people	4	33.3	9	26.5
Has too many rules and conditions	2	15.4	12	34.3
May help to rehabilitate some offenders	12	92.3	33	94.3
May punish family members as much as or more than the offender	6	46.2	13	38.2
Is an effective method of controlling offenders	11	84.6	32	94.1
Is dangerous because it's too easy for the offender to escape	4	30.8	2	5.7*
Helps in treating offenders by maintaining close supervision over them	10	76.9	33	100.0

*One tailed test p <.05 level. **One tailed test p <.01 level

males (n=10) (Chi Square = 3.42, phi = .27, p < .05). Third, females were more likely to cite not being able to have call waiting as a problem. Nearly a third of females (n=4) cited this as a problem (n=3) (Chi Square = 3.56, phi = .28, p < .05). Fourth, electronically-monitored females (n=9) were less likely than males to agree that the sanction can be an effective method of punishment (n=31) (Chi Square = 3.57, phi =.28, p < .05). Fifth, electronically-monitored females (n=4) were more skeptical of the ease of escaping the monitor than were males (n=2) (Chi Square = 5.44, phi = .34, p < .05).

Tables 3 and 4 outline the differences found with regard to race. As shown in the tables, racial differences were found in three areas. First, blacks were less likely to see going to the store as a problem. In all, 44 percent (n=11) of the black electronically-monitored offenders said not being able to go to the store when one wants was a problem as compared to nearly three-fourths of the white electronically-monitored offenders (n=16) (Chi Square = 3.95, phi = .29, p < .05). Second, blacks were more likely to agree that the sanction had too many rules and conditions. Slightly under half (n=11) of the black electronically-monitored offenders said the sanction had too many rules and conditions while just twelve percent (n=3) of the white-electronically-monitored offenders saw the sanction in this light (Chi Square = 5.16, phi = .33, p < .01). Third, whites were more likely to agree that the sanction punishes family members as much as offenders. Nearly 60 percent (n=13) of white electronically-monitored offenders agreed with this statement as compared to just 21 percent (n=5) of black electronically-monitored offenders (Chi Square = 7.05, phi = .39, p < .01).

Age differences were found in two areas. First, offenders 40 years of age or older were more likely to cite not being able to go for a walk or run when one wants as a problem than those under forty were. Over 80 percent of older monitored offenders (n=9) cited this as a problem as compared to about 44 percent of younger monitored offenders (Chi Square = 4.73, pji = .32, p < .05). Second, older offenders were also more likely to cite wearing a visible monitor as a problem than younger offenders were. Nearly three-fourths of older offenders (n=8) cited the visibility of the monitor as a problem as compared to about 40 percent of younger offenders (n=–15) (Chi Square = 3.24, phi = .26, p < .05).

T-tests were conducted to see how length of time on electronic monitoring influenced the way offenders experienced the sanction. Length of time on the sanction was significant in three areas. First, those who said that the number of rules and conditions was problematic tended to be on the sanction for shorter periods of time. Specifically, those who saw the number of rules and conditions as a problem were monitored for 2.45 months (s = 1.13) when they completed the survey. Alternatively, those who did not cite the rules and conditions as a problem were monitored on average for 4.85 months when they completed the survey (s = 4.02) $t(33.75) = 2.84$, p < .01).

Second, those who reported problems not being able to stay late at work tended to be on the sanction for shorter periods of time than those who did not cite this problem. Those who cited not being able to stay late as a problem were monitored for an average of 2.85 months (s=1.34) when they completed the survey. Those who did not report problems with not being able to stay late at work were monitored for an average of 4.63 months (s = 4.14) $t(30.61) = 1.93$.

Third, those who cited having to limit the length of phone conversations as problematic tended to be monitored for a longer period of time than those who did not cite this as a problem. Those who had problems with the length of phone conversations were monitored for an average of 5.81 months (s=4.40) when they completed the survey. In contrast, those who did not cite this aspect of the sanction were monitored for an average of 2.95 months (s=2.30) $t(20.95) = -2.37$.

To see whether race, gender, or age differences existed with regard to the entire electronic monitoring experience, t-tests were conducted comparing the groups' means on the *electronic monitoring punitiveness scales.* Results showed that the groups did not vary in terms of their overall experiences with the sanction. The average score for females on the electronic monitoring punitiveness scale was 46.8, while the average score for males was 44.8. For blacks, the average score was 43.4 and for whites the average score was 46.5. For older offenders, their average score was 47.9, while the average score for younger offenders was 42.6.

Discussion

Criminologists have long considered the way that offenders adapt to various sanctions including classic prison studies (Clemmer, 1940/1958; Sykes, 1957) and more recent examinations of adaptations to alternative sanctions (Gover, MacKenzie, & Armstrong, 2000; Payne

TABLE 3

Consequences of House Arrest with Electronic Monitoring by Race

	Whites citing problem		Blacks citing problem	
Cost/Conseqence	Number	Percent	Number	Percent
Not being able to go for a walk or a run when you want to	12	54.5	13	52.0
Not being able to go to the store when you want to	16	72.7	11	44.0*
Not being able to stay late at work	9	42.9	7	28.0
Not being able to meet friends after work	5	22.7	6	24.0
Not being able to turn the ringer off on your phone	3	13.6	5	20.0
Not being able to ignore the answering machine	4	18.2	3	12.0
Not being able to use call waiting	3	14.3	3	12.0
Having to limit the length of conversations on the phone	11	50.0	7	28.0
Not being able to go out to eat when you want to	13	59.1	10	40.0
Not being able to drink alcohol	4	18.2	3	12.0
Having to provide urine for drug and alcohol testing	0	0.0	1	4.2
Having to worry about friends showing up with alcohol or drugs and getting you in trouble	3	13.6	1	4.0
Having your family or friends know where you are at every moment	2	9.1	1	4.0
The embarrassment of having to tell people that you can't go out	8	36.4	5	20.0
Having to keep your house in order in case a staff person checks in on you	1	4.5	0	0.0
Embarrassment of having to tell your friends or family members that you are constrained to the house.	8	36.4	4	16.0
Having to wear a visible monitor	13	59.1	9	36.0
Having a strange box on your phone that people might ask about	5	22.7	3	12.0
Having your work interrupted by law enforcement calls	5	22.7	7	29.2
Having your leisure time interrupted by calls from a staff person	3	13.6	3	12.0
Having to worry about technical problems that you might get blamed for	10	45.5	11	45.8
Not having weekends free	10	45.5	13	54.2
Having your sleep interrupted by calls to check up on you	6	27.3	5	20.0
Not being able to get away from family or roommates when you want.	10	28.6	2	15.4

*One tailed test p <.05 level. **One tailed test p <.01 level

& Gainey, 1998). The current study assesses how various offenders adapt to the house arrest with electronic monitoring sanction. With the exception of a few subtle differences based on offender demographics and sentence length, house arrest with electronic monitoring appears to be experienced relatively equally among various groups. These subtle differences, however, cannot be ignored as they may be very telling insofar as appropriate supervision strategies are concerned.

Indeed, based on the finding that gender, race, age, and length of time on electronic monitoring moderately influence various perceptions and experiences, practitioners must recognize that different offenders may react different ways to electronic monitoring. Practitioners who are aware of these possible differences can place themselves in positions to offset any negative consequences that may arise as a result of these problems. Being in a position to prevent problems will increase the possibility that the sanction will succeed for the offender and for society in general.

With regard to gender, for instance, the results of this research, consistent with other research (see Payne and Gainey, 1998), suggest that female offenders may experience more shame from wearing the bracelet than male offenders do. Probation officers must be prepared to help monitored females deal with this shame. Also, probation officers should be prepared to confront offenders' concerns about the way that monitoring interferes with their work schedules. The evidence provided in this study suggests that monitoring is more of a problem for females' work schedules than males'. While house arrest with electronic monitoring is advantageous in that it allows offenders to maintain work and family ties, conflicts may arise making it necessary for program officials to minimize the possibility that the work conflicts will result in offenders violating their conditions of probation.

In terms of race, it is important that probation officers recognize that black offenders may see the sanction as more restrictive than white offenders do. In part, this may explain

TABLE 4

Perceptions about the Punitiveness and Fairness of the Sanction by Race

	Whites citing problem		Blacks citing problem	
Statement: "I think that electronic monitoring…"	Number	Percent	Number	Percent
As a form of punishment may be too lenient. (5)	6	27.3	7	28.0
Can be an effective method of punishment (6)	19	86.4	21	84.0
Ensures that the offender is punished (8)	29	82.9	10	76.9
Really isn't a form of punishment for many people (9)	6	28.6	7	29.2
Has too many rules and conditions (10)	3	13.6	11	44.0*
May help to rehabilitate some offenders (24)	21	95.5	23	92.0
May punish family members as much as or more than the offender (37)	13	59.1	5	20.8**
Is an effective method of controlling offenders (11)	19	86.4	23	95.8
Is dangerous because it's too easy for the offender to escape (12)	2	9.1	4	16.0
Helps in treating offenders by maintaining close supervision over them (27)	22	100.0	20	87.0

*One tailed test $p < .05$ level. **One tailed test $p < .01$ level

why black offenders have been found to prefer incarceration over probation (Crouch, 1993). As far as practical implications are concerned, probation officers supervising monitored offenders should make offenders aware of the restrictions prior to placing them on the sanction so that they are better prepared to deal with the restrictions. On a related matter, offenders and their family members should be told beforehand about the way that the sanction could influence family relations.

As far as age is concerned, older offenders were more likely to have problems with the visibility of the monitor as well as the inability to leave when they want. This group of offenders should, like other groups, be made aware of the drawbacks before beginning the sanction. Interestingly, like black offenders, older offenders have been found to prefer prison over intensive probation (Crouch, 1993). For the sanction to work effectively with older offenders, they must be able to adapt to the problems they confront. Adaptation will be easier if offenders are adequately prepared for the dynamics of the sanction.

Length of sentence had mixed effects on the monitoring experience. On the one hand, those on the sanction for a longer period of time had problems limiting their phone conversations (suggesting that the sanction becomes more unbearable over time). On the other hand, those on the sanction for a shorter period of time were more likely to 1. see the sanction as having too many rules and 2. cite the inability to stay late at work as a problem. That individuals who are on the sanction for a longer period of time did not cite these problems suggests that over time, monitored offenders may adapt or adjust to the problems that arise on the sanction. This is important information for probation officers who supervise monitored offenders. If nothing else, when offenders express concerns about their conditions of monitoring early on, they can be told by their probation officer that these conditions will eventually become less burdensome.

That those who were on the sanction for a longer period of time did not complain about the number of rules and conditions is also a testament to the success of the sanction. Among other things, the goals of electronic monitoring are to control offenders and help them gain some sense of control over their own lives (Payne and Gainey, 2000b). If those who are on the sanction for a longer period of time have grown accustomed to having controls guide their daily activities, then monitoring has succeeded. The hope is that once the monitoring stops, offenders will continue to control their behavior on their own.

A final policy implication has to do with the versatility of the electronic monitoring sanction. House arrest with electronic monitoring is an especially viable sanction that will help to offset negative consequences of incarceration. Based on the fact that only minor differences were found between the various groups, it appears safe to suggest that this sanction is useful for all groups. Consider the negative consequences of incarceration for women: "Women's prisons increase women's dependency, stress women's domestic rather than employment role, aggravate women's emotional and physical isolation, jeopardize family and other relationships, engender the a sense of injustice—and may indirectly intensify the pains of imprisonment" (Zaitzow, 2000: 148). House arrest with electronic monitoring offsets these consequences and allows women convicted of less serious offenses to maintain their family relationships, jobs, and independence.

For blacks, it is significant to note that house arrest with electronic monitoring offers similar benefits. A recent review by Rose and Clear (1998) suggests that the high incarceration rate of black offenders contributes to disorganization in minority communities, thereby increasing crime in those communities. Allowing blacks convicted of less serious offenses to remain in the community is advantageous in that they too can keep their jobs, family relations, and independence, but it also has the possibility of maintaining stronger communities and subsequently reducing the crime rate.

For older offenders, house arrest with electronic monitoring is an appealing sanction because it allows offenders to stay clear of the perceived dangerous prison environment and keep their family relations intact. For older offenders with health problems, better access to health care is likely afforded, and the state is relieved of the economic burden of paying for the inmate's health care needs when they are on a community-based sanction as opposed to incarcerated (Gainey, Payne, & O'Toole, 2000).

These findings should be approached with a degree of caution. The sample came from just one electronic monitoring program and was not large. Nonetheless, the differences uncovered, albeit subtle, are intriguing and warrant future research. Future research should consider whether these findings exist among other monitored offenders as well. In addition, researchers and policy makers should consider whether alternative sanctions

are experienced differently among different groups. Examining the punishment experience with an eye towards the demographic dynamics guiding the punishment experience will provide useful information about the most appropriate use of various sanctions.

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JUVENILE FOCUS

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

Youth and Sleep

Studies show that being rested translates into better grades, especially for young children, according to the National Heart, Lung and Blood Institute. Parents should:

- Set times to sleep and wake-up on school days.
- Avoid big meals close to bedtime and limit sugar and caffeine for six hours before bed.
- Establish a relaxing bedtime routine with time to wind down. (No video games or TV.)
- Make the room dark and quiet. (A nightlight can help if a child worries about the dark.)

Web Training for Child Support

The Office of Child Support Enforcement (OCSE) is sponsoring five "Customer Service Web Development" training workshops which will be two days in length. These workshops will showcase best practices and lessons learned from states and provide information for participants in defining, building, and operating Child Support Enforcement (CSE) web-based customer service systems. Dates and places include:

February 25–26, 2003 in Atlanta
March 25–26, 2003 in Seattle

OCSE will pay travel, lodging, and per diem expenses for one participant per state, but others may attend at personal expense. Contact Michael Rifkin at (202) 401-6501, mrifkin@acf.hhs.gov.

Pot Smokers

The younger someone is when first trying marijuana, the more likely he or she will become dependent on illegal drugs later in life, reports the Substance Abuse and Mental Health Services Administration. Researchers found that 62 percent of adults age 26 or older who started using marijuana before they were age 15 had also tried cocaine at some point. More than nine percent reported they had used heroin, and more than half had used prescription drugs for recreational purposes. Fewer than one percent of those who said they had never tried marijuana reported having tried cocaine or heroin, and five percent had abused prescription drugs. About 18 percent of adults who said they first tried pot before the age of 15 met the criteria for either dependence or abuse of alcohol or illicit drugs, compared with one percent of adults who said they had never used marijuana.

Youth Killed or Injured by Firearms

Each year, more than 20,000 children and youth under the age of 20 are killed or injured by firearms in the U.S. The lethality of guns, as well as their easy accessibility to young people, are key reasons why firearms are the second leading cause of death among young people ages 10 to 19, while only motor vehicle accidents claim more young lives, reports the David and Lucille Packard Foundation. A majority of youth gun deaths are homicides. Suicides account for about one-third of all youth gun deaths, and unintentional shootings for about seven percent of those deaths. Older teens, males, African American and Hispanic youth and young people residing in urban areas are at particularly high risk for gun homicide; while white adolescents, males, and youth living in rural areas are at highest risk for gun suicide. To reduce gun violence, four strategies are key:

- Reducing children's unsupervised exposure to guns.
- Engaging communities and strengthening law enforcement.
- Changing the design of guns.
- Limiting the flow of illegal guns to youth.
- To obtain publications from the Foundation, contact circulation@futureofchildren.org

Adults and the GED

The number of adults taking the GED tests shot up 24 percent to more than one million in 2001. Of the 1,069,899 test-takers, the vast majority (945,131) were from the U.S., reports the American Council on Education. Overall, 669,403 candidates passed all five tests, a 30.7 percent increase from 2000. Those who did not pass all five tests by December 31 will have to start over with the new series to receive a high school diploma.

Fellowships Available

The National Institute of Justice (NIJ) announces the availability of two fellowships:

1. *W.E.B. DuBois Fellowship Program*, which funds scholars interested in conducting research that explores diverse perspectives of the criminal justice field. Particular emphasis is placed on crime, violence, and the administration of justice in diverse cultural contexts. The deadline for submissions is February 3, 2003.
2. *Graduate Research Fellowship 2003 Program*, which funds doctoral students interested in conducting independent dissertation research on issues related to crime and justice. Stipends of $20,000 will be awarded to successful applicants for costs related to dissertation research. Up to 10 awards may be made. The deadlines for submissions are January 15, 2003 and September 25, 2003.

To obtain an application and more information about these fellowships, contact http://www.ojp.usdoj.gov/nij/funding/htm or call (800) 421-6770.

Inmates and Balanced Diets

Violent offenders who were given vitamin supplements behaved dramatically better than inmates who received no supplements, reports Oxford University (England) researchers, who add that behavioral changes appeared within two weeks, and there was a 6.5 percent drop in minor incidents in the institution. When the research test ended, attacks on correctional officers increased by 40 percent.

Grandparents and Child-Care Load

After parents, grandparents carry the bulk of the child-care load for preschoolers, according to a Census Bureau analysis. They take care of about 21 percent of the country's 19.6 million preschoolers, based on 1997 data. Only about 15 percent of them are paid, averaging about $40 per week. Day-Care centers get twice that amount on average, for about $83 per week. Approximately 12 percent of preschoolers are in day care centers; seven percent in the home of a day care provider; and six percent in a nursery or preschool. About 17 percent are cared for by fathers; about one-third (7.2 million) are home with mothers; and about nine percent are cared for by relatives, other than mother, father, or grandparent.

Autism and Drugs

One of the newer anti-psychotic drugs, risperidone, was successful in treating serious behavioral disorders that often accompany autism in children, reports a National Institute of Mental Health study. Researchers studied 101 children and adolescents ages 5-17 and found that risperidone was more effective than a placebo in improving behavior: 69 percent of the youths taking the drug were much or very much improved at the end of the eight-week study, compared with 12 percent in the placebo group.

Minority College Enrollment

Minority students continue to show improvement in enrollment and graduation rates at the nation's colleges and universities as enrollment jumped 48.3 percent from 1990 to 1999, according to the American Council on Education. Hispanics showed the greatest rate of improvement among all minority groups, for a 68.3 percent. College enrollment for minority students rose 3.3 percent from 1998 to 1999. The previous year, it increased 3.2 percent, with increases at all levels, from associate degrees through doctorates. The largest increase, 5.6 percent, was at the graduate school level.

Though minorities accounted for more than 28 percent of all undergraduates in 2000, they earned only 21.8 percent of bachelor's degrees that year. The percentage of black women ages 18 to 24 who either were enrolled in or had completed one or more years of college in 2000 was 43.9 percent, up 10.3 percent from the previous year. But among black men, it was only 33.8 percent, a decrease of 12.8 percent from the previous year. The percentage for Hispanic women was 38.6 percent in 2000, compared with 34.2 percent for Hispanic men. Both Hispanic men and women saw improvements from the previous year, with men's numbers up 19.2 percent and women's up 11.2 percent. While 66 percent of Asian American and 59 percent of White students graduated from college within six years of entering as freshmen, only 38 percent of American Indians graduated within six years.

Avoiding Children Abductions

According to the National Center for Missing and Exploited Children, children can be kept safer:

- Always know where your children are.
- Never leave small children alone.
- Role-play often; that is, what to do if confronted by a stranger.
- Tell children to contact a parent or another adult if confronted by a stranger.
- Teach children to say "no" and to follow their instincts to get away.
- Teach children to be wary of "normal looking" strangers.

For additional information and help, contact www.missingkids.com.

Race and Child Abuse

Race appears to play a role when doctors examine children with broken bones to determine if they have been abused, according to a report published in the *Journal of the American Medical Association.* The conclusion came from a look at records covering 192 white and 196 black and Latino children younger than three treated at Children's Hospital in Philadelphia for skull fractures or broken arms and legs between 1994 and 2000. The review found that abusive injuries, as determined by expert review, were actually more common among minority children—27 percent of the total injury cases for minorities, compared with 12 percent of the total injury cases for white children. But more than 65 percent of minority children had skeletal surveys performed—an examination ordered when a doctor suspects abuse—while 31 percent of white children underwent that test. In addition, 22 percent of the white children's cases were reported to child welfare officials, compared with more than half of the minority children's cases.

Alcohol and Teens

Alcohol companies are spending millions of dollars on magazine ads that reach America's youth more effectively than adults, says a report issued by the Center on Alcohol Marketing and Youth at Georgetown University. In 2001, youth between ages 12 and 20 saw 45 percent more beer ads, 27 percent more distilled-spirits ads, and 54 percent more "malternative" ads than adults over age 21. Wine ads reached youth 58 percent less. According to the report, the alcohol industry intentionally targeted magazines with high school readership, spending almost one-third of its magazine ad dollars in 10 magazines, with at least 25 percent youth readership.

Kids' Meanness and Health Risks

Hostile children who mistrust others are much more likely than their peers to develop physical symptoms linked to diabetes and heart attacks in the future, reports researchers at the University of Pittsburgh. Youngsters ages 8–10 and 15–17 were followed for an average of three years in terms of how initial hostility levels influenced physical changes, such as high blood pressure and body weight, unhealthy blood fats, and insulin resistance. Among the 134 youth, the more hostile the children were initially, the more likely they were to develop at least two of the four unhealthy physical conditions. Those scoring in the top 25 percent on hostility were 50 percent more likely than others to develop at least two of the physical problems. Hostility levels, the researchers report, are about 30 percent genetic, but parents can make a big impact by teaching children how to manage anger and solve disputes without seething inside or erupting.

Program Evaluation

NCJRS has made available a new publication, *Guide to Frugal Evaluation for Criminal Justice*, which examines evaluation methods; guides local officials who want to conduct their own evaluations; and describes ways to

design the evaluation, measure results, collect data, and interpret findings that produce useful recommendations at a relatively low cost. The document also offers advice on forming different types of evaluation partnerships. The appendix contains additional resources, including an annotated bibliography, comments on other evaluation guides, and brief descriptions of Web-based resources for evaluation. The full text can be found at http://www.ncjrs.org/pdffiles1/nij/187350.pdf.

Measuring Student Performance

The Houston Independent School District has won a $500,000 scholarship award for being the nation's best urban school system, announced the Broad Foundation. Four runner-up districts (Atlanta, Boston, Long Beach, and Garden Grove, CA) will split $500,000 in scholarships. While trying to come up with a comprehensive evaluation process to judge 108 urban school districts, Broad researchers found that statewide data on students were often inconsistent and incomplete. Among other findings:

- 32 states are not set up to measure individual student progress over multiple years.
- 17 states do not provide information on untested students (those no-shows on test days), which leads to an inaccurate picture of all students.
- A "large number" of states has no auditing process in place to ensure that districts are reporting accurate data.
- Most states do not collect and report data on specific ethnic or income groups.

Schools will soon be required to document achievement by minorities and low-income students under the new No Child Left Behind law, which aims to reduce the wide margin in school success between white and minority students.

Latinos in College

U.S.-born Latino high school graduates enroll in colleges at nearly the same rate as whites but are much less likely to earn college degrees, according to a report by the Pew Hispanic Center. Latino college students tend to be older, enroll part-time, and tend to graduate from less-than-rigorous high schools, and are less likely than whites to earn associate's, bachelor's, or graduate degrees. The Latino high school dropout rate is estimated to be approximately 28 percent. By contrast, the rate for whites is seven percent and 13 percent for blacks. Overall, Latinos account for 1.3 million of the nation's 15.4 million college students.

Dropout Rates

As more states adopt high school graduation tests, an increasing number of poor and minority students are at-risk of being denied diplomas because high schools do a poor job of preparing them for the high-stakes exams, according to the Center on Education Policy. At least half of the states do not earmark money and other resources to provide special instruction for students most at-risk of failing the increasingly widespread graduation tests. A report indicates that 18 states, which enroll half the nation's public school students, require them to pass tests to graduate from high school. That number is projected to grow in the next six years when at least 24 states will have mandatory exit exams, affecting about 70 percent of the nation's high school students.

Inmates Classification

According to a seven-year study of internal inmate classification programs, conducted by NIC in eight states, researchers could not reach conclusive results or create a "best model." However, researchers say those are the results the survey should have reached because each management system needs to be tailored to the specific inmate population it serves. While no definitive conclusions were reached, researchers did identify several components necessary for creating, implementing, and managing inmate classification systems. One set of components includes broad standards and guidelines, such as a program goal, measurable objectives, verifiable data, a system that allows for overrides, and a system for review. A second set is based on the experience of the eight states and shows a step-by-step process to be followed before, during, and after implementation, including the identification of stakeholders, piloting the program, and evaluating the system.

Youth Gangs

Modern Day Youth Gangs is a recent publication by OJJDP that explores the differences between modern-day youth gangs and their predecessors. The full text can be found at http://www.ncjrs.org/pdffiles/ojjdp/191524.pdf.

Juvenile Gun Courts

OJJDP has published *Juvenile Gun Courts: Promoting Accountability and Providing Treatment.* It describes these specialty courts that hold juveniles accountable for gun offenses and highlights the experiences of policy-makers and practitioners involved with these juvenile offenders. The full text can be found at http://www.ncjrs.org/pdffiles/ojjdp/187078.pdf.

Cops Program Study

Fighting Crime with COPS & Citizens: A 4 Years Study of the COPS Program is a recent NIJ report that centralizes and summarizes key findings of a major study covering the Community Orienting Policing Services program during its first four years. The report offers resource links and online access to information Research in Brief, and case studies of 10 police departments that received COPS funding. The report can be accessed at http://www.ojp.usdoj.gov/nij/cops/index.html.

Research on Youth Justice

The Urban Institute announced that it is launching a new research effort on youth justice. The new Program on Youth Justice will identify and evaluate strategies for reducing youth crime, enhancing youth development, and strengthening communities. It will be headed by Dr. Jeffrey A. Butts and housed within the Institute's Justice Policy Center. Researchers associated with the program will expand on traditional approaches to youth justice research by:

- Studying all youth, not just those legally defined as juveniles;
- Measuring the impact of policies and programs on families, organizations, and communities, as well as individuals;
- Sharing insights from across the justice system, including prevention programs, police, courts, corrections, and community organizations; and
- Learning from the expertise of multiple disciplines, including the social and behavioral sciences as well as professional fields such as medicine, public health, public policy analysis, and law.

For more information, contact jpc@ui.urban.org.

Mental Health Resource

With support from OJJDP, the National Center for Mental Health and Juvenile Justice is promoting awareness of the mental health needs of youth in the juvenile justice system and helping to enhance the development of policies and programs that effectively address

those needs. The Center's principal objectives include:

1. To create a national focus on youth with mental health disorders who are in contact with the juvenile justice system.
2. To serve as a national resource for the collection and dissemination of evidence-based and best practice information to improve services for these youth.
3. To conduct new research and evaluation to fill gaps in the existing knowledge base.
4. To foster systems and policy changes at the national, state, and local levels.

For additional information, contact Policy Research Associates at www.ncmhij.com or by email at ncmhij@prainc.com.

Teen Suicide

Three million American teens have thought seriously about or attempted suicide, according to a survey conducted by the U.S. Substance Abuse and Mental Health Services Administration. More than 13 percent of young Americans between the ages of 14 and 17 considered suicide in 2000. Only 36 percent of them received mental health treatment or counseling. The study revealed that depression was the main cause of suicide.

Education and Benefits

Education has become an increasingly valuable ticket to upward mobility for everyone, with the payoff at least as large for minority workers as for white employees, but still greater for men than women, according to the U.S. Census Bureau. The average lifetime earnings of a full-time, year-round worker with a high school education are about $1.2 million, compared with $2.1 million for a college graduate, and $3.4 million for those with doctorates. Workers with professional degrees commanded $4.4 million, while high school dropouts earn about $1 million. Workers with advanced degrees once earned 1.8 times as much as high school graduates. By 1999, they made 2.6 times as much. Researchers cite a complex array of possible causes for various earning gaps, including that women and minorities often go into lower-paying careers.

The lifetime earnings of a woman who works full-time with a law, medical, or other professional degree—$2.9 million—are equal to those of a man with a master's degree. But college-educated women now make more than men with high school degrees, which was not the case two decades ago. Among minorities, a black, Asian American, or Latino high school graduate still makes no more than a white high school dropout, but minority workers with college or advanced degrees do better than whites with less education.

Single Mothers

Between 1995 and 2000, the proportion of children younger than 18 living with a single mother declined from 19.9 percent to 18.4 percent, according to the Children's Foundation. In addition, the proportion of children living with two married parents (including stepparents) remained essentially unchanged during this period, at about 70 percent. Both trends represent changes relative to trends over the 1985–1990 period, when the share of children living with a single mother remained essentially constant and the share of children living with married parents declined.

National Consortium Closes

The National Consortium on Alternatives for Youth at Risk (NCAYAR) has transferred its extensive data base on alternatives for youth at risk to the National Center for Juvenile Justice (NCJC) and has closed its operations completely. Those who seek juvenile justice information are advised to consult the on-line *Lingle Directory of Alternatives for Youth at Risk* at NCJC at (412) 227-6950.

New Family Law

The Safe and Stable Families Initiative was signed into law recently. The legislation expands services to strengthen families, creates and expands mentoring programs for children whose parents are in prison, and enhances educational opportunities for children leaving foster care. Specifically, the bill reauthorizes and substantially expands the resources available to states and Indian Tribes to strengthen families at risk and ensure the safety and permanency of placements of vulnerable children through the "Promoting Safe and Stable Families" program. It is funded at $505 million a year, an historic increase in spending of $200 million annually. Also, the legislation allows these funds to be used for services that strengthen parental relationships and promote healthy marriages. It also authorizes an initial $67 million in fiscal years 2002 and 2003 for projects that mentor children of prisoners (an estimated 1.5 million children have a parent in prison), and an additional $60 million of annual funding to states for education and training vouchers for youth between the ages of 16 and 21.

Earned Income Tax Credit

Many people in the child support program caseload could benefit by becoming more aware of the Earned Income Tax Credit (EITC). Changes for the year 2001 make the EITC worth more money to low and moderate income employees than ever before—up to $4,008 for some families. Workers who were raising one child in the home and had family income of less than $28,281 in 2001 can get an EITC of up to $2,428. Workers who were raising more than one child in the home and had a family income of less than $32,121 in 2002 can receive up to $4,008. Workers who were not raising children in the home but were between the ages 25 and 64 on December 31, 2001 and had income below $10,710 can get an EITC of up to $364. In addition, grandparents who work and are raising grandchildren can qualify for the EITC. For additional information, contact Paul Maiers in ACF's Office of Family Assistance at (202) 401-5438.

YOUR BOOKSHELF ON REVIEW

Two Takes on 19th Century Prisons—Doing Time in An Earlier Time

Maconochie's Gentlemen: The Story of Norfolk Island and the Roots of Modern Prison Reform. By Norval Morris. New York: Oxford University Press, 2002. 213 pp. $27.50.

Buried From the World: Inside the Massachusetts State Prison 1829-1831. The Memorandum Books of the Rev. Jared Curtis. Edited by Philip F. Gura. Boston: Northeastern University Press, 2002. 260 pp. $30.00 cloth.

Reviewed by Dan Richard Beto
Huntsville, Texas

In 1987 Alfred A. Knopf published *The Fatal Shore*, a wonderfully crafted book, by Robert Hughes, about Great Britain's infamous convict transportation system and the founding of Australia. Contained in Chapter 14 of this thoroughly researched volume is an account of British naval captain Alexander Maconochie's stewardship of the remote penal colony on Norfolk Island, located approximately 1,000 miles from Botany Bay on Australia's eastern coast. Before Maconochie assumed responsibility for the convicts assigned to Norfolk Island, this penal colony was known for its brutal and punitive treatment of offenders. From 1840 to 1844, however, the island was under the administration of Maconochie, described by Hughes as "a prophetic reformer, a noble anomaly in the theater of antipodean terror and punishment" and "the one and only inspired penal reformer to work in Australia throughout the whole history of transportation."

Providing greater insight into the correctional philosophy of Maconochie and the challenges he and his family experienced on Norfolk Island is the preeminent scholar Norval Morris, the Julius Kreeger Professor of Law and Criminology at the University of Chicago. In *Maconochie's Gentlemen: The Story of Norfolk Island and the Roots of Modern Prison Reform*, Morris blends fact with fiction to provide us with a compelling story— seen through the eyes of Maconochie, members of his family, assigned personnel, and convicts—of the conditions on this penal colony and his efforts to develop a rational and humane system of rewards and punishment.

During Maconochie's tenure on Norfolk Island, he introduced a number of reforms to improve the quality of life for the convict inhabitants. In addition, he implemented the "Marks System," which rewarded inmates for conforming behavior and punished those who failed to abide by the rules. This system was designed to allow inmates to discharge their sentence early through hard work and good behavior. Unfortunately, the system was flawed; while Maconochie "could control rewards *on* the island," he lacked the authority to guarantee a "reward of freedom *from* the island." Not only did he lack the authority, he lacked the enthusiastic support of his superiors for the "Marks System."

Following his departure from Norfolk Island in 1844, Maconochie returned to England, where he continued to be an advocate for prison reform. In 1849 he was appointed Governor of the Birmingham Prison, where he continued in his efforts to improve prison conditions.

Unfortunately, after Maconochie left Norfolk Island, he was replaced by men who lacked his vision and compassion and whose administration of the penal colony could be characterized as cruel and brutal. In 1846 a riot occurred on the island, where five guards were killed; this resulted in the hanging of twelve inmates and the flogging of many others. In 1856, due to the expense of maintaining this remote convict settlement, Norfolk Island was closed.

Morris concludes the book with a thoughtful discussion of a variety of issues, including: the importance of humane prison conditions; the use of "good time"; judicial oversight in the release process and aftercare; the creation and growth of the latest correctional fad—the "supermax" prison; the needs of the mentally ill offender; and the importance of research in determining the efficacy of efforts to bring about position change in the lives of offenders.

Maconochie's Gentlemen is an interesting and thought-provoking book on correctional policy and practice, in which the lessons are drawn from a historical perspective. Norval Morris has made yet another significant contribution to correctional scholarship.

* * * * *

In 1998 Philip F. Gura, the William S. Newman Distinguished Professor of American Literature and Culture at the University of North Carolina at Chapel Hill, learned of the existence of two handwritten volumes of biographical sketches of prisoners confined in the Massachusetts State Prison at Charlestown during the early 19th century. These concise portraits were the work of Reverend Jared Curtis, the prison's chaplain, who had made it a point to interview the more than 300 prisoners confined in the institution and record information about them in two leather-bound notebooks. Gura, who has published widely on subjects related to early American history and literature, subsequently transcribed the handwritten notebooks and conducted research into the life of Curtis, resulting in *Buried From the World: Inside the Massachusetts State Prison, 1829-1831.*

Early in the book is a brief account of how Stockbridge, Massachusetts, native Jared Curtis, who lived from 1777 to 1862, came to be involved in prison ministry:

> After graduating from Williams College in 1800, he had studied theology with the Reverend Charles Backus (1749-1803), a well-known Congregationalist minister who trained young clergymen at his home in Somers, Connecticut. After his mentor's death Curtis reconsidered his ministerial plans and, after serving a term as a tutor at Williams in 1803–1804, returned to Stockbridge. He became a successful merchant, first with his father, Isaac, and then with Elisha Brown. This occupied him until 1817, when he dissolved the partnership. He returned to teaching, in 1820 assuming the role of preceptor at the newly formed Stockbridge Academy, a position he held for the next five years. But in 1924 Curtis again heard the call to the ministry and began study with the local minister, David Dudley Field. Within a year (in part because Williams College already had granted him an M.A.), he received his license to preach, and . . . in the fall of 1825 the Prison Discipline Society placed him in New York's penitentiary. After his move to Charlestown in 1828, he worked with the prisoners there until 1852.

During his tenure at the Charlestown prison, Curtis conducted Sunday morning worship services, instituted the Sabbath School, routinely counseled with prisoners, and enlisted a cadre of volunteers to work with those confined. Through his efforts, and with the support of the prison's administration, the chaplain was able to positively influence the lives of many of the convicts confined there.

An interesting footnote to Curtis's prison ministry is that he met with Alexis de Tocqueville and Gustave de Beaumont during their visit to America. In fact, they visited Curtis at the prison on several occasions, attended the Sabbath School, and were favorably impressed with what they observed. As reported in *Tocqueville in America* by George Wilson Pierson, Curtis subsequently wrote to the Governor of Massachusetts about Tocqueville and Beaumont's visit to the prison:

> The Commissioners sent out by the government of France, to examine the best constructed and best regulated Prisons in the United States, were present one Sabbath, during the whole of the exercise of this school, were very attentive to the manner in which it was conducted, and the instructions communicated by the teachers, and expressed themselves highly pleased with an exhibition so novel, and at the same time so interesting, in an Institution like this . . .

It was during his first few years (1829–1831) at the Massachusetts State Prison that Curtis recorded biographical sketches on the convicts he interviewed. He typically noted the prisoner's age, race or color, place of birth, length of sentence, relationship with parents and other family members, marital status, ability to read and write, trade or employment, abuse of alcoholic beverages, recognition of what led the prisoner to crime, degree of remorse, church attendance and observation of the Sabbath, prior criminal behavior, and association with "lewd" women. In addition, in some cases Curtis made personal observations on the prospects of the prisoner successfully avoiding future law violations following release.

After interviewing 256 prisoners, Curtis prepared a report in 1831 and submitted his findings to the state. These findings, while based on self-report, present an interesting picture of the inmate population. For example, almost 8 percent did not "know the alphabet" prior to coming to prison, another 8 percent could read only easy lessons for children, and 25 percent could not write. Almost half of those interviewed "had been accustomed . . . intemperately to the use of ardent spirit before the age of 16 years" and over 60 percent "acknowledged that intemperance led them to crime." In addition, 32 percent had no regular trade or employment, and 71 percent "had, before coming to prison, lived in habitual neglect and violation of the Sabbath."

Unfortunately, the issues reflected in the chaplain's statistics remain with us today in our correctional populations–insufficient education, substance abuse, no sustained periods of employment, inability to profit from past experiences, and a lack of meaningful religious involvement.

In *Buried From the World: Inside the Massachusetts State Prison, 1829-1831*, Philip F. Gura has made a significant contribution to correctional literature. Through his vision and care he has provided us with a view of prison life in Jacksonian America. Finally, the author has allowed us a glimpse of Jared Curtis—a good man who devoted much of his life to working with convicted felons.

Books Received

Detained: Immigration Laws and the Expanding I.N.S. Jail Complex. By Michael Welch. Phhiladelphia: Temple University press, 2003, 264 pp., $18.95 paper, $59.50 cloth.

Domestic Violence Offenders: Current Interventions, Research, and Implications for Policies and Standards. Edited by Robert A. Geffner and Alan Rosenbaum. New York: The Haworth Press, 2002, 307 pp., 34.95 soft, $59.95 cloth.

Crisis Intervention in Criminal Justice/Social Service. Third edition. Edited by James E. Hendricks and Bryan D. Byers. Springfield, IL: Charles C. Thomas, 2002, 402 pp., cloth.

Kids Who Commit Adult Crimes: Serious Criminality by Juvenile Offenders. By R. Barri Flowers. New York: The Haworth Press, 2002, 244 pp., $24.95 soft, $49.95 cloth.

Women at the Margins: Neglect, Punishment, and Resistance. Edited by Josefina Figueira-McDonough and Rosemary C. Sarri. New York: The Haworth Press, 2002, 432 pp., $34.95 soft, $69.95 cloth.

Crime Profiles: The Anatomy of Dangerous Persons, Places and Situations. By Terance D. Miethe and Richard C. McCorkle. Second edition. Los Angeles: Roxbury Publishing Co., 2001, 270 pp.

REVIEWS OF PROFESSIONAL PERIODICALS

Crime and Delinquency

Reviewed by Christine J. Sutton

"Women's Crime and Mothers in Prison," by Polly F. Radosh (April 2002)

The April 2002 issue of *Crime and Delinquency* was a special issue entitled "Criminology at the Edge," honoring Richard Quinney's prior academic work in criminal justice and his new book, titled *Bearing Witness to Crime and Social Justice*. Selected authors were asked to contribute essays illustrating or analyzing Quinney's writings.

In "Women's Crime and Mothers in Prison," the author applied Quinney's "peacemaking approach" to the study of crime to examine the circumstances of women's crime and the effect of incarceration on women and children. Essentially, Quinney's attention to all the events prior to the criminal act itself are applied to women's crime. Given the high proportion of incarcerated women with prior physical and sexual abuse and histories of substance abuse to dull the pain, Polly Radosh presents Quinney's thesis that these problematic personal histories present more important rehabilitation issues than the crime itself. Secondly, the author adapts Quinney's non-punitive response to treating women offenders.

The author makes an interesting parallel: Punishing women offenders without making clear the social utility to the law and the good that can be accomplished by compliance, and without trying to understand the life circumstances of women offenders, is compared to Radosh's own elementary school experience of forcing a left-handed person to use the right hand and learn to cut with right-handed scissors. In other words, most people can be molded to conform to norms, but different backgrounds, experiences, and societal impairments will make conformity much more difficult for some. Social control and punishment for crimes committed usually ignore the causes of crime. Events that precede a female offender's criminal act (abuse, poverty, etc.) mold the offender into someone like the left-handed user of right-handed scissors. This comparison helps one see that some layers of meaning in the law can be obscured when the focus is only on law violation.

Applying Quinney's work, Radosh argues that many times women's crime is a "reflection of social injustice, grounded in exploitation."

The article presented interesting facts in support of the author's position. There are more children with fathers in prison than mothers, but 60 percent of those fathers did not live with the children, yet 60 percent of mothers in state prison and 73 percent in federal prison did live with their children in the months before their arrest. The median age of a child whose mother is incarcerated is eight years old. Additionally, 25 percent of the women offenders were pregnant or gave birth while incarcerated.

Female offenders are more likely to be convicted of a non-violent crime, have a prior history of physical or sexual abuse, and suffer incarceration for their low-level involvement in drug offenses, such as driving a boyfriend to make a drug deal. The female offender may end up serving a longer sentence than the boyfriend, because she lacks the knowledge that would help her make a deal, as the boyfriend does. A review of 60,000 federal drug cases indicated that men are much more willing to sell out women to receive a shorter sentence, than women are to sell out "their man."

Despite the unique characteristics of female offenders and their need for programs beyond parenting classes in prisons, 39 states use the same classification instrument for male and female offenders.

As one administrator in a National Institute of Justice Survey of Approaches to Program Women Offenders put it, "women who are victims of abuse tend to continue as victims as abuse. Men, on the other hand, tend to react to their own history of victimization by becoming abusers themselves."

Women's recidivism is generally lower than that of male offenders, but women involved in mother-infant programs while incarcerated show a 20 percent to 50 percent reduction in this already-low rate of recidivism. Currently, New York, Nebraska, Illinois and California have some variation of a prison nursery program. Both California and Illinois women treatment centers include substance abuse treatment, as well as occupational and support group counseling.

The author concludes that nurseries and women treatment centers in prison are a start, but there is still a long way to go. Applying Quinney's theories, Radosh maintains that female incarceration stems not only from a conviction for a specific crime, but from an array of social problems that affect women as a group and permeate many facets of American culture. The author advocates abandoning a "punishment only philosophy" and finding a means to provide viable assistance to females incarcerated, so that they will be empowered to avoid being abused when they are released from prison. The application of Quinney's theories would enable administrators to implement such programs; allowing these socially "left-handed" people to use left-handed scissors.

The Prison Journal

Reviewed by Sam Torres

"Policy Implications Relating to Inmate Mothers and Their Children: Will the Past Be Prologue?" by L.P. Dalley (June 2002)

This article focuses on the extensive problems of inmate mothers and their children before imprisonment along with the exacerbation of these problems during imprisonment. The

combination of these related sets of problems increases the likelihood that the children will become second and third generation inmates. Data is presented from a study of Montana female prisoners. Like other states, Montana has experienced a substantial increase in the female inmate population, although male inmates still make up the overwhelming majority. Seventy percent of female prisoners in Montana are mothers of minor children. Not surprisingly, the findings reveal that these female inmates have deep-seated, cyclical problems that often make them and their problems resistant to viable intervention.

Historically, women were rarely sent to prison. However, such is not the case today. The author notes that between 1990 and 1999, the female prison population grew 106 percent, compared with only a 75 percent increase in the male inmate prison population. Research has attributed this significant growth to such factors as the increased use of determinate and mandatory minimum sentencing structures, truth-in-sentencing statutes, and the perpetual war on drugs. These policies, according to Dalley, by sending more women behind bars, result in a further deterioration of the mother-child relationship, as well as an increase in the social, emotional, and behavioral problems of the children. The author does a commendable job of reviewing the literature and reminding us of the many problems and defining characteristics associated with the female inmate population. She does note, however, that few if any studies on female inmates differentiate between pre-imprisonment and post-imprisonment problems. Furthermore, few if any studies analyze the mothers' pre-imprisonment lifestyles and parenting techniques.

In the literature review, we are reminded that female prisoners, like their male counterparts in this country, are a disadvantaged population who are typically single, poor, uneducated, and possessing few job skills. Although traditionally female offenders have been known to commit property crimes, the greater growth has been in drug offenses. Between 1990 and 1998, over 12,000 women were in prison for drug offenses, a 36 percent increase. The strong relationship between drugs and crime is also found in female offenders, with inmate mothers more likely to have serious drug histories and more likely to have committed their crimes while under the influence of drugs compared to inmate fathers. Interestingly, the author reports that female offenders have *more addiction problems* than their male counterparts and often come from families with histories of neglect, abuse (emotional, physical, & sexual), incarceration, or parental addiction. The intergenerational cycle of incarceration suggests that children who experience parental imprisonment in addition to traumatic childhood events (parental separation, abuse, addiction) are more likely to become offenders as adolescents or as adults. As noted, chief among the problems experienced by inmate mothers is drug addiction, which focuses their lives solely around the purchase and use of drugs. Needless to say, basic needs and caring for their children become secondary to the drug. The imprisonment of the mother results in a further traumatic and devastating event in the lives of these children, who now experience abandonment, embarrassment, and anger. Past studies have examined "attachment" and the maintenance of the mother-child relationship during imprisonment. In general, studies have found that visitation is not successful in maintaining the relationship and that visitation policies vary dramatically from state to state. Problems associated with maintaining attachment include distance from the prison, prison policies, and caregivers' attitudes toward visitation.

The sample size for this study was quite small; however, the author notes that the main purpose of the study was to explore inmate mothers as they exist in Montana and not to generalize the findings to the population of female offenders nationally. Some of the more significant findings from the study are:

- Inmate mothers have significant personal issues that have influenced their lives and those of their children.
- The data suggest interrelated variables that correlated with the mother-child relationship: parenting, addictions, and women's delayed cognitive development.
- Over one half of the women were single and a vast majority reported abusing drugs within the past 5 years. Nearly 80 percent of the women reported regular drug use. The addictions by the inmate mothers were described as the *driving force* in their lives.
- Most of the women reported neglectful parenting as a common experience.
- Prison social workers, program directors, and administrators consistently described the women as extremely damaged human beings due to experiencing neglect, sexual and physical abuse, and chronic use of drugs or alcohol at very young ages.
- Fully 85 percent of the women reported being physically abused during their childhoods, with more that 25 percent experiencing foster care placement.
- Almost all of the women (98 percent) in this study had at some point in their lives been in jail, with the average number of incarcerations being 7.3.
- The vast majority of their children (92 percent) were experiencing some kind of serious chronic problem *before* their mother's incarceration, and fully 88 percent had been separated from their mothers at least one time prior to their current imprisonment.

The author concludes that the current "get tough" policies have been ineffective for female offenders, and unfortunately, *their children are likely to follow in their footsteps.* Had intervention occurred early, the author reports, many of these individuals would not be in prison, thus easing the state's financial burden as well as reducing the prospect of intergenerational incarceration. The recommendations made by Dalley are based on the realization that *in most cases the inmate mother and her child should be reunited*, but in a much different manner than is currently taking place. The author clearly establishes guidelines and recommendations to facilitate the mother-offender's unification with her children upon release, and in this regard, makes the following recommendations:

1. Provide life-skill training in the schools to all children.
2. Create viable prevention models targeting at-risk women and their children.
3. Establish a correctional counseling unit within probation and parole departments.
4. Develop a prison female treatment model that focuses not only on current problems but also on pre-existing problems.
5. Create a post-release program designed to enhance parenting skills and foster reunification where appropriate.
6. Enact state laws that better protect the parental rights of inmate mothers and the rights of their children.

The recommendations offered by the author have considerable merit, but care must be taken to avoid sweeping proposals that fail to consider practical issues in implementa-

tion, cost, and the public's potentially strong opposition. Clearly, there is a need to enhance treatment programs to address the multiple mental, physical, and social problems experienced by inmates, both male and female. This is especially critical with female inmates, and in this regard, the author focuses attention on the major intergenerational cycle of the incarceration problem. Given the severe and overwhelming problems associated with female inmates, the idea that reunification should be the preferred course of action must be seriously examined. The author notes imprisonment in and of itself should never be used as the reason for terminating parental rights. However, when other factors exist, such as severe abuse or neglect, termination of *parental rights may be appropriate.* The article is quite successful in reviewing the empirical literature documenting the severe abuse and neglect experienced by most children of incarcerated mothers. For example, the author noted that the women's addictions were the "driving force" in their lives. One inmate says, "…I mean if you're drunk, you're lucky you don't burn down the house…you neglect their education because you're not up to get them up." Another inmate who had her children with her when she shoplifted said that her children would always say, "your drugs are more important than we are." In my own career as a county and later U.S. probation officer, I frequently encountered children of offender-mothers who had been exposed to emotional, physical, and sexual abuse, along with criminal adult role models, prostitution, and open use of drugs. Furthermore, the author recognizes that the data present a dismal and disturbing picture of the children's lives *before* maternal imprisonment. One guardian described her experiences with inmate mothers: "…you are dealing with parents that have themselves been so dysfunctional or come from such dysfunctional families that you may only have to tell them, 'look, in order to keep your child, all you have to do is walk from here across the street and go on the crosswalk,' and they still couldn't do it."

Dalley presents a rather brutal reality when she reports that "clearly, by the time most of these mothers and their children reach these systems, it is too late to fully address their problems." Hence, recommendations are made to provide earlier intervention strategies. It is important to recall that almost all of the women (98 percent) in this study had at some point in their lives been in jail, with the average being 7.3 times. Correctional workers note that the women are extremely damaged human beings due to experienced neglect and abuse. The workers emphasize that just as the damage didn't happen overnight, so fixing these women can't happen overnight. The fact is that some offender-mothers should never be reunited with their children, and in these cases, preventing reunification may itself help break the intergenerational cycle of incarceration.

Interestingly, I believe that suggestions for addressing these mother-child reunifications and the intergenerational cycle of incarceration come from the inmates themselves. When the women are released, unrealistic expectations are placed on them. They are expected to find housing, employment, day care for their children, obtain transportation, report for frequent testing to their parole agents, stay clean, and maintain lawful associations. In addition, upon reunification, they must not only care for their children but must frequently tend to their children's serious behavioral and sometimes dire health needs. Most female offenders are ill-equipped to deal with their own individual adjustment issues and problems encountered upon release from prison. They struggled to survive before imprisonment and, upon release, rarely experience a drug-free lifestyle.

In my view, the data presented in this article casts serious doubts on the wisdom of reunification in these cases, at least at the outset of release. If this article does anything, it is to provide hard data suggesting that in most cases these severely "damaged" women will continue their destructive, drug-abusing lifestyle, most often to the detriment of the children with whom they are reunited. If implemented, the author's recommendations would address some of the problems. However, a key response to this "intergenerational cycle of incarceration" can be gleaned from the offenders themselves. Regarding reunification, one inmate says, "I wouldn't jump back in and grab my kids. It was one of the worse things that I went through in my life...It was a mess! *I needed to be prepared, they needed to be prepared*...If I had a chance again I would take it real slow. I'd have visits. I'd prepare financially...I think there's a lot more to it than running out and getting your kids and being together again."

It appears that some jurisdictions are ever so slowly reintroducing a myriad of treatment programs back into prison. These, of course, should include educational programs to address educational deficiencies, intensive substance abuse programs modeled on the therapeutic community model, vocational training, life skills, and parenting courses. As the female inmate above suggested, reunification of children with these problem-plagued mothers should usually gradual, and only upon demonstrated stability and a drug-free period of community supervision. To do otherwise is to help perpetuate the intergenerational cycle of incarceration. Additional resources and close *monitoring* of foster placement are necessary, as well as assistance to family members who have taken on the responsibility of caring for the relative-inmate's children.

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