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Adhering to the Risk and Need Principles: Does It Matter for Supervision-Based Programs?

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IN THE PAST 20 YEARS, there has been a re-emergence of interest in the effectiveness of correctional treatment programs for offenders. This interest has led to the development of the principles of effective interventions (Gendreau, 1996; Gendreau, French, & Taylor, 2002). Research has now shown a link between these program characteristics and effectiveness (Andrews & Dowden, 1999; Lipsey & Wilson, 1995; Gendreau, 1996; Lowenkamp, 2004; Lowenkamp, Latessa, and Smith, 2006). However, most of these studies have examined traditional residential treatment programs. Therefore, the question remains: Do these principles apply to community non-residential programs such as intensive supervision probation? The current study examines the effects of program characteristics on recidivism using a sample drawn from community non-residential programs to determine if the risk and need principles apply to traditional supervision-oriented programs such intensive supervision probation, electronic monitoring, day reporting, and work release.

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Risk, Need, and Treatment Principles

In 1996, Gendreau introduced several principles of effective interventions. These principles may be collapsed into risk, need, responsivity, and treatment. While each is equally important to the

provision of sound correctional interventions, we focus on the risk and need principles in this paper. As such, only the risk and need principles are reviewed below; however, readers are encouraged to review other principles related to effective correctional interventions (for a review see Gendreau, 1996; Gendreau, et al., 2002).

The risk principle states that programming should be matched to the risk level of the offenders (Andrews, Bonta, & Hoge, 1990), and higher-risk offenders should receive more intensive programming for longer periods of time to reduce their risk of re-offending. Moreover, and equally important, applying intensive treatment to low-risk offenders may actually serve to increase their risk of recidivism (Andrews, Bonta, and Hoge, 1990 and Lowenkamp & Latessa, 2005). Much research has found support for the risk principle. For example, a meta-analysis conducted by Andrews and Dowden (1999) found that programs that adhere to the risk principle reduced recidivism by 19 percent but programs that violated the risk principle increased recidivism by 4 percent. Similarly, a study of intensive rehabilitation supervision by Bonta, Wallace-Capretta, and Rooney (2000) found a 20 percent reduction in recidivism for higher-risk offenders that received more intensive supervision, but a 17 percent increase for lower-risk offenders. A more recent examination of the risk principle was conducted by Lowenkamp and Latessa (2005) using a sample of adult halfway house participants. Lowenkamp and Latessa found that these intensive programs worked for higher-risk offenders and led to reductions in recidivism from 10 to 30 percent. However, most of these same programs increased recidivism for lower-risk offenders. While the type of offender placed in a correctional program is certainly related to program effectiveness, what a program targets while the offender is in the program is equally important. The need principle, discussed below, gives programs strong guidance regarding what offender needs should be targeted to reduce the propensity of criminal behavior.

Simply put, the need principle identifies appropriate needs to be targeted by correctional interventions in attempting to reduce offender recidivism (Andrews, et al., 1990; Gendreau, 1996). Research has consistently identified certain dynamic correlates of criminal behavior (also known as criminogenic needs) such as antisocial attitudes, antisocial peers, antisocial personality, poor familial relationships, and low educational or vocational achievement (Gendreau, et al., 1996; Simourd and Andrews, 1994). Research has also indicated that if a correctional intervention or program targets these dynamic risk factors, the reductions in recidivism follow (Dowden & Andrews, 1999a). In a more recent study, Gendreau, et al. (2002) found that the density of criminogenic needs targeted was strongly related to program effectiveness in reducing offender recidivism. Specifically, programs that targeted 4 to 6 more criminogenic than non-criminogenic needs reduced recidivism, on average, by about 30 percent. Programs that targeted 1 to 3 more criminogenic than non-criminogenic needs were associated with a slight increase in recidivism.

Hence, the research on the risk and need principles indicates that these principles are important to correctional treatment interventions. Intensive treatment programs were more successful in reducing recidivism with higher-risk offenders (Andrews, et al., 1990; Lipsey & Wilson, 1998; Andrews & Dowden, 1999; Lowenkamp & Latessa, 2005). Furthermore, when programs targeted more criminogenic needs, recidivism declined more there (Dowden & Andrews, 1999b; Gendreau, et al., 2002). However, the question remains: “Are the risk and need principles related to the effectiveness of supervision-based correctional interventions in reducing recidivism?”

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Research on Supervision-Oriented Programming

There has been some research that indirectly tests the relationship between the characteristics of supervision-based interventions and effectiveness. This research, in summary, did find support for the relationship between treatment and effectiveness for supervision-oriented programs (Petersilia & Turner, 1993; Fulton, Gendreau, Paparozzi, 1996; Bonta et al, 2000; Fulton, Stone & Gendreau, 1994; Aos, Miller & Drake, 2006). For example, in a review of three types of

programs within a probation department in Colorado, Johnson and Hunter (1992) found that offenders who received ISP with the cognitive component had lower recidivism rates than offenders who participated in only the supervision probation component. Furthermore, in a multi-site evaluation of ISPs conducted by the RAND Corporation, Petersilia and Turner (1993) found that higher levels of program participation (measured as any employment, any counseling sessions, any community service, and any restitution paid) were associated with a 10 to 20 percent reduction in recidivism.

A recent meta-analysis conducted by Aos, Miller, and Drake (2006) examined the effectiveness of various correctional programs and supervision. They systematically reviewed 34 studies of intensive supervision probation programs that have been conducted within the last 35 years. The analysis revealed that ISPs that incorporated some treatment resulted in an average reduction of 21.9 percent, whereas ISPs that were surveillance-oriented had no impact on recidivism. Accordingly, while research has found that non-residential programs such as ISPs may be effective in reducing recidivism if they incorporate treatment into the services delivered, the exact characteristics that are necessary to reduce recidivism have not yet been tested empirically.

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Method

The current study examined 66 community-based correctional programs to determine if adherence to the risk and need principle enhanced effectiveness in reducing recidivism. These programs were jail and prison diversion programs funded by the Community Corrections Act (CCA) in the state of Ohio (for a description of the Community Corrections Act and the programs see <http://www.drc.state.oh.us/web/BCS.HTM>). The participants were offenders sentenced to community-based correctional programs serving 52 counties during the fiscal year 1999. Offenders served by the CCA programs were compared to offenders that were processed as usual in jail, municipal probation, or prison. Offenders from the treatment group were matched to offenders from the comparison group on sex, risk, [1](#) and county of supervision. Recidivism data was collected on all offenders, with the follow-up time being two years from the date of placement in a CCA program, placement on municipal probation, release from jail, or release from prison.

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Programs

[Table 1](#) reviews the different sites that were examined for this study. Two types of programs were used in the current study—prison diversion and jail diversion programs that were funded by the Community Corrections Act.

The prison diversion programs included those offenders that were referred by the local court to a CCA-funded program and participated in the CCA programs for at least 30 days. These offenders are sentenced to a term in prison. That sentence is then suspended and the offenders participate in one or more community-based programs. Of the 66 sites examined, 55 (83.3 percent) were prison diversion programs. Of these programs, the predominant program type was intensive supervision probation (42 programs), followed by day reporting (10.1 percent), substance abuse programs (5.5 percent), electronic monitoring (3.6 percent), and work release (3.6).

The jail diversion programs included those offenders that were placed in programming in lieu of serving time in a jail or as part of their sentence to a jail. Across the various jail diversion programs, the majority of the programs were again intensive supervision probation (5 programs), followed by day reporting (27.3 percent), and then work release, residential treatment, and domestic violence (9.1 percent each).

Offenders

The prison diversion cases were compared to a matched sample of parolees. A total of 5,781 prison diversion cases were compared to an equal number of parolees. ² While attempts were made to develop comparison groups from regular felony probation caseloads, this was not always possible. We therefore decided to use parole cases since they provided comparison cases for every program. ³ The matched jail diversion cases were compared to jail releases or regular municipal probation cases, depending on the data available within each jurisdiction. We were able to develop jail comparison cases for only three programs (one county). Regular municipal probation cases were used as comparison cases in eight other sites. In total, 707 comparison cases were used as a matched sample for the jail diversion programs (n = 707). Three sites were compared to jail releases, while eight other jail diversion sites were compared to regular municipal probationers.

[Table 2](#) reports the descriptive statistics for the two treatment groups and the comparison cases. For the prison diversion sample, the two groups were relatively similar in racial composition and gender. However, the treatment group was more likely to be single (73 percent) when compared to the comparison group. Furthermore, the comparison group was more likely to have been incarcerated three or more times and was more likely to be under supervision for an offense against a person. When examining the risk category for the offenders, a clear majority of offenders (73 percent) were classified as moderate risk or higher.

When examining the jail diversion sample, we again found the groups similar in regards to race and gender. Sixty-two percent of the treatment group was white compared to 65 percent of the comparison group. Nineteen percent of both groups was female. The groups differ significantly in marital status, prior arrests, prior incarcerations, and offense type. Sixty-one percent of the treatment group was single, with a slightly higher percentage of the comparison group being single (70 percent). Approximately 35 percent of each group had three or more prior arrests, while roughly 20 percent of each group had at least one prior incarceration. In terms of risk, 78 percent of each group is low to low-moderate, with 20 percent being classified as moderate risk.

Review of Program Level Measures

The current study used four measures of program content. Three measures relate to adherence to the risk principle: higher-risk sample, risk supervision, and risk treatment. One additional measure relates to the need principle: referral ratio. All of these measures were developed from data gathered from a database maintained by the State of Ohio Department of Rehabilitation and Correction.

Higher-risk sample was defined as present for a particular program if 75 percent or more of the sample was moderate or high risk. This measure was included to determine if the program was targeting higher-risk offenders, as is indicated by the risk principle.

The next two measures, risk supervision and risk treatment, were developed to determine, if advised by the risk principle, if programs were varying the duration of and services received by risk level. Risk supervision was determined to be present if higher-risk offenders were in the program, on average, longer than lower-risk offenders. For the purposes of the risk supervision factor, any difference where the higher-risk group received longer periods of supervision than the lower-risk group was considered to be evidence of meeting this factor. Programs where the lower- and higher-risk groups had equal lengths of supervision or where the lower-risk group had a longer period of supervision did not meet this factor.

Risk treatment was determined to be present for a particular program if, on average, higher-risk

offenders received at least one-half more referrals for services than lower-risk offenders. For example, if the higher-risk offenders, on average, were referred to 2.5 programs and the lower-risk offenders were referred to 2.0 or fewer programs, this criterion was considered to be met by the program.

Finally, we included a measure relating to the need principle, which tapped the density of services targeting criminogenic needs. This measure was a ratio of referrals targeting criminogenic needs to referrals targeting non-criminogenic needs. For this measure to be considered present, a program had to make three referrals targeting criminogenic needs for every one referral targeting non-criminogenic needs. For example, a program that referred offenders to substance abuse treatment, employment placement, and cognitive behavioral programming and community service would have met this principle, since the first three referrals listed target criminogenic needs while only one, community service, targets non-criminogenic needs.

Outcome measures included any new arrest for jail diversion cases and any new period of incarceration in prison (for a technical violation or new criminal behavior) for prison diversion cases. The outcome measures differed due to differences in the populations served. Jail diversion cases tend to be lower-level offenders that are not subject to prison for the current offense and often lack a history of incarceration. The base rate of return to prison for this group was fairly low. Therefore, we selected an alternate measure to use for the jail diversion cases. The follow-up time period was consistent across all groups and lasted for two years.

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Analysis

For each site, a correlation co-efficient, or r-value, was calculated that represented the magnitude of the relationship between program participation and recidivism. The r-value can be interpreted as the percentage difference in recidivism rates between the treatment (offenders participating in the CCA program) and comparison (offenders on parole, released from jail, or on municipal probation) groups (see Rosenthal, 1991 and Gendreau, Goggin, and Paparozzi, 1996). For example, if the treatment group from hypothetical program A had a 40 percent recidivism rate and the matched comparison group had a 50 percent recidivism rate, an r-value of .10 would be generated (since 50 percent or .50 minus 40 percent or .40 equals .10). Positive r-values indicate recidivism rates that favor the treatment group—that is, where the recidivism rate of the treatment group was lower than that of the comparison group. The opposite is true for negative r-values. Negative r-values favor the comparison group or indicate programs where the treatment group participants had higher recidivism rates than the comparison group. For example, a -.10 would indicate a program where the program participants (treatment group) had a 60 percent recidivism rate (or .60) and the comparison group had a 50 percent recidivism rate (or .50).

We categorized each program based on whether it met the factors listed in the measures section which related to the risk and need principles (high-risk sample, risk treatment, risk supervision, and referral ratio). We then calculated the average correlation coefficient for the programs based on that categorization.

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Results

[Figure 1](#) reveals the r-values for the programs categorized by whether they met the risk and need program factors described earlier. The first set of bars represents the average r-values by whether the program met the criterion “higher-risk sample,” which again indicated that 75 percent or more of the sample was higher (moderate or high) risk. Only 15 programs met the criteria for higher-risk sample. Programs that met this factor, our proxy measure for targeting higher-risk offenders, resulted in an average decrease in recidivism of 5 percent across the 15 programs. Comparatively, programs that did not adhere to this criterion were associated with a 2 percent *increase* in recidivism on average.

Our second measure relating to the risk principle was risk supervision. The 19 programs that met this measure were associated with a four percentage point decrease in recidivism. Programs that did not meet this criterion, that is, where the program length did not vary by risk level, had no impact on recidivism.

The third set of bars represents the average reductions in recidivism based on the “risk treatment” measure. On average, programs where higher-risk offenders received more referrals than lower-risk offenders reduced recidivism by 7 percent. Programs that did not meet this criterion (i.e., lower-risk offenders received more referrals or there was no difference in referrals among risk levels) only saw a 1 percent reduction in recidivism.

Finally, our last measure, referral ratio, which related to the need principle, was associated with program effectiveness. Programs (n = 16) where 75 percent of the referrals were treatment-oriented and targeted criminogenic needs reduced recidivism, on average, by 11 percent.

Programs that did not have a 3 to 1 referral ratio favoring services targeting criminogenic needs increased recidivism, on average, by 3 percent.

Prior research has shown that program characteristics have cumulative properties, indicating that as program content and capacity increases, reductions in recidivism are greater (Lowenkamp & Latessa, 2002). Therefore we calculated the average r-value across the four-point factor score. There were 9 sites that did not meet any of the criteria. The average r-value for these sites was – 0.13, indicating that these programs were associated with an increase in recidivism rates of 13 percent. When programs (35 sites) met one or two factors, there was a decrease in recidivism of 3 percent. Finally, when programs (n = 4) adhered to three or more factors, there was a 15 percentage point reduction in recidivism.

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Summary

A recent report from the U.S. Department of Justice indicated that the number of offenders under correctional supervision reached an all-time high at the end of 2003 (Glaze, 2004). This continued growth in the offender population causes concern for many agencies, especially given the fact that some recidivism estimates for probation samples are as high as 65 percent (Petersilia, 1985). However, unlike 25–30 years ago, research has identified certain program characteristics that work to reduce the probability of re-offending. While many studies have examined the relationship between programming and recidivism, most of these studies focused on programs that were residential and/or were traditional treatment programs. The current study is one of the first to examine the relationship between program characteristics and effectiveness using community non-residential programs such as intensive supervision probation. The analyses yielded by the current study provide support for the relationship between program characteristics, relating to the risk and need principles, and a program’s effectiveness in reducing recidivism. All of the programs in this study were supervision-based programs that differentially adhered to the risk and need principles. The analyses revealed that these intensive programs were more successful for the higher-risk offenders. When at least 75 percent of the population was classified as high risk, there was a 5 percent decrease in recidivism compared to a slight increase in recidivism for programs that incorporated more low-risk offenders. Furthermore, when examining the relationship between risk level and supervision, programs that required higher-risk offenders to be in the programs for a longer period of time saw a 4 percent reduction in recidivism, while those that had a one-size-fits-all approach had no effect on recidivism. Programs that had more referrals for higher-risk offenders reduced recidivism by 7 percent, whereas programs that did not have more referrals for this population only saw a marginal reduction in recidivism. Finally, programs in which 75 percent or more of the referrals were for treatment programming had an 11 percent reduction in returns to prison. Programs in which more than 25 percent of their referrals were non-treatment increased recidivism by 3 percent.

Overall, when examining the cumulative nature of the measures, we found that the more factors

a program adhered to the more effective it was in reducing recidivism. Programs that did not meet any of the four criteria increased recidivism by 13 percent, programs that met one to two factors decreased recidivism slightly, and programs that met at least 3 factors decreased recidivism by 15 percent. None of the programs met all four factors.

Based on these findings it appears that the risk and need principles are important factors to consider when developing and/or operating a correctional intervention that is non-residential and traditionally based on supervision. These findings can assist programs in increasing effectiveness and, when taken in the aggregate, public safety. Implementing such strategies is no simple task and would require the adoption and use of a sound risk and need assessment, training of staff, and the availability of relevant and validated treatment programs. While this research does not resolve these issues or tackle these barriers, it does underscore the importance of meeting the risk and need principle when our correctional goal is to reduce recidivism.

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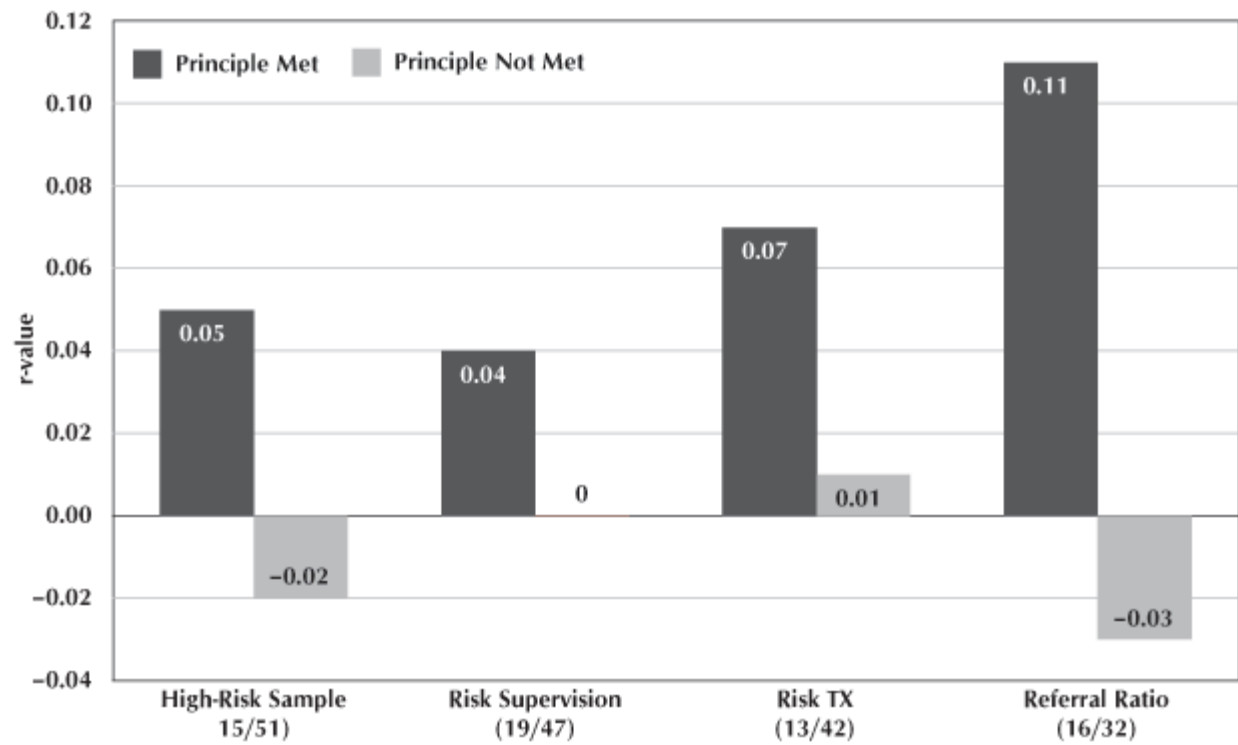
Table 1: Distribution of Sample

Group	N	Percent
Prison Diversion		
Day Reporting	6	10.1
Electronic Monitoring	2	3.6
ISP	42	76.4
Work Release	2	3.6
Substance Abuse	3	5.5
Jail Diversion		
Day Reporting	3	27.3
Work Release	1	9.1
Residential Treatment	1	9.1
Domestic Violence	1	9.1
ISP	5	45.5

Table 2: Descriptive Statistics for Treatment and Comparison Cases

	Prison Diversion Cases				Jail Diversion Cases			
	Treatment		Parole		Treatment		Jail/Probation	
	N	percent	N	percent	N	percent	N	percent
Variable								
White	2,454	48	2,300	45	438	62	460	65
Female	358	7	358	7	134	19	134	19
Single	3,732	73	3,323	65	431	64	495	70
Prior arrest								
0	272	5	736	14	169	24	260	37
1-2	1,679	33	1,241	24	262	37	212	30
3+	3,161	62	3,135	61	276	39	235	33
Prior incarceration								
0	3,219	63	2,336	46	583	83	534	75
1-2	1,629	32	1,724	34	101	14	134	19
3+	264	5	1,052	21	23	3	39	6
Offense type								
Person	730	14	1,318	26	176	25	155	22
Sex	153	3	153	3	1	0	1	0
Drug	1,647	32	1,444	29	22	4	57	8
Property	1,847	36	1,746	35	70	14	62	9
Other	735	14	379	8	438	62	432	61
Risk category								
Low	235	5	235	5	186	26	186	26
Low-moderate	1,192	23	1,192	23	374	52	374	52
Moderate	3,147	62	3,147	62	142	20	142	20
High	538	11	538	11	5	1	5	1

Figure 1: Average r-value by Risk and Need Principles Program Factors



The Dual Treatment Track Program: A Descriptive Assessment of a New "In-House" Jail Diversion Program*

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Introduction

According to the criminalization hypothesis, the deinstitutionalization era resulted in a shift of mentally ill persons from psychiatric hospitalization to the criminal justice system (Abramson, 1972; Hiday, 1992; Teplin, 1991). As a result of deinstitutionalization, in conjunction with other punitive policies, the institutional and community populations grew in the United States. Today there are over 2 million incarcerated offenders in U.S. jails and prisons, not including those under correctional supervision in the community (Harrison & Beck, 2005). Increases in the correctional population translate into higher numbers of mentally ill individuals coming into contact with the criminal justice system. It is estimated that at least seven percent of all offenders *booked annually* into U.S. jails suffer from a *serious* mental illness (e.g., Teplin, 1990b; Teplin, 1994, Teplin, Abram, & McClelland, 1996). This proportion is substantially higher than that found in the general population and excludes those with less severe diagnoses. While some might emphasize that it is *only seven* percent of all bookings, it is essential to understand that this encompasses approximately 800,000 to 1 million booked individuals, of which 72 percent meet criteria for a co-occurring substance abuse or dependency issue (Abram & Teplin, 1991; Abram, Teplin, & McClelland, 2003). Basically the deinstitutionalization trend caused the criminal justice system to become a *de facto* mental-health care provider, a role which many argue it is ill-equipped to perform (Steadman, Barbera, Dennis, 1994; Steadman, Deane, et al., 1999;

Teplin, 1990a; 1990b; Torrey, Steiber, Ezekiel, Wolfe, Sharfstein, Noble, & Flynn, 1992).

Frustrated by offender outcomes and the misuse of jails as mental hospitals, many of those in the criminal justice system are increasingly opposed to the status quo. Examples of this shift include the creation of problem-solving specialty courts (i.e., drug courts, mental health courts) and diversion programs (both pre- and post-booking) (Pettila, 2003; Steadman & Redlich, 2006). The purpose of this article is to describe the creation of a jail diversion program for offenders diagnosed with a co-occurring disorder and detail the characteristics, progress, and outcomes of the clients who entered a program in which all services are delivered “in-house” rather than through a traditional brokerage system.

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The Fundamentals of Jail Diversion for Mentally Ill Offenders

Jail diversion programs for mentally ill offenders provide an alternative to arrest, prosecution or conviction (e.g., Draine & Solomon, 1999; Draine, Blank, Kottlesper, & Solomon, 2005; Shafer, Arthur, & Franczak, 2004; Steadman et al., 1994). Numerous jurisdictions have adopted this approach to help reduce the number of individuals with mental illnesses who enter the criminal justice system (Cowell, Broner, & DuPont, 2004; Pettila, 2005; Shafer et al., 2004; Torrey et al., 1992). Additionally, such programs address a number of other concerns, such as misappropriated and/or underdeveloped treatment protocols for the mentally ill within prisons or jails (Grudzinskas, Clayfield, Roy-Bujnowski, Fisher, & Richardson, 2005). Finally, they have the potential to assist the already overburdened courts and jails (Cowell et al., 2004).

“Jail diversion” simply means redirecting mentally ill offenders away from the criminal justice system into community-based mental health services for treatment (Steadman et al., 1994; Draine & Solomon, 1999). When diversion takes place varies across jurisdictions, ranging from police diversion to judicial diversion. In general, these programs redirect individuals who have committed misdemeanors or non-violent felony offenses. It is argued that jail diversion is an alternative to incarceration or further penetration of the system and that treatment is more imperative than punishment (Draine et al., 2005).

It is important to recognize that jail diversion is not a new idea and was advocated by groups such as the National Coalition for Jail Reform in the 1970s and 1980s (Steadman, Coccozza, & Veysey, 1999). However, the number of programs has proliferated over the past 15 years, growing from an estimated 52 programs in 1992 (Steadman et al., 1994) to just over 400 programs in 2006 (Kirkman, personal communication). There are basically two types of jail diversion programs: pre-booking and post-booking. Pre-booking programs divert the individual before he or she is arrested, whereas post-booking programs divert the individual after arrest but before prosecution or sentencing for the pending charge (e.g., Shafer et al., 2004). Under post-booking programs, pre-trial detainment can occur prior to diversion.

While there is no model jail diversion program, key components have been identified. Foremost is interagency collaboration, consisting of cooperation between mental health and substance abuse providers, law enforcement officials, judges and prosecution/public defender offices (Shafer et al., 2004, Steadman et al., 1999; Steadman, Morris, & Dennis, 1995). All of these agencies have a vested interest, although their reasons and philosophies often differ, in reducing the number of mental health clients within the system. Therefore, cooperation is imperative for a well-functioning program. The stakeholders must define the target group for diversion, identify individuals as soon as possible in order to minimize system penetration, negotiate alternatives to incarceration that are community-based, provide appropriate linkages between community-based care, cross-trained case managers and community supervision and promote consistency in dispositions of cases (Steadman et al., 1995; Steadman, Davidson, & Brown, 2001). However, stakeholders must recognize that flexibility and sensitivity to jurisdictional needs is crucial. To illustrate, variations in programs exist due to the size and structure of local criminal justice systems, the perceived need for such services, and the availability of resources and services within the community and local politics (Morris and Steadman, 1994). All of these factors are

not constant; they are continuously shifting and a program must recognize and accommodate not only offender variation but also shifts within the broader community.

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Jail Diversion for Mentally Ill Offenders: Evaluations and Outcomes

Despite the significant proliferation in jail diversion programs, researchers warn that such implementation has been based upon a sparse empirical foundation (Draine & Solomon, 1999; Petrila, 2005; Steadman & Redlich, 2006; Steadman et al., 1999). Previous studies have suggested that jail diversion programs can result in “positive outcomes for individuals, systems and communities” (e.g., Steadman & Naples, 2005, p. 168). Unfortunately, since many of the programs are new, few studies go beyond the level of description (Steadman et al., 1999). However, a growing body of literature attempts to evaluate the effectiveness of both pre- and post-booking jail diversion programs (e.g., Borum, Dean, Steadman & Morrissey, 1998; Broner, Lattimore, Cowell & Schlenger, 2004; Cosden, Ellens, Schnell, Yasmeen, & Wolfe, 2003; Cowell et al., 2004; DuPont & Cochran, 2000; Hoff, Baranowsky, Buchanan, Zonana, & Rosenheck, 1999; Lamb, Weinberger, & Reston-Parham, 1996; Lamb, Shaner, Elliot, DeCuir, & Folz, 1995; Lattimore, Broner, Sherman, Frisman, & Shafer, 2003; Shafer et al., 2004; Steadman & Naples, 2005; Steadman, Deane, Borum, & Morrissey, 2000; Steadman et al., 1999).

The presented body of literature regarding jail diversion program outcomes provides mixed results. Due to the variations in design and implementation of each program, it is difficult to make generalizable statements regarding these programs. However, there are a few findings that are worth mentioning. First, there is mounting evidence that jail diversion programs can offer positive, safe and viable alternatives to incarceration for individuals with mental illness or co-occurring disorders who have committed misdemeanors or non-violent felonies (Cosden et al., 2003; Lamb et al., 1995; Lamb et al., 1996; Shafer et al., 2004; Steadman & Naples, 2005; Steadman et al., 1999). Second, jail diversion programs can reduce the amount of incarceration time, especially for those arrested for more serious crimes that carry longer sentences (Hoff et al., 1999; Steadman & Naples, 2005; Steadman et al., 1999; Steadman et al., 2000). Third, individuals with substance abuse issues alone have been found to be less likely to be diverted than those with a co-occurring disorder (Hoff et al., 1999; Steadman et al., 1999). Fourth, examination of cost effectiveness typically finds that jail diversion generally results in lower criminal costs and larger treatment costs (Cowell et al., 2004; Steadman & Naples, 2005). Finally, it appears that there is some consistency in characteristics of those diverted. Specifically, older Caucasian females are overrepresented as compared to their numbers within jails (Steadman & Redlich 2006). This pattern actually reflects overall trends seen in criminal justice system decision-making, where lower punitive sanctions are seen among females compared with males and older offenders compared with younger offenders (Steadman et al., 1999).

To date, the trend in jail diversion is to broker services to a variety of community providers. This is consistent with other correctional options such as probation. However, the current study examines a jurisdictional model that is extremely different, in that all services are provided “in-house.”

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The Program: Background, Climate, and Development of the Jail Diversion Program

Chesterfield County is located in the Richmond, Virginia metropolitan region. The locality is known for its willingness to experiment and develop creative community corrections service delivery. In addition to traditional probation and pretrial supervision, Chesterfield County developed the only locally operated Day Reporting Center (DRC) in the Commonwealth of Virginia. This intensive outpatient model, combined with intensive criminal justice intervention, was a promising strategy to reduce criminal behavior and substance use with the offenders (Walker, 2005).

It was during the development and operation of the DRC that officials in the local criminal justice and mental health systems learned the power of true collaboration between traditionally independent systems. In the Chesterfield County DRC model, the criminal justice system provided funding to the local mental health center so that clinicians worked directly with the DRC. This collaboration included probation officers and clinicians staffing cases and developing appropriate treatment plans and policy as a team.

This model of collaboration permeates the culture of the Chesterfield County criminal justice and treatment systems. As the problem of mental health disorders, and more specifically co-occurring disorders, became increasingly apparent in the criminal justice system, the natural organizational reaction was to address the problem in a collaborative manner.

The Need and Program Development

Within the traditional probation and pretrial programs, Chesterfield Community Corrections was experiencing an ever-increasing number of individuals with co-occurring disorders under supervision. The traditional supervision approaches were failing and access to specialized treatment was limited. The issues of those with co-occurring disorders were so complex that traditional probation and pretrial officers did not possess the expertise to identify symptomology or access the network of required resources to intervene in a timely manner. Additionally, the local jail expressed frustration with the cost of managing mentally-ill offenders and the overall supervision challenges inherent with this population. In order to develop an appropriate plan, the jurisdiction needed to understand the scope of the problem. Inspection of the data revealed that failure occurred most often among offenders who were pre-trial detainees for a period of time prior to release under community supervision.

Following the confirmation of the need, management executives in the criminal justice system approached their peers in the treatment system to seek their input about a possible collaboration to better serve offenders and defendants suffering from co-occurring disorders. Due to the organizational structure and philosophical views within the jurisdiction, it was determined that the ability to develop, “sell,” and implement such a program was more viable with members of the criminal justice system leading the charge. In other words, a program under criminal justice control would be perceived as more “in tune” with the needs of the court, the criminal justice community, and the broader community at large.

A small planning group convened to determine the specifics of the program, including the diversion point and type of program. This group consisted of representatives from the criminal justice system (community corrections, prosecutors, and judges) and treatment systems (both substance use and mental health) within the locality. It was established that diversion would be available to any individual who remained in jail and suffered from both substance use and mental health issues. In other words, only individuals who remained under pre-trial detention were eligible; however, the offenders could not have any prior or pending violent charges. Therefore, the program is viewed as a post-booking jail diversion effort.

Due to the success of the DRC, the planning group decided to use the general DRC model to develop an appropriate program for those who suffer with co-occurring disorders. This jail diversion model program, which became known in Chesterfield County as the Dual Treatment Track Program (DTT), is a highly structured and intensive regimen of supervision and treatment. The services offered to defendants included an immediate evaluation by a psychiatrist, medication management, entry into intensive outpatient services, drug testing, and pretrial supervision. With the exception of the psychiatric visits, all of these services were conducted at the DTT. The psychiatric visits were conducted in an adjacent building within the government complex of the jurisdiction.

Like most day reporting center models, the Dual Treatment Track Program worked on a level system (see Figure 1 for the original model). New defendants were required to report for services five to six days per week for up to four hours per day. As defendants demonstrated success, the

intensity of services lessened. The progression through the level system was based on several behavioral and clinical standards. Clinical services were largely an integration of substance abuse and mental health treatment. The DTT utilized Moral Reconciliation Therapy (MRT), cognitive behavioral program, process group, medical and symptom management groups and individual counseling.

The program was conceived and implemented as the clinicians and the pretrial officers working together to manage all cases in a team approach. Although there were role distinctions, neither the criminal justice component nor the clinical treatment component took priority. All facets of the case were managed in unison by an integrated team of professionals.

After the planning group identified the point of diversion and the type of program to best reflect the needs of the jurisdiction, the locality applied for Target Capacity Expansion (TCE) funds sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA). The locality was awarded the funding to establish the program. The planning committee was then expanded to include a larger group of individuals to serve as a steering committee. This committee included representatives from the Commonwealth's Attorney's Office, the local Sheriffs Office, the local community treatment agency, the community corrections office, the Department of Social Services, defense counsel, a consumer representative, and a researcher. The steering committee actively convenes to refine program structures and policies over a three-year period, and currently meets on an as-needed basis.

Program Eligibility

The target population for the program consists of offenders who remain in jail and have a dual diagnosis of substance use and mental health issues. Additional requirements are that the offender be at least 18 years old; have a non-violent criminal history and non-violent current charge; and possess a willingness to receive such services. The program is available to both men and women.

The identification of such individuals involves four stages of screening. The pretrial services officer with Community Corrections conducts stage one, the *initial screen*. Stage two, the *subsequent assessment*, is a slightly more extensive evaluation conducted by the DTT pretrial services officer. Stage three, the *subsequent evaluation*, involves a thorough appraisal of the individual and is conducted by a DTT clinician. And stage four, *court decision*, is the final determination of acceptance by the judiciary.

The sheer volume of clients screened for appropriate selection into the program was enormous. To illustrate, during a two-year time frame a total of 5,344 assessment events occurred. Most of these events were initial screenings of clients by the pretrial service officer (90%, 4,854 events); followed by the subsequent assessment by a DTT pretrial officer (6%, 298 events), the subsequent evaluation by a DTT clinician (2%, 117 events), and the court hearing by the judiciary (2%, 75 events).

To summarize, over 5,000 offenders were screened at some point with just over 152 clients deemed eligible at a minimum of one time in the assessment process, with 75 cases going to court decisions. Ultimately, 68 clients were admitted into the program during March 2003 to January 2005. Eighty-five percent of the clients were white males (76%), with an average age of 34 years old (range 20–50). Seventy-six percent of the target arrests were for a felony offense, the majority of DTT offenders overall were arrested for a property offense (49%).

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Research Methods

This descriptive study seeks to educate the practitioner and academic communities on a variety of items to consider when developing a jail diversion program. The goal is to describe the characteristics and needs of the clients admitted into the program; to examine client adherence to the program; and to consider a variety of offender outcomes. The information contributes to the

growing body of literature due to the uniqueness of providing “in-house” services, which differs significantly from any existing model. The study has a number of components relying on a number of data points and methods.

Data Collection

There are three primary data sources used to investigate the clients (person tracking, *client progress/status* information, and official statistics). The person-tracking portion of the study consists of self-report data derived from face-to face interviews, at baseline (within 7 days of entering the program) and after six months for those clients who agreed to participate in the research. The data collected during the interviews examines the general well being of the individual prior to entering and then up to six months following entry into the DTT program. There were 40 clients who agreed to participate in the baseline interview, with 24 (60 percent) agreeing to complete the 6-month interview. Of the 40 percent who were not retained, 20 percent could not be located (although strict protocol was followed to maximize retention efforts), 12 percent refused to participate, and seven percent (3 individuals) were not approached because the individual threatened staff prior to termination from the program.

The *client progress/status* involves extracting data from the case files for **all** of those who entered into the DTT program between March 2003 and January 2005. The information retrieved describes the extent of drug screening, the drugs of choice, and the offender termination status.

Official statistics are examined to identify the outcome measures of recidivism and the number of days spent in jail one-year prior and one-year post entry into the DTT program. Specifically, Virginia Criminal Information Network (VCIN) was used to gather arrest information and local jails provided client-specific data regarding the number of days housed.

Measurement

Client characteristics and needs presents a rich examination of the client’s overall status at program entry. The specific information captures educational status, employment status, additional sources of income (i.e., food stamps, Veteran’s benefits, spouse/partner), ability to manage daily activities, and level of trauma. Specifically, clients were asked during the baseline interview to respond to four statements regarding their current aptitude in the areas of managing day-to-day life, household responsibility, work, and leisure time/recreational activities with a corresponding scale of “no difficulty,” “little difficulty,” “moderate difficulty,” “quite a bit of difficulty,” and “extreme difficulty.” The interview also asked about overall trauma exposure in order to gain a better understanding of the offenders’ experience. This information is typically limited to female offender populations but the research on mental health clients suggests it is necessary to examine the levels of trauma across genders. Specifically, the trauma section was measured with the DC Trauma Collaboration Study Violence and Trauma Screening. The nine statements tap the extent to which a person witnessed a violent event, experienced sexual violence, and experienced physical violence of self and others over both the course of a lifetime and during the past 12 months.

A variety of *outcomes* is examined. First, substance use during the prior 30 days was measured at baseline and six-months. The clients were asked to report use of alcohol, use of alcohol to intoxication, and use of illegal drugs, with the assumption that clients reported use. Second, the Mental Health Statistics Improvement Program (2000) was administered during the six-month interview to ascertain any self-reported change in mental health symptoms since program entry. The tool asked seven mental status statements and the clients responded using a four-point Likert scale. Third, the type and number of arrests both one-year prior and one-year post DTT entry is captured. And, finally, the number of days an individual spent detained in a local jail (or prison) is examined for one-year prior and one-year post DTT entry.

Limitations

It must be noted that there are several limitations to the study. First, the Targeted Capacity Expansion (TCE) funding of the jail diversion programs determines this venture's primary focus, which was on designing and implementing services for a specific offender population rather than for a rigorous evaluation. Hence, the only comparison that can be made is between status of the admitted DTT clients one-year before and one-year following entry. There is no comparison group to see if the absence of treatment made a difference. However, examining the larger body of jail diversion literature demonstrates a widespread difficulty in finding an adequate comparison group (e.g., Draine & Solomon, 1999; Cowell et al., 2004; Draine et al., 2005; Hoff et al., 1999; Lamb et al., 1996; Lattimore et al., 2003; Shafer et al., 2004).

Second, the sample size is small, although the primary purpose of this report is descriptive rather than causal. And finally, the sample consists of the first set of clients to enter a new program. As with any new program, there is a period of adjustment until the full implementation and cadre of services are adequately provided.

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Client Characteristics and Needs

Although not all individuals agreed to participate in the interview process or were approached ¹, the information ascertained from the 40 clients who agreed provides valuable insight into their characteristics. Among those who agreed to participate in the face-to-face interview process, a reported 65 percent of the clients attended high school, with 25 percent having graduated from high school. In addition 12 percent went on to college, with 5 percent receiving a college degree.

Furthermore, more than half (58 percent) were employed at the time of arrest, with 33 percent working full-time and 25 percent part-time. Additional reported income sources include SSI (10 percent), food stamps (8 percent), Veteran's benefits (2 percent), from spouse or partner (12 percent), family or friends (25 percent), or non-legal sources (20 percent).

Examination of the clients' level of difficulty with several pro-social expectations is presented in [Table 1](#). Most of the clients report "quite a bit" to "extreme difficulty" with managing day-to-day tasks (65 percent) and work (46 percent), while "no difficulty" is reported with regard to household responsibilities (35 percent) and leisure time or recreational activities (33 percent).

[Table 2](#) reveals the level of trauma reported. In general, a high level of trauma has been experienced either directly or indirectly by most individuals over their lifetime. To illustrate, regardless of gender the clients experienced a high level of physical violence and witnessed violent events in general (98 percent and 73 percent respectively). The level of sexual trauma over the lifetime did vary by gender, with 82 percent of females compared to 8 percent of males reporting this type of victimization.

Additionally, for those who reported a specific type of trauma during their lifetime, a follow-up question centering on the prior year was utilized to gauge the extent of current trauma. As one would expect, the overall levels of trauma are reduced; however, the trends seen with lifetime trauma remain. For example, the highest level of trauma experienced overall is physical trauma (36 percent). This information is extremely valuable in understanding the needs of the clients who enter the DTT program. Traditionally, trauma treatment is more commonly offered to the female population, but the information ascertained here speaks to the need of all clients who have entered the DTT program.

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Client Progress in the Program

Several items related to a client's program progress are considered. This captures all 68 clients to

enter the program during the time of the research. As discussed earlier the clients are subject to routine substance use testing. [Table 3](#) reports, on average, that 76 drug screens were given to each client, with 31 percent of all clients receiving over 100 screens. The average number of positive screens for each offender is 2.59, with a range between 0 and 10. Cocaine appears to be a drug of choice, with 51 percent reporting positive for this substance.

[Table 4](#) focuses on the outcome of the positive drug screens. On average, clients missed 5.2 screens, with a range of 0–20. Those who tested positive received an average of 2.28 technical violations (range 0–10). Additionally, as a result of the combination of violations, the clients spent an average of 10 days in jail (range 0–46).

[Table 5](#) indicates the termination status of the clients. As shown 69 percent of the clients were terminated. Reasons for termination can range from sanction violations to threatening staff. The program’s absconder rate was 43 percent, which attributed to this termination rate as well. The program quickly learned that acquiring appropriate housing for the offenders was necessary in order to retain them in the program.

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Client Outcomes

This section provides information related to changes in substance use, mental health status, arrest, and jail days. It provides a summary picture of any improvements among the clients.

Substance Use

[Table 6](#) examines the use of a substance during the prior 30 days during both the baseline and 6-month interviews. Specifically, during the month prior to entering the DTT program 68 percent of clients report *using alcohol* compared to 25 percent at the 6-month comparison. Likewise, 53 percent of clients *consumed alcohol to the point of intoxication* immediately prior to entering DTT, compared to 16 percent at the 6-month interview point. And finally, 88 percent of the clients *used an illegal drug* during the 30 days prior to entering DTT compared with 16 percent at the 6-month follow-up period. Additionally, the average number of days (mean) decreased at all time points.

Mental Health Status

[Table 7](#) reports the percentage of offenders who “agree” or “strongly agree” with the listed statement. Overall, the program results are favorable in that each of the categories shows improvement. Specifically, during the 6-month follow-up interview at least half of all clients agreed to each statement, with 60 percent or greater agreeing that they “deal more effectively with daily problems,” “better able to control my life,” “getting along better with my family,” and “do better in social situations.” These are all marked improvements in one’s quality of life that can have direct benefits on a pro-social lifestyle. In general, the self-report data reflect overall improvement among the clients regarding overall mental health status and lower use and intensity of use of alcohol and drugs.

Arrest and Jail Days

A look at the entire sample

As shown in [Table 8](#), the likelihood of arrest is relatively unchanged one year prior and one year post entry into DTT. However, a closer look at the types and seriousness of the offenses committed has shown enhancement after entry into the DTT program ([Table 9](#)). Specifically, the table reflects a reduction in the percent of clients arrested at the felony level, with 76 percent of the arrests for the target offense (the offense that initiated DTT) and 49 percent for a felony arrest one year prior, compared to 41 percent at the felony level during the one-year after entry into the DTT program. Likewise, the percent of minor arrests increases during the follow-up

period; from 32 percent for target offense and 44 percent for one year prior to 61 percent during the follow-up period. This is interpreted to signify that although the clients are still involved in the criminal justice system, the types of offenses committed appear to be less serious. The category of “minor offense” most commonly is associated with failure to appear and technical violations (e.g., drug screen failure, not reporting). Overall, when we examined the types of offenses arrested for during the follow-up period, every category decreased except for the minor offense category.

[Table 10](#) presents the average (mean) number of jail days for the three time points examined: target offense, one-year prior, and one-year after entry into the DTT. Clients spent an average of 44 days in jail for the incident that initiated entry into DTT (target arrest) and an average of 64 days in jail for the year prior to entering the program (this includes the target offense as well). In comparison, the total average number of days in jail during the follow-up period is 71 (an average of 36 days for a new arrest and an average of 35 days for a sanction or sentence due to the target incident). This information is based only on the 55 clients who had a complete one-year follow-up period when the data were extracted. When examining the sheer average number of days there is a slight increase in the total number of jail days before entry (64 days) and after entry (71 days).

A Comparison of Successful Participants to Terminated Participants

This section investigates the clients who received a stronger dosage of treatment (successful release) to those who did not (terminated clients). Although this is not a strong methodological comparison, such an examination assists with locality-specific feedback on the usefulness of the program. Tables 11–13 reflect information pertaining to arrest and jail time served based on release status. [Table 11](#) examines the target offense information and reveals that, regardless of release status, the majority of offenders were arrested on a felony crime that was classified as a property or minor offense.

[Table 12](#) shows the likelihood of arrest, charge level and type of charge one-year prior (excluding the target offense) and one-year after. Some interesting findings appear. First, all of the successful clients were involved with the criminal justice system at least once (22.23 v. 52.72), and fewer number of days in jail overall during the one-year follow-up period (23.11 v. 93.79), with all of the differences being statistically significant. The one item that is not statistically significant indicates that clients successfully released from the program spent more time in jail during the prior year than those terminated (92.60 v. 49.81).

When taken together, on face value, it appears that the program has an impact on those who may be at an immediate higher risk level. The factors indicating this are the slightly higher rate of arrest during one-year prior to entering the DTT program (excluding the target offense) combined with an increased number of days in jail one-year prior to DTT entry compared to those terminated. Again, this needs to be viewed cautiously, because it only covers a one-year time frame and there is no control group; for instance, combined with the fact that we do not know the status of their family support system or housing issues, to name a few, compared to those terminated. In addition, there were a number of individuals in the “terminated” group who could be considered high risk with this limited definition of the term. At any rate, assuming this is true it would be consistent with the larger literature on correctional intervention that suggests that highly structured programs have the best impact on high-risk offenders and a potential negative risk on low-risk offenders (Andrews and Bonta 1994; Andrews, Bonta, and Hoge 1990). Additionally, the finding is consistent with previous research that indicates that reduction in jail time is most apparent in the following year for those individuals charged with more serious offenses (e.g., Hoff et al., 1999; Steadman & Naples, 2005).

Overall Summary of Results

A number of points are revealed by this sample of clients: clients have a significant trauma history, clients show signs of mental health improvement, clients report a reduction in substance

use, the program appears to maintain a level of safety in the community as reflected by the less serious charges after entering into the program, and the program shows strong improvements among clients who are successfully released compared with those who are terminated.

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Discussion

Fifty years ago, Sutherland observed, “For a century or more, two rival policies have been used in criminal justice. One is the punitive policy; the other is the treatment policy.” (Sutherland, 1950 as cited in Grudzinskas et al., 2005, p.278). This statement embraces the response to the deinstitutionalization of mentally ill offenders. Jail diversion programs for the mentally ill attempt to balance the individuals’ unique needs while addressing the system’s desires for punishment in order to restore the disparity caused by the specific offense. This response requires inter-agency collaboration among systems that traditionally have philosophical divergence. For this reason, the literature overwhelmingly stresses the need for active and continual conversations between the criminal justice system, treatment system, and the community at-large (Shafer et al., 2004; Steadman et al., 1995; 1999). Chesterfield County is a locality that has productively learned to meet this challenge.

There are a number of situations that illustrate that the locality’s success is due to inter-agency collaboration. To illustrate, during the infancy of the program implementation it became readily apparent that a high percentage of clients were being terminated. Closer inspection of the reason for termination revealed a high rate of absconding among clients who had unstable housing situations. One response could have been to alter the entry requirements to include stable housing, though that would have eliminated a number of potential clients. However, the criminal justice leaders approached the Community Service Board to investigate options for housing. The conversation resulted in obtaining temporary housing for clients on an emergency basis. This has stabilized the issue and reduced the rate of absconding in the last year of data collection.

A second example of true collaboration arose with the need for aftercare. The larger body of correctional effectiveness research stresses the importance of including an aftercare component in order to meet the changing needs of the offender (Gendreau, 1996). The locality quickly understood that the need for continued services was enormous after the first few clients graduated. Through collaborative efforts between the treatment and criminal justice system, two responses were developed: continued psychiatric and substance use services upon completion of the program and continued DTT sessions to clients on an as-needed basis. Therefore, towards the final stages of the funding, an aftercare or “booster” program was developed.

We suspect that a primary reason for the high degree of success with collaboration is due to the program structure. The locality was innovative in utilizing a Day Reporting model that essentially provides all services on-site and resulted in a more consistent method of service delivery across clients. Such an approach reduces the potential for system fragmentation that is strongly reflected in the literature as a primary indicator for program success or failure. In other words, as indicated by Grudzinskas et al. (2005), jail diversion programs must have appropriate and effective linkages between the courts and service providers. The model presented here saw the linkages working in unison on a daily basis for each client.

A paramount concern of jail diversion programs for mentally ill offenders is public safety (Steadman et al., 1999). The data suggest that public safety was maintained, as illustrated by a change in the types of incidents the clients were involved in and overall improvement in mental health symptoms. Additionally, a reduction in both the type and number of criminal justice system contacts was revealed among clients who remained in treatment for a longer period of time.

While this assessment adds to the body of knowledge on the impact of redirecting offenders suffering from co-occurring disorders, a number of issues brought forward in the literature must

be echoed as concerns regarding the state of jail diversion programs. The treatment of mentally ill offenders must be multi-faceted since their needs are great. The criminal justice system and the community at-large hold unrealistic expectations for such programs. Although the diversion programs differ in length, most are a year or less, a limited time frame in which to satisfy the varying needs of the clients that include but are not limited to, stabilization of mental health needs, treatment of general medical needs, poverty, substance use, joblessness, and homelessness (Grudzinskas et al., 2005). Additionally, it must be recognized that the creation of jail diversion programs is proliferating at a rate that far exceeds the knowledge basis concerning policies, procedures, and appropriate clientele (Steadman & Redlich, 2006).

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Future Research

The explosion of jail diversion programs reflects the ease of diverting mental health clients from the criminal justice system, however; the essential question now turns to the appropriateness of services provided. Future research will be challenged to answer this question. The complexity of the answer is muddled by the varying points at which offenders are diverted, community structure and needs, admission criteria for entry into a diversion program, and a lack of standardization across programs. Furthermore, the research has a number of methodological challenges. The literature points to the difficulty in identifying appropriate comparison groups (e.g., Draine & Solomon, 1999; Draine et al., 2005; Hoff et al., 1999) and sufficient sample sizes (Steadman et al., 1999; Steadman & Naples, 2005) due to the highly select admission criteria.

The balance between rewards and punishments within a program and how this may impact the likelihood of engaging in criminal behavior should be examined. In essence, perceived deterrence theory suggests that offenders are less likely to engage in criminal activities when the certainty of detection is high and the recognition for accomplishments is immense (e.g., Akers, 1990; Gibbs, 1975; Tittle, 1980; Zimring & Hawkins, 1973). While this concept has been tested among drug court participants (see Marlowe, Festinger, Lee, & Patapis, 2005), it has not been addressed by the jail diversion literature. Examination should reveal the validity in the types of sanctioning system, rewards systems, and the overall impact of the balance on offender outcomes.

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References

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Table 1: Reported level of difficulty with pro-social expectations

	No	Little	Moderate	Quite a bit	Extreme
Managing day-to-day life	2 (5%)	6 (15%)	6 (15%)	12 (30%)	14 (35%)
Household responsibilities	14 (35%)	3 (7%)	4 (10%)	9 (23%)	10 (25%)
Work (11 not applicable)	3 (7%)	5 (13%)	8 (20%)	7 (18%)	11 (28%)
Leisure time/Recreational activities	13 (33%)	6 (15%)	4 (10%)	7 (18%)	10 (25%)

Table 2: Reported Trauma Levels during the Baseline Interview

	Percent Experience Trauma Over the Lifetime			Percent Experience Trauma in Past 12 Months*		
	All	Male	Female	All	Male	Female
Witness	29 (73%)	17 (74%)	12 (71%)	8 (28%)	5 (29%)	3 (25%)
Sexual	16 (40%)	2 (9%)	14 (82%)	2 (13%)	0 (0%)	2 (14%)
Physical	39 (98%)	22 (96%)	17 (100%)	14 (36%)	7 (32%)	7 (41%)

*Consists of only those who reported experiencing trauma over the lifetime.

Table 3: General drug screen information

	Number	Percent
Total number of drug screens conducted		
0-25	17	25
26-50	12	18
51-75	9	13
76-100	9	21
over 100	13	31
Mean = 75.9		
Total number of positive drug screens		
None	22	24
1-3	46	51
4-6	13	14
7-9	8	9
10 or more	1	1
Mean = 2.59		
Test positive for:		
Alcohol		
No	56	82
Yes	12	18
Marijuana		
No	56	82
Yes	12	18
Cocaine		
No	33	49
Yes	35	51
Heroin		
No	63	93

Yes	5	7
Other*		
No	60	88
Yes	8	12

*Includes the categories of LSD/hallucinogens, barbiturates, amphetamines, and other

Table 4: Drug screen violations

	Mean	Range
Mean number of missed screens	5.21	0-20
Mean number of substance violations	2.28	0-10
Mean number of days in jail due to violation	10.76	0-46

Table 5: Program status information

	Number	Percent
Termination Status Still in program	8	11
Successful completion of requirements	8	11
Successful release, but didn't complete all requirements	3	4
Terminated	47	69
Other (military activated)	2	3

Table 6: Drug and Alcohol Use from Self-Report Survey

	Number of respondents	Number (%) of cases reporting use	Mean number days of use
Any Alcohol (past 30 days)			
Baseline	40	27 (68%)	19.29
6 month	24	6 (25%)	2.33
Alcohol to intoxication (past 30 days)			
Baseline	40	21 (53%)	14.0
6 month	24	4 (16%)	0.66
Illegal drugs (past 30 days)			
Baseline	40	35 (88%)	23.25
6 month	24	4 (16%)	2.33

Table 7: Mental Health Statistic Improvement Program (MHSIP)

	6 months (n=24)
I deal more effectively with daily problems	71%
I am better able to control my life	63%
I am better able to deal with crisis	59%
I am getting along better with my family	76%
I do better in social situations	67%
I do better in school and/or work	50%
My symptoms are not bothering me as much	54%

Table 8: Arrest History—12 months prior and 12 months post

	Yes	No	One-year follow up
Prior arrest	42 (63%)	25 (37%)	-
Post arrest	41 (61%)	14 (21%)	12 (18%)

Table 9: Level and Type of offense for the target arrest, prior period, and post period

Charge Level	Target Arrest	Prior Arrests	Post Arrests
Felony	51 (76%)	33 (49%)	27 (41%)
Misdemeanor	16 (24%)	10 (15%)	14 (21%)
No Offense	—	25 (37%)	26 (38%)
Charge Type*	Target Arrest	Prior Arrests	Post Arrests
Minor	22 (32%)	39 (44%)	43 (61%)
Drug	10 (15%)	17 (19%)	8 (11%)
Property	30 (45%)	29 (33%)	16 (23%)
Other Crimes Against Person	1 (2%)	2 (2%)	—
Potentially Violent	—	—	2 (3%)
Violent	4 (6%)	3 (3%)	1 (2%)

*Data only reflects those who were arrested of an offense.

Table 10: Mean number of jail days for the target arrest, prior, and post follow-up period only for those who have had a one-year follow-up. (n=55)

	Target Arrest	Prior-1 year	Post-1 year
Average number of days in jail for the target arrest	44.1	—	—
Average number of days in jail for prior offenses, including target arrest	—	64.6	—
Average number of days in jail for target arrest during the follow-up period; this includes sanctions and sentences	—	—	35.2
Average number of days in jail for new arrests	—	—	36.3
Average number of days in jail for new arrests and the current target arrest	—	—	71.6

Table 13: Average number of jail days for those successfully released versus those terminated

	Successful release	Terminated
Average number of days in jail for the target arrest *	60.22	30.51
Average number of days in jail for prior offenses, including target arrest (one-full year)	92.60	49.81
Average number of days in jail for target arrest during the follow-up period; this includes sanctions and sentences*	0.78	41.05
Average number of days in jail for new arrests *	22.23	52.72
Average number of days in jail for new arrests and the current target arrest*	23.11	93.79
*Mean difference statistically significant (t =1.71, -4.11, 1.79, 3.96 respectively)		

Table 11: Target offense information based on release status

	Successful Release	Terminated
Target Offense		
Misdemeanor	4 (36%)	9 (19%)
Felony	7 (64%)	38 (81%)
Target Offense Code		
Minor	4 (36%)	13 (28%)
Property	4 (36%)	24 (51%)
Drug	0 (0%)	9 (20%)
Violent	2 (18%)	1 (2%)
Other—against person	1 (9%)	0 (0%)

Table 12: One-year information both before and after entry based on program release status

	Successful		Terminated	
	Prior	Post	Prior	Post
Arrest				
Yes	11 (100%)	3 (27%)	28 (59%)	19 (41%)
No	0 (0%)	7 (63%)	34 (72%)	13 (27%)
Charge level*				
Felony	7 (63%)	6 (66%)	39 (62%)	37 (64%)
Misdemeanor	3 (27%)	3 (33%)	24 (38%)	21 (36%)
Charge Code*				
Minor	3 (27%)	6 (66%)	24 (38%)	36 (62%)
Drug	—	1(12%)	17 (27%)	6 (10%)
Property	8 (72%)	2 (22%)	19 (30%)	13 (23%)
Other-Person	—	—	1 (2%)	—
Potentially Violent	1 (1%)	—	—	2 (3%)
Violent	—	—	2 (3%)	1 (2%)

*Charge level and code data present only information on those arrested. The number of arrests is higher than the number of people arrested because an individual may have been arrested more than once during the time frame reported.

How to Prevent Prisoner Re-entry Programs From Failing: Insights From Evidence-Based Corrections

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AT ONE POINT in our history, nobody would have imagined releasing a prison inmate into society with little supervision or support. As Simon (1993) shows, well into the 1950s, such a practice would have been unthinkable. From the implementation of parole as a widespread correctional policy, a key component of release from prison was securing employment. It was assumed that offenders would be “disciplined”—kept under control—by the supervision and structured life inherent in holding a steady job. If no job could be found, then parole was seldom an option.

This model of “industrial parole,” however, became increasingly suspect due to three interrelated developments. First, as the United States moved into a post-industrial economy, the availability of steady employment for those at society’s bottom reaches—the stratum from which inmates are disproportionately drawn—gradually deteriorated. In Simon’s view (1993, p. 65), there was a “decoupling of the labor market for low-skilled labor from the economy as a whole.” Second, the growth of minority populations in prisons—again, a group most hard-hit by economic distress—further undermined the notion that all offenders could secure a job upon return to society. Third, the seven-fold overall rise in state and federal prison populations in the three decades after 1970 created a surplus population of tens of thousands of offenders that prisons could no longer afford to keep locked up, but who had dim prospects for employment.

In “post-industrial parole,” the control or discipline over offenders thus shifted from a meaningful reintegration into the community to “supervision” by parole officers. This supervision has varied from a clinical model emphasizing rehabilitation to a policing model emphasizing deterrence. But in either case, parole had largely forfeited its former role of working with offenders to allow them to assume meaningful roles in the community upon their re-entry (Simon, 1993).

Recently, however, there has been a growing recognition that it is irresponsible to simply release tens of thousands of inmates from prison and to place them into parole officer caseloads that are

too high to allow for meaningful intervention and re-entry. In a way, this has been corrections' "dirty little secret"—a practice that simply is indefensible from a public policy standpoint. Beyond lack of resources, there is no way to justify the unsystematic dumping of offenders back into society, since it jeopardizes both the successful reintegration of offenders and the protection of public safety. Fortunately, reacting to this public policy debacle is a movement to identify strategies to guide prisoner re-entry.

In this article, we attempt to add our voice to this conversation. Although many persuasive ideas are being put forward and promising programs implemented, we are concerned that insufficient attention is being given to an important development in corrections: the increasing knowledge about "what works" to change offender conduct, knowledge that is based on the "principles of effective correctional intervention" (Cullen & Gendreau, 2000). Informed by this perspective, we attempt to outline how this knowledge base can help inform current attempts to design and implement efficacious re-entry programs. We also caution that a failure to heed evidence-based correctional practice is likely to result in re-entry programs that do not reach their full potential and, perhaps, simply do not work (MacKenzie, 2000; Latessa, Cullen, & Gendreau, 2002).

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The Re-Entry Crisis

There is little dispute that inmate re-entry is a potentially serious social problem that can no longer escape attention. The sheer number of people involved is one factor precipitating a crisis in this area. At mid-year 2004, there were an estimated 2.1 million adults serving time in prison (Harrison & Beck,

There is little dispute that inmate re-entry is a potentially serious social problem that can no longer escape attention. The sheer number of people involved is one factor precipitating a crisis in this area. At mid-year 2004, there were an estimated 2.1 million adults serving time in prison (Harrison & Beck, 2005). Of these, it is estimated that approximately 650,000 inmates are released back to the community each year (Travis, Solomon, & Wahl, 2001). While the number of adults on parole grew in 2003 by approximately 3 percent, 17 states saw increases of anywhere from 25 percent to 50 percent per year (Glaze & Palla, 2004).

Arguably, inmates reentering society are an especially unstable group. In a 15-state study, two-thirds of prisoners released in 1994 were arrested during a three-year follow-up period (Hughes, Wilson, & Beck, 2001; Langan & Levin, 2002). The process of re-entry appears to have become more difficult for inmates, with just under half of parolees completing their parole supervision successfully, a 25 percent decrease from just 20 years ago (Glaze, 2002).

This may in part be due to many of the "get tough" strategies of the 1980s and 1990s. Increases in mandatory sentences, truth-in-sentencing policies, and the elimination of parole boards force many inmates to "expire" (or serve their full sentence in the institution) without any supervision or support in the community. As noted by Travis and Lawrence (2002), "in 1976, 65% of prison releases were discretionary, decided by the parole board. By 1999, the share of prison releases that were made by parole boards dropped to 24%" (p. 4). Without discretionary sentences, many inmates have little incentive for participating in rehabilitative services, such as educational opportunities, while in the institutions (Haney, 2002). The lack of incentive, coupled with the penal harm movement (see Clear, 1994), results in fewer inmates leaving prison fully equipped to handle the difficulties that will face them upon release.

The federal government appears to have recognized the crisis surrounding re-entry through several important initiatives (e.g., The Serious and Violent Offender Re-entry Initiative and the Federal Second Chance Act). The current resources, however, seem minimal compared to the staggering costs to manage and deal with the large influx of prisoners reentering the community each year. For some states, such as Nevada, the money is used simply to establish services for a small segment of the serious and violent population returning to the community. For other states,

such as Ohio, the money is used as “gap” dollars to fill in areas where services already exist. In both circumstances, as in many states across the country, the money only affects a small portion of the overall population re-entering the community.

In the context of an era of “get tough” policies, the re-entry movement represents an important effort to provide social services to offenders as they reintegrate into the community. The question that remains is whether the re-entry programs being proposed and implemented are likely to be effective and with whom. The issue of effectiveness is complicated because the reentry process involves both the assumption of productive social roles and refraining from criminal behavior. The question we address is whether the re-entry programs being proposed are likely to be successful. Specifically, are these programs and services properly designed to address the issues of these high-risk and high-need offenders?

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The Principles of Effective Correctional Intervention

Current research supports the notion that rehabilitation can work for offenders (e.g., see Cullen & Gendreau, 2000). Research on the “principles of effective intervention” (see Gendreau, 1996) provides a framework for effective programming. In fact, research on rehabilitation programs in general finds that the ability to effectively change offenders’ behavior varies based on whether certain principles are followed (Andrews, Zinger, Hoge, Gendreau, & Cullen, 1990; Lipsey, 1992; Izzo & Ross, 1990; Gendreau & Ross, 1987; Van Voorhis, 1997). Effective programs typically share certain features such as using behavioral and cognitive approaches, occurring in the offenders’ natural environment, being multi-modal and intensive enough to be effective, encompassing rewards for pro-social behavior, targeting high-risk and high-criminogenic need individuals, and matching the learning styles and abilities of the offender (Allen, MacKenzie, & Hickman, 2001; Andrews & Bonta, 2003; Cullen & Gendreau, 2000; Gendreau, 1996; Lipsey, 1992; Lipsey & Wilson, 1998; Wilson, Bouffard, & MacKenzie, 2005).

In this regard, our premise is that to reach their full potential, re-entry programs must incorporate the principles of effective correctional intervention. Although these principles are now widely discussed, they apparently have not achieved the status of common knowledge or accepted wisdom. As a result, although other sources can be consulted (e.g., Andrews & Bonta, 2003; Cullen & Gendreau, 2000; Gendreau, 1996), we will briefly discuss this perspective’s three core principles: risk, needs, and responsivity.

The risk principle refers to identifying personal attributes or circumstances predictive of future behavior (Andrews, Bonta, & Hoge, 1990). What is often ignored in regard to this principle is the importance of risk to service delivery. Specifically, it indicates that our most intensive correctional treatment services should be geared towards our highest risk population (Andrews & Bonta, 2003; Andrews et al., 2002; Bonta, 2002; Gendreau, 1996; Lowenkamp & Latessa, 2005).

The second principle of effective classification refers to targeting the criminogenic needs that are highly correlated with criminal behavior. The most promising targets related directly to the most significant areas of risk: changing antisocial attitudes, feelings and values, attending to skill deficiencies in the area of poor problem-solving skills, self-management and self-efficacy, and impulsivity, poor self-control, and irresponsibility (Andrews & Bonta, 2003; Gendreau, 1996; Listwan, Van Voorhis, & Ritchey, in press; Van Voorhis, 1997). Programs should ensure that the vast majority of their interventions are targeting these factors.

The third principle of effective classification is responsivity. The responsivity principle refers to delivering an intervention that is appropriate and matches the abilities and styles of the client. A number of studies have found that the characteristics of the client may have an impact or be a barrier to treatment (see, Andrews & Bonta, 1998). Overall, the effectiveness of correctional interventions is dependent upon whether the services are varied based on risk, need, and responsivity factors of the individual.

Effective Correctional Re-Entry

The development of services for those re-entering society varies widely across the nation. While some jurisdictions or even states have spent considerable time and money developing services for parolees as they are released back into their communities, others are forced to rely on a more fragmented approach to service delivery. As Petersilia (2003) notes, for some jurisdictions re-entry involves specific programs and services and for others it simply describes the process of parole. We still know relatively little about the overall effectiveness of parole, and even less about the effectiveness of the “newer” re-entry programs.

In an ideal model, re-entry programs should include three or more phases designed to transition the inmate into the community (Taxman, Young, & Byrne, 2003). The first phase would begin in the institution with service delivery congruent with the inmate’s needs. The second phase would begin as the inmate is released from the institution. The inmate’s risks and needs may change significantly as he or she enters the community context. Ideally, the individual would continue in treatment services and case plans would be updated as needed. The final phase is an aftercare or relapse prevention phase where clients would receive ongoing support and services to address their needs (Taxman et al. 2003). While this model may provide the overall structure necessary to implement an effective re-entry program, the process and services offered by these programs are key to their success.

We will focus our attention on several specific areas: the assessment process, the targets for change, and relapse prevention or aftercare. The first area of concern is the assessment process, which clearly needs to begin while the inmate is still in prison. Two issues related to assessment are important for re-entry programs: the process of selection and the identification of risk, need, and responsivity characteristics. Selection criteria should be developed with a clinical or legal rationale. Selection criteria allow organizations to screen out individuals who do not need intensive services as well as minimizing the risk of mixing populations (e.g., high risk/low risk, violent/non-violent, etc). Simply relying on one factor, such as original charge, will produce an eclectic group of offenders, thereby making service delivery difficult if not ineffective.

The assessment results should guide service delivery (type and duration) and include dosage and matching as well as the measurement of change. The assessment and identification of criminogenic factors and client characteristics (including both risk/need and responsivity) is important for a variety of reasons. First, they identify factors related to the individual’s specific need for use in his or her treatment plan. Those services should target key criminogenic factors or needs such as attitudes and beliefs, criminal associates, family dysfunction, addictions and education and employment (Andrews & Bonta, 2003; Gendreau, Little & Goggin, 1996). Focused services on criminogenic needs are crucial in reducing future criminal behavior.

Assessment results also allow for service and treatment providers to screen out offenders who cannot succeed in a specific intervention. Responsivity factors such as motivation, personality, and intelligence can impact how individuals respond or their amenability to treatment (Andrews & Bonta, 2003; Listwan, Sperber, Spruance, & Van Voorhis, 2004; Van Voorhis, Cullen, & Applegate, 1995; Van Voorhis, Spruance, Ritchie, Listwan, Seabrook, & Pealer, 2002). For example, assessments can identify and screen out low-functioning offenders from services that require a normal range of cognitive functioning or those who are highly anxious from programs or staff that utilize confrontational strategies (Andrews et al., 1990; Palmer, 1974; Warren, 1983).

Programs should also reassess offenders to help determine whether a program had an impact on an offender’s risk of future criminal behavior. The reassessment process should begin once the offender returns to the community and again while the offender is under supervision. The results should then ultimately guide any changes in the offender’s treatment plan. Reassessment can also inform key stakeholders and providers as to whether the program or services had an impact on

the offender's overall risk.

The difficulty experienced by any correctional program is how to proceed with the assessment results; specifically, which factors should be given priority. The principles provide an important blueprint for re-entry programs. The core treatment services should be sufficiently intensive and structured around the individual needs of the client. The key targets mentioned above should be given priority. However, many correctional programs are forced to devote resources to crisis management. The immediate needs such as housing, medical, and transportation supersede more important core treatment needs that are likely to produce long-term change. In this next section we will discuss the core targets often faced by parolees and their importance for the re-entry movement.

Securing legitimate employment can provide a buffer to crime and delinquency (Sampson & Laub, 1993; Solomon, Johnson, Travis, & McBride, 2004) and assist inmates as they are released. Re-entry programs often focus resources on employment, given its importance in allowing the offender to be a productive member of the community. The prison industries that exist in many prisons nationwide dovetail nicely with this goal. The prison may establish programs with local businesses that train inmates in the institution and provide them with employment once released.

Securing reasonable and sustainable employment is challenging for parolees re-entering the community and programs may experience a number of barriers to fulfilling this particular need.

For example, even when a prison has a particular job-training program available, the interest by inmates is often greater than the number of openings available. Those with felony records are less likely to find employment given their perceived risk and potential public fear. Finally, fewer than half of inmates report having been employed fulltime prior to their incarceration (Solomon et al., 2004), making them less marketable on their return to the community. For many paroling offenders, education is an important first step in their reintegration process. Not surprisingly, research finds that many inmates are lacking basic educational skills. In fact, in 1997 only 40 percent of adult inmates had finished their high school education (Harlow, 2003). And while most states do offer educational services to their inmates, only half of adult inmates reported that they had participated in these services. Moreover, only 11 percent of inmates reported that they have participated in college-level or post-secondary vocational classes (Harlow, 2003).

Employment and education are clear needs exhibited by a significant portion of the re-entering population. However, the focus on education and employment should not displace a sustained and informed effort to reduce recidivism. Studies find that programs that target education and employment are not as effective as those utilizing proven treatment strategies, namely those based on cognitive behavioral treatment models (Wilson, Bouffard, & MacKenzie, 2005; Wilson, Gallagher, & MacKenzie, 2000). Simply educating people without helping them understand the consequences of behavior and develop pro-social alternatives is likely to fall short.

An offender returning home to his or her family presents special considerations for re-entry programs. Families represent an important support system for offenders both while incarcerated and in the community. Their absence can have a significant effect on the offender's family structure and the long-term risk of future criminal behavior by the offender's child, a particularly important consideration given that more than 1.5 million children have a parent in state or federal prison (Mumola, 1999). Youth with an incarcerated parent may feel they are more responsible for adult roles; they may feel stigmatized, or may have an increased risk of addiction or delinquency. Marital relationships are often strained and are more likely to end in divorce for a variety of reasons, including financial hardships, lack of emotional support, or simply the stress of having an absent spouse (Travis et al., 2003).

The increased risk of family breakdown for inmates is particularly important in light of the research on social support. Social support can help reduce strain and subsequent negative emotions, as well as produce higher levels of self-control and predictability (Cullen, Wright, &

Chamlin, 1999; Colvin Cullen, & Vander Ven, 2002). Research has suggested that offenders who discontinue crime are often socially bonded to family, maintaining contact while within the institution (Hairston, 1998). Successful reunification of offenders with their families requires clear attention to their issues and concerns. In many circumstances families are not well equipped to handle the parolee and in some circumstances are considered high risk for criminal behavior themselves. The problem is further compounded when children are placed in out-of-home care due to the parent's criminal activity and child welfare agencies see the parent as a continued risk to the child (Maluccio & Ainsworth, 2003).

While many agencies recognize the importance of providing family-based therapy, most programs struggle with reunifying families. The families face immense structural problems such as poverty and inadequate living situations, or emotional and personal barriers to welcoming the person back into the family (Henggeler & Borduin, 1990; Hoffman, 1981; Klein, Alexander & Parsons, 1977). However, research clearly shows that family-based interventions can strengthen the family support network and provide the appropriate care needed by the offender. Moreover, family-based therapies that rely on behavioral and social learning models have been shown in the literature to be highly effective (Henggeler & Borduin, 1990; Gordon, Arbuthnot, Gustafson, & McGreen, 1988; Patterson, Chamberlain, & Reid, 1982).

Community collaboration is another key component for many re-entry programs. First, re-entry involves the participation and collaboration of a host of community-based social service agencies. These agencies are often charged with providing services for inmates as they transition to the community. Services may include the core components discussed above, such as education, employment, housing, counseling and mental health services. But other key services exist as well, including medical, dental, clothing, and transportation services. These services require a great deal of planning for re-entry personnel and can be quite costly.

Second, on a structural level, re-entry for many offenders means reentering neighborhoods or reuniting with peers that may have originally contributed to their delinquency. On one hand, many re-entry programs have been developed with the recognition that a collaborative effort of a number of agencies working to provide a variety of services to offenders is imperative to successful programming. However, the need to recognize how the structural and community factors contribute to delinquency is also an important factor.

Services need to be based on empirically validated treatment strategies if long-term change is expected. In this vein, the importance of using cognitive behavioral programs cannot be overstated. Numerous studies have demonstrated that cognitive behavioral programs reduce recidivism (Andrews et al., 1990; Antonowicz & Ross, 1994; Garrett, 1985; Izzo & Ross, 1990; Lipsey, 1992; Losel, 1995). Cognitive theory suggests that offenders possess limited problem-solving skills (Ross & Fabiano, 1985), have antisocial values and attitudes (Jennings, Kilkenny, & Kohlberg, 1983), and display thinking errors (Yochelson & Samenow, 1976). Cognitive behavioral therapies improve problem-solving skills and target offenders' thinking and problem-solving through a system of reinforcement, pro-social modeling, and role-playing (Michenbaum, 1977; Ross & Fabiano, 1985; Wilson, Bouffard, & MacKenzie, 2005).

This research is particularly important to the re-entry movement. As suggested by Haney (2002), many inmates return home from prison suffering from psychological distress and maladaptive coping strategies. The offenders may have deeply entrenched antisocial attitudes and values. Many will require intensive treatment to change destructive and cyclical patterns of thinking.

Finally, another key initiative for re-entry programming is intensive aftercare and relapse prevention services. Research on effective aftercare models indicates that aftercare should begin during the active treatment phase and should include frequent contacts and home visits (Altschuler & Armstrong, 1994). In addition, the offender's risk and needs should be reassessed to determine whether the appropriate services have been provided. The intensity and duration of aftercare should not be fixed, but depend on the risk and needs of the offenders. As part of this continuum of care, relapse prevention strategies offer tremendous promise. These strategies

include teaching participants ways to anticipate and cope with high-risk situations. Programs that are based on cognitive or social learning strategies view relapse as a temporary setback that can be overcome through learning alternative responses (Dowden, Antonowicz, & Andrews, 2000).

For re-entry programs, the aftercare phase represents an important point in the offender's relapse prevention. Inmates may begin their re-entry process highly optimistic and with good intentions. With appropriate service delivery they may find re-entry manageable and be quite successful in the early days and months. However, as the daily stressors and frustrations of fully assimilating back into neighborhoods, families, and workplaces are realized, the client may find it increasingly difficult to maintain a pro-social lifestyle. A well-designed re-entry program should not only assist offenders in skill development but also see the aftercare phase as a time when clients are practicing newly acquired skills and behaviors. Without a formal and structured program in place that builds upon earlier treatment protocols, offenders may relapse when the services and social support dwindle.

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Conclusion

The myriad of needs of the re-entry population offer important targets for change. Careful attention to the criminogenic needs of offenders is key to effective correctional programming. Ultimately programs need to follow the empirical research on effective interventions. Programs that fail to develop clear goals and objectives, use effective classification systems, rely on appropriate theoretically relevant models, and plan for relapse will inevitably falter. Parole-based programs can be measured for effectiveness in a number of ways. These may include long-term objectives such as reducing prison populations and arrest rates.

However, they can include key intermediate objectives such as reducing numbers of substance abusers or increasing the number of participants who successfully complete treatment, obtain a GED or become gainfully employed. Other objectives may look at social indicators such as number of drug-free babies or the reunification of families and children. Finally, we can see increasing community collaboration or cost effectiveness as a measure of success. While it is true that successful re-entry can be measured in more ways than just avoiding recidivism, such avoidance must be a core component given the nature of the population. The fear is that re-entry programs that target a clearly difficult population (e.g., serious and violent offenders) will be judged negatively because of high recidivism rates and ultimately accused of compromising public safety. The programs and services will then be vulnerable to attack because they will appear not to work. Key stakeholders are ultimately concerned with two main issues: cost and impact. Programs that are not able to translate their "success" into these categories may face an uncertain future.

Importantly, if we ignore scientific evidence in the development and continued implementation of these programs, we are re-opening the door to punitive programs. The fear is that there will be a call for the discontinuation of these programs based on the notion that they "did not work" when in fact they were never effectively designed and implemented. Without careful planning and care, the popularity of this "new" re-entry movement will likely falter and fall victim to another swing in the pendulum towards more punitive and retributive policies.

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Perception and Payment of Economic Sanctions: A Survey of Offenders*

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ECONOMIC SANCTIONS HAVE been criticized because they are perceived to be unfair to poor defendants, to have no effect on wealthy defendants, and to be unenforceable because offenders cannot be imprisoned for nonpayment of debt (Ruback & Bergstrom, 2006). Nevertheless, for three reasons their use is likely to increase. First, because the costs of criminal justice operations are high, offenders are now expected to pay at least part of those costs. Second, concern for victims has increased, so that restitution is likely to be awarded more frequently. Third, there are increasing pressures for intermediate sanctions, because of the high cost of incarceration, questions regarding whether incarceration is effective in deterring future crime, and the need to limit prison space to the most serious offenders.

Despite these three pressures for increasing the number and amount of economic sanctions imposed on offenders, the reality is that large proportions of these sanctions are not paid. Collection rates for restitution are around 50 percent (Cohen, 1995). At the federal level, there is more than \$35 billion in unpaid fines (Mendoza & Sullivan, 2006). The usual assumption is that nonpayment is the result of offenders not having sufficient means to pay the sanctions. Aside from inability to pay, however, there are three alternative explanations for high rates of nonpayment: lack of understanding of the sanctions, disagreement with the rationale for the sanctions, and belief that the sanctions are unfairly applied. To explore these three rationales, we

surveyed sentenced offenders in two Pennsylvania counties.

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The Use of Economic Sanctions

Nationally, fines are imposed in 25 percent of all state felony convictions: 23 percent of violent offense convictions, 24 percent of property offense convictions, and 27 percent of drug offense convictions (Durose & Langan, 2004). Restitution is imposed in 12 percent of all felony convictions: 11 percent of violent offense convictions, 21 percent of property offense convictions, and 6 percent of drug offense convictions.

Offenders generally perceive economic sanctions to be severe. McClelland and Alpert (1985) and Apospori and Alpert (1993) found that recent arrestees believed a \$5,000 fine was about as severe as spending a year in jail, a \$1,000 fine was about half as severe, and a \$500 fine was about one-quarter as severe. Similarly, Spelman (1995) found that 128 offenders in Texas believed a \$1,000 fine was about as severe as one year of regular probation, and a \$5,000 fine was about as severe as two years of regular probation. Almost half (46 percent) of the sample believed a \$5,000 fine was more severe than three months in county jail, primarily because they had few legitimate sources of income. Spelman also found that the perceived difficulty of paying economic sanctions depended on the type of offender and the amount of the sanction, such that property offenders viewed large fines as very severe, whereas drug and violent offenders did not.

Despite believing that economic sanctions are severe, offenders seem to believe that they can pay the ordered amounts. Petersilia and Deschenes (1994) found that their sample of Minnesota inmates believed that the chances of paying a \$100 fine would be close to 80 percent, and the chances of paying victim restitution or paying a \$500 fine would be close to 70 percent. Interestingly, for all three conditions correctional staff said the chances of inmates' completing the condition was significantly lower (less than 50 percent for the last two conditions). Additionally, both inmates and correctional staff rated the chances of paying a \$20/week supervision fee at around 50 percent.

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Nonpayment of Economic Sanctions

Even though many offenders believe they can pay their ordered economic sanctions, only about half of economic sanctions are paid. One possible explanation for this finding is the inability to pay. Three possibilities relate to a lack of motivation to pay: offenders may not want to pay the ordered amounts because they do not understand the purpose of the sanctions; they disagree with the reasons given for paying the sanctions; or they believe the amounts ordered and the procedures used to determine those amounts are unfair.

Inability to pay. Lack of resources is probably the most important reason that offenders do not pay economic sanctions. For example, a survey of federal probationers found that about a third reported that the sanction resulted in a significant hardship, and slightly more than a tenth said the sanction resulted in a severe deprivation. However, slightly more than half said that the sanction did not present any specific hardship (Allen & Treger, 1994).

Lack of understanding. Supreme Court decisions since *Miranda* have indicated that before offenders can be convicted of a crime, they must understand the nature of the proceedings against them so they can contribute to their defense. After being convicted, however, offenders have fewer rights, and the system places less emphasis on the offender's understanding. However, it may be that offenders are more motivated to pay sanctions when they understand what they are paying for. Moreover, understanding that their payments go to victims has implications for rehabilitation, in that restitution is likely to be effective only if offenders understand that they are taking responsibility and making reparations for their wrongdoing (Outlaw & Ruback, 1999).

Disagreement with the purpose of the sanctions. A second possible rationale for nonpayment is that offenders disagree with the purposes of the sanctions and therefore choose not to pay. Allen and Treger (1994) interviewed 82 probationers in the Northern District of Illinois about fines and restitution. Probationers believed fines and restitution primarily served the goal of punishment, followed by the goal of justice. They did not believe these sanctions served the goal of either deterrence or rehabilitation. Despite this pattern, however, perceptions of the purpose of sanctions were not related to payment.

Perception that the sanctions are unfair. Research suggests that individuals care about both the outcomes they receive (distributive fairness) and the process by which those outcomes were reached (procedural fairness). Thus, a third possible rationale for nonpayment is that offenders believe economic sanctions are unfair because the amounts are too high or the procedures used to determine the amounts are unfair. There is some research to support this notion. For example, probation officers typically have some flexibility in terms of payment schedules for fines and restitution (Alexander, Montgomery, Hamilton, Dutton, Griswold, Russell, Salo, & Muse, 1998). Thus, offenders may be treated inequitably and may feel that their sanctions are unfair.

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Hypotheses

We expected most offenders in our survey to express difficulty in paying the economic sanctions they owe. Therefore, we expected nonpayment to be related to an inability to make the payments (i.e., low income). Additionally, we expected non-payment to be related to the three factors that would reduce offenders' motivation to pay the sanctions: lack of understanding, disagreement with the rationale for the sanctions, and perception that the sanctions are unfairly applied.

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Method

We surveyed offenders in two Pennsylvania counties about the economic sanctions they were ordered to pay, their understanding and perceptions of the sentencing process (especially with regard to economic sanctions), and their judgments about the fairness and impact of economic sanctions.

Description of the Survey

The self-report survey, which was mailed to the offenders, was divided into four sections and included 41 questions. The first section asked questions about the respondent's offense and punishment, in terms of incarceration and probation. The second section asked offenders about the economic sanctions imposed in their cases, including the amounts for costs, fees, fines, and restitution and the payments they had made. This section also asked how well offenders understood how the various amounts of economic sanctions were determined. The third section asked offenders about their case, including their perceived responsibility for the crime and their judgments about the amounts of the economic sanctions in their case and the procedures used to determine those amounts. Additionally, the survey included a 22-item scale assessing offenders' understanding of different punishment goals as they applied to their case (e.g., just deserts, revenge, recognition of victim status, deterrence of the offender, rehabilitation, general deterrence, positive general prevention, victim security, and societal security). For this scale, offenders were asked to read a series of statements beginning, "It was important that I should be punished" and to indicate the importance of each statement for why they should be punished. Statements included such items as "to even out the wrong that I had done," "to bring satisfaction to the victim," and "to stop me from further offenses." Responses were coded "very important," "somewhat important," "not very important," or "not important." Of the 22 items on the scale, 18 came from a study by Orth (2003). We added 4 items to increase the number of goals assessed (moral outrage, treatment, education, restitution to the victim). The fourth section asked

for offenders' opinions about economic sanctions in general, including their perception of the burden that payment placed on them and other offenders. The final section asked about the offender's background, including gender, race, age, marital status, education, and socioeconomic status. ¹

Sampling

In the summer of 2005, we worked with probation personnel in two Pennsylvania counties to obtain a list of all offenders sentenced in 2003. Using cases from 2003 ensured that offenders who were surveyed had had at least a year to pay economic sanctions. Additionally, 2003 cases were recent enough that offenders should have been able to remember the details of their cases and could more easily be tracked down by mail. After obtaining the two samples, we mailed offenders packets containing a cover letter from the probation office, two consent forms, a survey, and a one-dollar incentive. Participants were promised that their participation and responses would remain confidential and would not be shared with their probation officers or other criminal justice personnel. After returning the completed survey and signed consent form, each respondent received an additional \$10. ²

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Results

Participants

We received completed surveys from 122 offenders, for a response rate of 15 percent (122/833). ³ A key reason for the low response rate is that offenders, unless imprisoned, often do not complete surveys. Also, compared to the rest of the country, survey response rates are lower in the Northeast and especially in Pennsylvania (Groves, Fowler, Couper, Lepkowski, Singer, & Tourangeau, 2004).

The sample of respondents consisted primarily of offenders who were male (61 percent) and white (93 percent) and who ranged in age from 20 to 67 (M = 34.1, Mdn = 33). In terms of marital status, 39 percent had never been married, 41 percent were married or living with someone, and 20 percent were divorced. Regarding education, 25 percent had not completed high school, 28 percent had graduated from high school, 38 percent had at least some college or advanced technical training, 5 percent had a college degree, and 4 percent had some graduate training. Of the sample, 30 percent were employed full time, 13 percent were employed part time, 20 percent were unemployed, 21 percent were disabled, and the remainder included students, retirees, homemakers, and occasional workers. In terms of income, 80 percent reported annual incomes less than \$20,000. Only 7 percent reported incomes greater than \$30,000.

Most respondents were convicted of DUI/traffic offenses (39 percent), followed by drug offenses (24 percent), property offenses (24 percent), personal offenses (9 percent), and other offenses (which consisted of firearms violations, gambling, fleeing from police, and false ID; 3%). ⁴ Two individuals did not complete this item about their conviction offense. In subsequent analyses, we excluded "other offenses," because there were so few cases and because they did not form a cohesive category. In terms of punishment, 5 percent had been sentenced to state prison, 38 percent to county prison, and 71 percent to probation (multiple sentences were possible). The most common of the remaining sentences listed were house arrest (5 percent), parole (6 percent), and loss of license (2 percent).

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Economic Sanctions Imposed

In terms of economic sanctions, 23 percent of offenders had been ordered to pay jail fees, 59 percent to pay court costs, 48 percent to pay supervision fees, 28 percent to pay other costs and fees, 59 percent to pay fines, and 24 percent to pay restitution. Overall, 65 percent of

respondents said they had been ordered to pay some type of economic sanction, with the total amounts ranging from \$101 to \$25,000 ($M = \$2,848$; $Mdn = \$1,400$). An additional 34 percent of respondents said they did not know the total amount they owed. Although 71 percent of all respondents said they were ordered to make monthly payments that ranged from \$1 to \$2,000 ($M = \$104$; $Mdn = \$68$), 22 percent of respondents said they did not know what their ordered monthly payments were.

Of the respondents, 72 percent said they had been shown a sheet that indicated the total costs and fees they owed, and 50 percent said they had been given a sheet to keep that indicated the specific costs and fees they owed. Of the respondents who received a sanction sheet, most rated on a 7-point scale that having been given a sheet was very important ($M = 5.70$; $Mdn = 7$). An additional 39 percent of individuals who had not been given a sheet indicated on a 7-point scale that they would have liked to have been given a sheet listing the specific amounts they owed ($M = 5.90$; $Mdn = 7$).

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Economic Hardship

The primary purpose of this study was to determine the reasons for nonpayment of economic sanctions. We used four measures of the extent to which economic sanctions posed a hardship to respondents: a) their reported difficulty in making their monthly payments, b) their responses to two questions about whether paying economic sanctions interferes with offenders' ability to successfully complete probation or parole and to provide for their families, c) their expectations about paying off their ordered economic sanctions, and d) two behavioral indicators of hardship: whether they had missed any payments and whether their monthly payments had been reduced.

We asked respondents to indicate on a 7-point scale how difficult it is for them to make their monthly payments. Respondents indicated that it was difficult, with 66 percent of the sample answering above the midpoint of 4 ($M = 5.14$; $Mdn = 6.0$). As would be expected, difficulty in making payments was negatively related to income, $r(117) = -.28$, $p < .01$, and positively related to the total amount of economic sanctions owed (for this crime and prior crimes), $r(105) = .18$, $p < .07$. However, difficulty in making payments was not related to monthly payments for other expenses, $r(118) = -.06$, n.s., or to the number of dependents, $r(112) = .05$, n.s.

Also consistent with expectations, difficulty in making monthly payments was positively related to respondents' beliefs that paying economic sanctions interferes with offenders successfully completing probation or parole, $r(113) = .26$, $p < .01$, and that paying economic sanctions interferes with offenders being able to provide for their families, $r(115) = .16$, $p < .10$. That is, offenders who had more difficulty making monthly payments were also more likely to say that making payments interferes with their ability to successfully complete probation or parole and to provide for their families. A list of the monthly obligations offenders reported, together with the mean amount owed, is presented in [Table 1](#).

In terms of objective measures of difficulty in making payments, we found that 53 offenders (43 percent) said they had missed making a payment of some kind at least once, 13 offenders (11 percent) had had their monthly payments reduced, and 2 offenders (2 percent) had been allowed by the court to stop payments. However, consistent with Petersilia and Deschenes (1994), who found that about 70 percent of their sample of offenders said that they would pay all of the restitution they owed, we found that 103 of our respondents (80 percent) said they expected to pay all of the money they owed.

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Understanding of Economic Sanctions

Respondents were asked to indicate on 7-point scales how well they understood how the amounts of five economic sanctions (court costs, supervision fees, other costs and fees, fines,

and restitution) were determined. In general, respondents did not understand how the amounts were determined, in that the mean responses for all five items were below 4, the midpoint of the scale.

These responses were analyzed using a 4 Between (Type of Crime) \times 5 Within (Type of Economic Sanction) repeated measures analysis of variance. This analysis revealed a significant effect for type of economic sanction, $F(4, 416) = 15.34, p < .001$. A post-hoc Newman-Keuls test of the means ($p < .05$) indicated that restitution ($M = 4.03$) was understood better than all of the other economic sanctions, which did not differ significantly from each other (court costs: $M = 2.83$; supervision fees: $M = 2.81$; other costs and fees: $M = 2.80$; fines: $M = 3.01$). There was also a significant Type of Crime \times Type of Economic Sanction interaction, $F(12, 416) = 2.19, p < .05$. A post-hoc test indicated that property offenders understood the determination of restitution significantly more than the four other types of economic sanctions. Personal, drug, and DUI/traffic offenders indicated that they understood the determination of all five economic sanctions at a fairly low level.

The relatively low levels of understanding of the five specific sanctions can be better understood in light of two other questions pertaining to the understanding of sentencing. In response to a question asking how well they understood how criminal sentences are set in Pennsylvania, offenders' responses were fairly uniform across the scale, and the average was at the midpoint ($M = 4.04$; $Mdn = 4$). There were no differences in terms of crime committed ($F < 1$). Similarly, respondents were asked how well they understood where their payments go. The average response was well below the midpoint ($M = 2.97$; $Mdn = 2$), and there was no significant difference as a function of crime committed ($F < 1$). Overall, then, offenders indicated they somewhat understood sentencing in general and the setting of restitution amounts, but they did not understand how other economic sanctions were determined or where their payments went.

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Purposes of Punishment

A factor analysis, using a Varimax rotation, of the 22 items regarding punishment goals extracted four factors, all of which had eigenvalues greater than one. The rotated factors accounted for 67 percent of the variance in the responses for these items. We assigned each of the 22 items to the factor on which it loaded highest and then averaged the scores across the items for each of the four scales. Factor 1, *Justice*, consisted of 8 items ($= .90$). Factor 2, *Deterrence*, consisted of 5 items ($= .91$). Factor 3, *Concern for Victims*, consisted of 5 items ($= .85$). Factor 4, *Rehabilitation*, consisted of 4 items ($= .80$). A listing of the items by factor is presented in [Table 2](#).

A 4 Between (Type of Crime) \times 4 Within (Punishment Goals) repeated measures analysis of variance revealed a significant effect for punishment goals, $F(3,288) = 18.73, p < .001$. *Justice* ($M = 3.02$) and *Rehabilitation* ($M = 2.98$), which did not differ significantly from each other, were endorsed more than *Deterrence* ($M = 2.55$) and *Concern for Victims* ($M = 2.48$), which also did not differ significantly from each other, according to a post-hoc Newman-Keuls test ($p < .05$).

There was also a significant Type of Crime \times Punishment Goals interaction, $F(9, 288) = 2.19, p < .05$. Property offenders were most concerned with *Justice* and least concerned with *Deterrence*. Personal offenders were most concerned with *Justice* and showed the least *Concern for Victims*. Drug offenders were most concerned with *Rehabilitation* and least concerned with *Deterrence*. DUI/traffic offenders were equally most concerned with *Justice and Rehabilitation* and showed the least *Concern for Victims*.

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Procedural and Outcome Fairness

For each of the five types of economic sanctions, respondents rated the fairness of the amounts and the fairness of the procedures used to determine those amounts. These 10 ratings were analyzed using a 2×4 Between (Incarceration Status \times Type of Crime) \times 5×2 Within (Type of Economic Sanction \times Type of Fairness) doubly repeated measures analysis of variance. Incarceration status (sentenced to jail/prison or not) was included because we wanted to test whether individuals who had been incarcerated were likely to believe economic sanctions were unfair. [5](#)

This analysis revealed one significant between-subjects effect, for type of crime, $F(3, 100) = 2.92, p < .05$. In terms of overall fairness, property offenders ($M = 3.06$) believed their economic sanctions were significantly fairer than did person offenders ($M = 2.58$), DUI/traffic offenders ($M = 2.45$), and drug offenders ($M = 2.33$). These last three groups of offenders did not have significantly different perceptions of fairness, according to a post-hoc Newman-Keuls test ($p < .05$).

There was also one significant within-subjects effect, a significant effect for the type of sanction, $F(4, 100) = 2.92, p < .05$. Restitution ($M = 2.72$) was judged to be the most fair economic sanction, followed by fines ($M = 2.64$), court costs ($M = 2.64$), and supervision fees ($M = 2.61$), which were not significantly different from one another according to a post-hoc Newman-Keuls test ($p < .05$). Other costs and fees ($M = 2.43$) were judged to be the least fair economic sanction.

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Comparing Possible Explanations of Nonpayment

We were also interested in the extent to which the four possible explanations for nonpayment of economic sanctions related to each other. The first explanation we explored, lack of money to pay the sanctions, was related to offenders' perceptions of the system. Respondents who said it was difficult to make their monthly payments said they understood sentencing less, $r(118) = -.19, p < .05$, believed the amounts of economic sanctions were less fair, $r(117) = -.29, p < .001$, and believed the procedures for setting the economic sanctions were less fair, $r(115) = -.27, p < .01$. Three of the sentencing goals, *Justice, Deterrence, and Concern for Victims*, were significantly positively related to composite measures of the perceived fairness of the amounts of economic sanctions, the perceived fairness of the procedures used to set the economic sanctions, and the perceived fairness of sentences in general. That is, offenders who more strongly endorsed these sentencing goals were also likely to believe their sentences were fairer. *Rehabilitation* was significantly related only to the composite measure of the fairness of the amounts of economic sanctions. None of the four goals was significantly related to total economic sanctions owed, total monthly payments, or household income.

To determine how important the one explanation relating to ability to pay and the three explanations relating to motivation to pay (understanding, agreement with the rationales, fairness) are in actually making payments, we conducted logistic regressions in which we tested these explanations as predictors of nonpayment. For example, in one model we used composite scores for the understanding of economic sanctions, the perceived fairness of the amounts of economic sanctions, the perceived fairness of the procedure used to determine economic sanctions, the composite score for Justice as a goal for sentencing, and the offender's income to predict whether or not the offender had ever missed a payment. None of the measures of motivation to pay was significantly related to payment, and the only significant predictor of missing a payment was household income.

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Discussion

We hypothesized that offenders pay only small percentages of their ordered economic sanctions both because they are unable to pay and because they are not motivated to do so. This survey of

offenders found some support for all four reasons that we investigated.

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Inability to Pay

Although there was support for all three reasons pertaining to motivation to pay, the strongest explanation related to inability to pay. Our multivariate analyses of an objective indicator of nonpayment (having to miss payments) revealed that our indicators of motivation to pay were not significantly related to missing a payment, whereas indicators of ability to pay (e.g., total economic sanctions owed, total monthly payments) were significant indicators.

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Motivation to Pay

We found some support for all three rationales related to offenders' motivation to pay. First, there was strong evidence that offenders did not understand how fines, fees, and costs were imposed. Although offenders, and particularly property offenders, said they understood the procedures used to determine them to be very fair.

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Alternative Explanation for Nonpayment

A rationale for how restitution decisions were imposed, the absolute number (a mean of 4 on a 7-point scale) was in fact not very high. Second, there was evidence that offenders did not agree with the rationale for economic sanctions. Our results indicated that the offenders did not rate any of the goals of punishment very highly. Third, there was evidence that offenders did not perceive the amounts of the economic sanctions or nonpayment that we did not investigate is that there are no perceived penalties for nonpayment. Many probationers do not comply with their court-ordered conditions, and there are often no sanctions for failing to comply (Langan, 1994). For economic sanctions in particular, research suggests that often no punishments are imposed for non-payment of court-ordered fines and restitution (Petersilia & Turner, 1993).

Offenders learn that threats (e.g., meetings, letters of reprimand, warnings) often have no repercussions, and probation revocation for failure to pay is unlikely (Wheeler, Hissong, Slusher, & Macan, 1990). Nonpayment of restitution is rarely the basis for revocation of probation (Lurigio & Davis, 1990).

A study of probationers in Illinois illustrates these points (Allen & Treger, 1994). The survey results suggested that offenders start out believing that payment is required, but that over time they learned this was not true. About half of the offenders believed their probation officer would report nonpayment to the court but would not recommend incarceration. About a quarter believed their probation officer expected them only to make a good faith effort at making full payment, and more than a tenth believed their probation officer did not expect them to make full payment. In fact, as Petersilia and Deschenes (1994) found, criminal justice personnel often do not expect offenders to make full payment.

However, in our study, we did not find any support for this idea. In fact, open-ended responses to a question about whether paying economic sanctions interferes with offenders being able to complete probation or parole successfully indicated that our respondents did fear repercussions for nonpayment. Open-ended responses to this question were coded (83 percent agreement; kappa = .78), and the most common response of the individuals who answered the question (14/52 = 27 percent) was that failure to make the payments meant that they could not complete probation/parole. An additional 6 individuals (12 percent) said that failure to pay resulted in going to jail.

A possible reason why we found that offenders feared the repercussions of nonpayment is that our respondents were a self-selected sample of individuals who could be reached by mail, who were not in prison, and who were probably more likely to be in compliance than those who did not respond. The high rate of non-delivered questionnaires two years after conviction (17 percent) suggests that our initial pool of individuals was highly transient. Those individuals who responded not only were probably less transient (and therefore probably had more ties to the community) but also were likely more concerned about earning money.

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Implications

One of our key findings was that, with the possible exception of restitution, most offenders did not understand how the amounts they owed were determined. Nor did they understand where the money they paid went. The problem is probably even more severe when offenders owe multiple amounts for multiple cases. Correctional scholars believe that by making payments on a regular basis offenders can learn to take responsibility for their crimes. However, particularly with regard to restitution, this belief is premised on the assumption that offenders know where their payments go. Thus, future research might investigate how best to convey this information to offenders and whether this information gives offenders a better understanding of the penalties, makes them feel more responsible for their crimes, and reduces their likelihood of committing a new offense.

Aside from not understanding how sanction amounts were determined, offenders may also be confused over such logistical issues as where they are supposed to make their payments. In some counties, different types of economic sanctions have to be paid in different places. It might be that in those counties, probation is better at monitoring the economic sanctions collected by them, versus the ones paid to the clerk of courts or to someone else. If so, this possibility may partially explain some prior findings in Pennsylvania about differences in payment by type of economic sanction, as well as some of our prior research that found payment rates were higher when probation officers were in charge of collection (Ruback, Shaffer, & Logue, 2004).

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References

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Table 1: Other Monthly Payments Due

Type of Payment	% Who Pay	Mean Monthly Payment (\$)
Child support	11	33.42
Rent/mortgage	47	228.29
Food	45	172.31
Car payments	16	51.00
Insurance	31	112.48
Utilities	43	113.06
Credit card bills	17	200.20
Health care	12	10.20
Other	17	28.24

Table 2: Extracted Factors and Punishment Goals Loading on Each

Factor Name	It was important that I should be punished...	Factor Loading
Justice		
	to even out the wrong that I had done	.77
	to make amends for my guilt	.73
	to uphold the important values in society	.73
	to show that crime does not pay	.63
	to help me understand our legal system	.62
	to stop others from committing similar offenses	.60
	to make it clear that my act was wrong	.59
	so that I know that crime does not go unpunished	.56
Deterrence		
	so that society does not have to fear me for now	.83
	so that I am not a danger to others	.81
	so that the victim does not have to fear me for now	.72
	so that the victim can live in safety	.66
	so that the victim can live in safety	.55
	so that people are not frustrated with the legal system	
Concern for Victims		
	to make it clear publicly that I did wrong to the victim	.75
	to bring satisfaction to the victim	.69
	to make it clear that society is on the side of the victim	.65
	to make me suffer, as the victim suffered by my action	.62
	to reimburse the victim for the losses he or she suffered	.52
Rehabilitation		
	to treat my drug, alcohol, or mental health problems	.79
	to allow for my rehabilitation	.69

	to provide me with education or work skills	65
	to stop me from further offenses	62

Parole System Anomie: Conflicting Models of Casework and Surveillance

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[Retrospective Analysis](#)

[Prospective Analysis](#)

PAROLE IS GRANTED to an offender after a period of time in prison; it allows the individual to serve the remainder of his or her time in the community under supervision. The parole system has evolved since its inception in the 18th century; however, until the 1970s, it had consistently centered its practices on a medical model of casework, treatment, and community reintegration. A relatively rapid change to a more punitive system of corrections, beginning in the 1970s, forced parole agencies to emphasize risk management and surveillance without a corresponding change in their rehabilitative mission and ideology. Today, the assumed goals of the mission of parole boards and parole officers are 1) to supervise offenders, 2) to rehabilitate treatable offenders, and 3) to protect society from at-risk individuals (Seiter and West 2003; Morgan, et al. 1997). These competing and therefore often conflicting objectives have created a confusing state of affairs in the parole system that has resulted in a weak collective consciousness and anomie.

There has been some evidence that successful paroles are increasing in certain jurisdictions; or rather, that failure rates are declining in certain states (Austin 2001). But the cause is unclear. Some believe it is attributable to longer terms of incarceration and the associated aging of the prisoner release cohorts. It may also be due to greater numbers of low-risk offenders going to prison instead of probation; mere changes in revocation practices due to overcrowded prisons have also been cited (Austin 2001; Seiter 2002). However, fewer failures are not synonymous with success, and these explanations do not represent a successful system of parole. They are side effects of America's correctional policies and practices.

According to noted criminologists Jeremy Travis (2001) and Joan Petersilia, the per capita rate of imprisonment in America remained at about 110 per 100,000 from 1925 to 1973, with little variation. Since 1973, the rate of imprisonment has grown steadily so that our current rate is close to 490 per 100,000—more than four times the 1973 level and up by 18 percent since 1995 (U.S. Bureau of Justice Statistics). At the beginning of 2005, there were more than 2.1 million people in federal or state prisons or in local jails—an increase of 2.6 percent from the year before. More than half of these inmates were charged with non-violent drug abuse or property crimes (U.S. Bureau of Justice Statistics).

Parole officers are downstream of the socially and politically difficult problem of overcrowded prisons. They are forced to respond to the symptoms of an increasing prison population without adequate resources and public support. The parole system's primary response to larger caseloads

and a more punitive and unforgiving public is at odds with its traditional medical model of casework, rehabilitation and reintegration. Statistics that are often used to criticize parole practices emphasize short-term failures rather than the more difficult to measure long-term successes. Nevertheless, almost any rate of recidivism among parolees can enrage the public and jeopardize the political careers of public officials.

A fundamental failure of today's parole system is that success has not been adequately defined. What masquerades as success is the unobtainable standard of perfection, all the time. Context is important because looking only at absolute numbers can be misleading. For instance, a 70 percent failure rate in baseball is considered successful because a 300 (out of 1000) batting average is quite good. On the contrary, failing 70 percent of the time in school is not at all impressive. A student with such an academic record would be wise to make changes to improve his grades, but allocating resources to increase a baseball team's batting average to 80 or 90 percent is irrational because it is unobtainable. Unwarranted criticisms and some very bad choices are made when goals and standards are unclear. It is impossible to effectively implement and evaluate changes to the parole system without an agreed-upon standard of success. The lyrics of George Harrison, former member of The Beatles, nicely capture this existing dilemma in the U.S. parole system: "If you don't know where you're going any road will take you there."

This article has two main parts that are designed to further this discussion. First, a retrospective analysis of the traditional philosophies of parole agencies historically derives current parole practices in the United States and shows how the paradigm has shifted from an emphasis on casework to an emphasis on surveillance. This relatively rapid transition has created a confusing and unstable system of parole in the United States, resulting in a state of mind defined by Emile Durkheim as anomie. Second, this paper concludes with a prospective analysis describing how the parole system can begin to correct its current state of affairs. This "retrospective" analysis is the first step towards implementing ingenious and successful parole practices in the 21st century.

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Retrospective Analysis

The Origins of Parole and the Medical Model of Casework

The concept of parole was formulated during the juvenile justice movement of the 18th and 19th centuries. Interested in the problem of young people and crime, and familiar with the situation in prisons, key members of society became convinced that confining child and adult offenders together bred future criminals (Packel 1977). They advocated separate juvenile institutions that would stress reformation as much as the protection of society (Packel 1977). All juvenile reformatories constructed during this time aimed to transform neglected and incorrigible youth into law-abiding citizens by instilling in them order, self-control and discipline (Pisciotta 1984; Shichor 1983). In review of the Western House of Refuge's first 25 years of operation, Superintendent Fulton concluded in 1875 that, "the state would find itself reimbursed for the seemingly large expenditure, more than a hundred-fold" (WHR 1875, cited in Pisciotta 1984: 76).

The reformatory movement rapidly spread throughout the United States (Platt 1969; Shichor 1983; Pisciotta 1984). As the name implies, the purpose of reformatories was to encourage reformation rather than to punish. The principal characteristics were: indeterminate sentences, a grading system to measure each inmate's progress, and parole for those inmates who demonstrated that they benefited from the program of reformation (Packel 1977; Platt 1969). In both theory and practice, the parole system that emerged out of the juvenile justice reform movement incorporated ideals provided by a medical model, which regarded crime and delinquency as a product of sickness and disease and, therefore, amenable to treatment (McCarthy 1976-1977). An emphasis on prevention and treatment is significant because they are powerful rationales for organizing social action.

Adult correctional and parole authorities borrowed the imagery of pathology, infection and treatment from the medical profession (Kasinsky 1994; Platt 1969). Since the inception of prisons, correctional workers sought to identify themselves with the medical profession. They did not think of themselves merely as custodians of the underclass, as the tenets of Social Darwinism and Positivist theories would suggest. Anthony Platt (1969: 24) explained that the self-image of penal workers as doctors rather than guards helped to encourage the acceptance of therapeutic strategies in prisons and jails. In fact, some of the first American writers on crime and delinquency were physicians, like Benjamin Rush and Isaac Ray, who furnished the first official rhetoric of penal reform (Platt 1969). Cesare Lombroso, a physician and author of *L'Uomo delinquente or The Criminal Man* (1876), became one of the most significant figures in 19th-century criminology by having claimed to discover the cause of crime. His original theory suggested the existence of a criminal type that was distinguishable from non-criminals by observable physical traits. He proposed that the criminal is morally retarded and instinctively aggressive and precocious unless restrained (Platt 1969).

By the late 1890s many criminal justice scholars and practitioners agreed that hereditary theories of crime were overly fatalistic (Platt 1969). Sociologist Charles Cooley (1896) observed that criminal behavior depended as much upon social and economic circumstances as it did upon the inheritance of biological traits. "The criminal class," Cooley said, "is largely the result of society's bad workmanship upon fairly good material" (Cooley 1896, cited in Platt 1969: 24). In support of this argument, Cooley suggested that many "degenerates" could be converted into "useful citizens by rational treatment."

Prisoner Reentry

For much of the 20th century, preparation for release from prison was considered an important part of the prison experience and most correctional systems provided programs to prepare inmates for the community transition. From the 1950s through the 1970s, education and vocational programs, substance abuse and other counseling programs, therapeutic communities and other residential programs, and prison industry work programs were important parts of prison operations (Seiter and Kadela 2003). Many of these programs were mandatory, but when they were voluntary inmates still participated to impress parole boards and to improve their chances of favorable parole decisions. Richard Seiter (2002: 50) explained in his article entitled *Prisoner Reentry and the Role of Parole Officers* that:

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 plans' 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.

The original intention of parole supervision was not to revoke parole, but to constantly assess the parolees' progress and to make necessary changes (Seiter and Kadela 2003).

Significant changes in the criminal justice system over the last three decades have modified much of the historically prevalent preparations for release as prisons and parole board administrators have instead emphasized managing risk and intensively monitoring inmates upon

release (Seiter 2002). Prior to 1975, every state in the United States utilized indeterminate sentencing (Tonry 1999a; Griset 1996; Bernat, Parsonage & Helfgott 1994) and parole boards were given broad discretion to determine if an inmate should be released. The core features of indeterminate sentencing are 1) broad authorized sentencing ranges and 2) parole release (Tonry 1999a). Parole was based on the premise that rehabilitation of offenders is a primary goal of corrections and that decisions affecting inmates should be tailored to them on a case-by-case basis (Tonry 1999a; Bernat, et al. 1994; Turpin-Petrosino 1999; Hoffman 1994).

Disparity in parole decisions, lack of support for rehabilitation, and public perceptions that the criminal justice system was too lenient led to widespread reform movements in the mid-1970s that sought to, among other things, reduce parole releases (Bernat, et al. 1994; Turpin-Petrosino 1999; Benekos 1992; Metchik 1992). As a result of this “get tough” movement, determinate sentencing—fixed sentence lengths—and parole guidelines were introduced to replace indeterminate sentencing and to control parole release decision-making (Turpin-Petrosino 1999; Bernat, et al. 1994; Benekos 1992). In 1977, over 70 percent of prisoners were released on discretionary parole. By 1995 and 2002 this had declined to 50 percent and 39 percent, respectively. By the end of 2000, 16 states had abolished parole board authority for releasing all inmates, and another four states had abolished parole board authority for releasing certain violent offenders (U.S. Bureau of Justice Statistics). Mandatory releases based on statutory requirements increased from 45 percent in 1995 to 52 percent in 2002 (Seiter 2002; U.S. Bureau of Justice Statistics).

Longer time in prison juxtaposed with a decrease in pre-release planning and vocational and educational programs yields longer periods of detachment from family and social networks, which make eventual reentry more difficult. At the beginning of 2005, over 4.9 million adult men and women were under federal, state, or local community supervision programs; approximately 765,400 were on parole. Forty-five percent of state parole discharges in 2002 successfully completed their terms of supervision; 41 percent were returned to jail or prison, nine percent absconded, and the whereabouts of the remaining five percent were unknown. Comparable statistics for 2005 parolees are not yet available but will likely remain unchanged, as has been the case since 1995 (U.S. Bureau of Justice Statistics). “The inescapable conclusion,” explained Jeremy Travis and Joan Petersilia (2001: 300) “is that we have paid a price for prison expansion, namely a decline in preparation for the return to community. There is less treatment, fewer skills, less exposure to the world of work, and less focused attention on planning for a smooth transition to the outside world.” Rehabilitation and the medical model of corrections and parole are no longer functionally appropriate guidelines for the current demands on parole authorities and officers.

Casework, Surveillance and Public Safety

Parole supervision styles generally fall into either casework or surveillance approaches. The social casework approach, which emphasizes assisting parolees with problems, counseling, and working to make sure they succeed, has long predominated. But this style has shifted over the past 30 years to one of surveillance, which emphasizes law enforcement and the close monitoring of parolees to catch them if they fail and return them to prison (Seiter 2002; Travis and Petersilia 2001; Rhine 1997; Cohn 1997). In 1980, parole violators constituted 18 percent of prison admissions; they now constitute nearly 37 percent (Travis and Petersilia 2001). This means that 777,000 out of 2.1 million people admitted to prison during 2004 were parole violators: individuals who had either been returned to prison on a technical violation or for committing a new offense. Nationally on average, parole violators will serve another five months in prison. An increasing prison population has placed greater strains on the communities where inmates return and are concentrated. The philosophical, operational, and fiscal capacities of parole agencies to manage the higher number of released prisoners have not kept pace (Travis and Petersilia 2001).

Public rejection of leniency in corrections, loss of faith in the efficacy of treatment, and tightening state budgets are primarily responsible for contemporary parole practices that sacrifice

casework and treatment to focus on risk management and administrative efficiency (Quinn and Gould 2003). In the 1970s, parole officers handled caseloads averaging 45 offenders; today it is up to 70 or more (Travis and Petersilia 2001). Significantly larger caseloads give parole officers very little time to focus on parolees as individuals and to provide counseling or referrals to community agencies. As a result, officers have little choice but to concentrate on surveillance and the impersonal monitoring of their clients (Seiter and West 2003; Petersilia 2001). Richard Seiter (2002: 51) explained that:

The emphasis on surveillance of community offenders results in a trend to violate releases [parolees] 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.

In 1997, Betsy Fulton, Amy Stichman, Lawrence Travis and Edward Latessa suggested that a strictly surveillance-oriented style of parole was not effective at reducing recidivism. They believed that a balanced role of both social worker and law enforcer provides the best results for parolees, parole officers, and society. In 2003, Richard Seiter and Angela West published results from their study which attempted to quantify and measure the outcomes of the transition from casework to surveillance styles of supervision. They focused on officers within the Eastern Probation and Parole Region (St. Louis) of the Missouri Department of Corrections. They found no evidence that the surveillance style of supervision decreases recidivism (Seiter and West 2003). According to parole and probation officer surveys and interviews, casework functions were reported to be the most effective in assisting parolees, while surveillance functions were ideal for catching those who violate conditions of supervision (Seiter and West 2003).

Recent efforts to enhance parole supervision have been limited to intensive supervision programs that use new surveillance technologies, as opposed to helping or rehabilitation technologies (Austin 2001). Technologies such as urine testing and electronic monitoring have enhanced capacities to detect parole violations and to increase the rate of parole revocations. If noncompliance with technical conditions of parole signaled that parolees were “going bad,” then returning them to prison might prevent future crime. However, research repeatedly disproves that violating parolees for technicalities reduces new criminal arrests (Travis and Petersilia 2001; Petersilia and Turner 1993). In fact, new criminal arrests linked to former inmates constitute less than 3 percent of all arrests nationwide (Austin and Hardyman 2004). In 2004, the Federal Bureau of Investigation’s Uniform Crime Reporting Program estimated the number of arrests in the United States for all criminal offenses at approximately 14 million. In 2004, there were 765,400 adults on parole. Half of these people on parole would have to be arrested for committing a new crime during 2004 in order to equal three percent of all arrests. This is very unlikely.

The competing goals of casework and surveillance have major implications for public safety and the rights of convicted offenders (Rudenstine 1975). Relative to public safety, it is not clear that parolees, in the aggregate, pose a significant public safety problem (Austin 2001). Nevertheless, the safety of the public is a legitimate concern of American parole agencies. Pennsylvania law, for example, requires that a parole board release inmates on parole “whenever in its opinion the best interests of the convict justify or require his being paroled and it does not appear that the interests of the Commonwealth will be injured thereby” (61 P.S. § 331.21). New Jersey requires that an inmate shall be released at the end of his/her minimum term of incarceration unless it is demonstrated “by a preponderance of the evidence that the inmate has failed to cooperate in his

or her own rehabilitation or that there is a reasonable expectation that the inmate will violate conditions of parole” if released on parole (N.J.S.A. 30:4-123.53a). New Jersey is unique in that all adult inmates are presumed released at the time of parole eligibility unless the parole board can show that the inmate will be a risk to the public upon release. This presumed release clause is an example of a legislative “back door” that is used by many states with parole to relieve overcrowded prisons. It also represents how parole has become an extension of prison (albeit in the community) with an implicit responsibility to surveil, enforce laws, and manage risk. The parole system’s transition from casework to surveillance does not signify a renewed interest in actual public safety, per se. Instead, it is a short-term—quick fix—response at the behest of anxious elected officials and a frightened public. Traditional philosophies of parole are geared more towards seeking long-term and sustainable public safety outcomes through casework, rehabilitation and reintegration.

Parole Officer Attitudes

Line-level parole officers generally believe that the most effective functions they perform are to help those under their supervision (Seiter 2002). James Quinn (2003) and Larry Gould conducted a study of Texas parole officers to address the issue of officer orientation in a state that bases its response to crime primarily on deterrence and incapacitation. A factor analysis using data from 559 parole officers was used to examine the relationship between officers’ traits, work situation, and perceived needs. Results showed an overwhelming desire for more treatment resources; greater seniority and smaller caseloads were among the most powerful factors in predicting which parole officers would emphasize treatment resources. An earlier study by Whitehead (1992) and Lindquist showed that orientation to rehabilitation was rather high among Alabama parole officers, and that punitiveness was inversely related to amount of client contact and directly predicted by size of caseloads. Fulton, et al. (1997) also found considerable support for rehabilitation, even among officers given reduced caseloads in a program designed to stress control and surveillance rather than the provision of treatment services. A more recent study by West (2004) and Seiter showed that parole officers believe that a balanced supervisory style should be the goal, and that current caseloads are forcing more of a surveillance approach. Officers who were surveyed for this study estimated that they spend about 54 percent of their time engaged in what experts classify as casework activities. However, these same officers perceived themselves as more surveillance oriented on a 10-point continuum (West and Seiter 2004). When the pendulum of public support gains momentum toward surveillance and risk-management, it is clearly difficult for parole officers to resist.

Retrospective Analysis Conclusions

The underlying problems that exist within the parole system are theoretical in nature (Cohn 1997). The combination of currently often incompatible supervision styles of casework and surveillance and an overwhelming societal concern for public safety, possibly compounded by fears of legal liability, have created an anomic state of parole in the United States (Durkheim 1951/1979). Emile Durkheim used the term anomie to refer to a state of normlessness, confusion, or lack of regulation in modern society.

The juvenile justice movement in the United States was one of the first responses to crime that attempted to treat the underlying (social) causes of crime and delinquency—for the purpose of long-term public safety. Parole was implemented during this time to assist inmates with their transitions from reformatories back into their respective communities. The parole system has evolved since its inception; however, it has historically centered its practices on a medical model of casework, treatment, and community reintegration. A relatively rapid change to a more punitive system of corrections in the mid-1970s forced parole agencies to emphasize risk-management and surveillance activities without a corresponding change in their rehabilitative mission and ideology. Durkheim (1951/1979) believed that rapid changes in technology and organization affect social structures because they alter human environments and expectations, which in turn decreases the effectiveness of mechanisms of social control and integration. This creates anomie. Anomie in the parole system has two causes. The first is confusion over the

contemporary mission of the parole system, with evidence of a drastic variation from the past. The second stems from the first; it is the use of casework and surveillance models in a way that is uncoordinated with a mission upon which to guide and evaluate parole officer activities and to define success. If the parole system is to be effective, it must resolve this confusion and function with clear and mutually compatible goals that cannot be easily swayed by politics and fear.

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Prospective Analysis

Principles of a 21st Century Parole System

Recent studies by Seiter (2002), Quinn (2003) and Gould, and West (2004) and Seiter, have shown that parole officers continue to emphasize social casework activities and have a desire for more treatment resources. Yet, their large caseloads and the public's punitive sentiment force them into a surveillance approach. Resolving this conflict between casework and surveillance supervision styles of parole is not impossible, but the search for a solution must focus on the parole system as a whole, not the parole officers or other constituent components. In short, this is a systemic problem that requires a systemic solution. According to sociologist James Coleman (1990: 2) "The principal task of the social sciences lies in the explanation of social phenomena, not the behavior of single individuals. In isolated cases, the social phenomenon may derive directly, through summation, from the behavior of individuals, but more often this is not so." In this regard, it is not the behavior of parole officers that drives the parole system. It is the system of parole—its missions, goals and objectives—that dictates the behavior of officers.

If the collective consciousness of Americans remains punitive and unforgiving towards parolees, then the fulfillment of parole officers' desires for greater rehabilitative resources will be impossible and the system of parole will become less efficacious over time (Durkheim 1951/1979). If members of society can agree that a system of parole is necessary, then they must, at the very least, establish a fundamental principle by which parole can function. This principle should be community reintegration.

Freedom from prison is a continuous process of liberation as individuals strive for the right to once again become members of society (Simmel 1950). A parolee who fails to successfully integrate into his or her community may continue to live and act as a member of society, but at a greater social cost. This is because ignoring the productive potential of ex-offenders after release from prison by withholding resources that can strengthen their social capital will ultimately lead to recidivism for many of them out of desperation to survive (Becker 1993; Adler and Kwon 2000). Eugene Kane (1999: 3) wrote in the *Milwaukee Journal Sentinel* that "If one of my kids had a drug problem, I wouldn't call the police or a prison warden to help him. I would find the best treatment possible, and if it didn't work, I'd find another one." Within necessary budgetary and legal limits, parole agencies should pursue a similar iterative goal of treatment, evaluation, and revised treatment.

In short, parole officer practices must be consistent with the parole system's ideological purpose. The first step toward reform is to recognize that there is a problem and that there is a need for change. The next step is to decide how to achieve systemic reform. This article is designed to help accomplish the former in the hope of hastening the latter.

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Probation Conditions Versus Probation Officer Directives: Where the Twain Shall Meet

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IN 1980, THERE were an estimated 1,840,400 individuals under some form of correctional control (U.S. Department of Justice, 2004). Approximately two-thirds of that number were under probation or parole supervision. By 2004, the total estimated correctional population in the United States had reached a whopping 6,996,500 (U.S. Department of Justice, 2004). Of that number, a total of nearly five million individuals were under probation or parole supervision. More recently, several states and the federal government have initiated “reentry” and “transition” programs designed to prepare prison inmates for community release (U.S. Department of Justice, 2006). By 2002, 49 states had received federal funding to implement these community-based reentry programs (U.S. Department of Justice, 2002).

Such reentry programs, coupled with the high percentage of offenders who are granted probation as an initial disposition, will dramatically increase the number of those offenders who are under probation and parole supervision over the next few years. Because the supervision of these offenders will frequently include serious and violent offenders, emphasis on community protection and offender accountability will be paramount. Courts and parole boards will need to assure improved delivery of “service,” not only for the benefit of the offender, but also for the protection of the community. Obviously, probation and parole programs will continue to be the major vehicle for community supervision.

Currently, both federal and state probation and parole systems utilize what are known as “standard conditions of supervision.” These “standard” conditions routinely require the offender to: 1) avoid commission of any new offenses; 2) notify the supervising agency prior to leaving the district of supervision; 3) notify the supervising agency of any change in residence; 4) maintain stable employment; 5) report any new arrests without delay to the supervising agency; 6) report regularly to the supervising agency; and 7) to comply with any directives or instructions from the supervising corrections agent. Frequently, special conditions for the defendant’s unique circumstances are also imposed.

To be effective, however, community supervision must be flexible enough to respond not only to

the offender's needs, but also to the needs of the community. Because every change in circumstance cannot be anticipated at the time of sentencing, it is helpful if the conditions of supervision can be adjusted and modified, sometimes on very short notice, in order to meet a particular offender's needs or answer a particular concern in the community. Indeed, the American Bar Association specifically recommends that probation officers should have the authority to "implement" judicially imposed conditions (American Bar Association Standards for Criminal Justice, 1993).

Problems arise, however, when the community supervision agent, under the auspices of issuing "directives or instructions" to the offender, actually imposes distinctly new and perhaps more onerous conditions of supervision. Such a situation raises serious questions. First, to what extent are community supervision personnel given the authority to impose new and different conditions of supervision consistent with the separation of powers doctrine? Second, even if authority does exist for the community supervision agent to impose substantially new requirements of supervision, to what extent is such authority consistent with an offender's due process rights and other rights at sentencing?

The answers to these questions are significant because courts, parole boards, and community supervision personnel must understand the parameters of their power and discretion. Furthermore, an understanding of the extent to which an agent's directives may impose new requirements of supervision will better enable such personnel to adjust community supervision to meet the needs of the offender and better meet the safety needs of the community.

This article examines recent trends in the case law addressing the extent to which probation, parole, and other community supervision personnel may impose additional or modified conditions of supervision. Both federal and state cases are discussed in regard to the correctional agent's statutory and constitutional authority. Also, the cases are discussed in terms of an offender's rights at sentencing, such as representation by counsel, the right to be present, the right to object to the sentence imposed, the right to notice of the factors on which the sentence is to be based, and the right to notice of the conditions under which the defendant will be supervised. The paper also provides suggestions for a "condition modification procedure" that will not only enable community corrections personnel to respond to spontaneous situations in the field, but also honor any sentencing rights retained by the offender.

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Federal Cases

The federal courts have thus far been reasonably strict in assuring that district courts observe the limits of their authority to delegate to others the duty of fixing conditions of supervision. In a thorough discussion of a court's delegation of duties to the probation officer, the Fourth Circuit identified sentencing, including the terms of supervised release, as a "core judicial function" that could not be delegated to other officials, *U.S. v. Johnson*, 48 F.3d 806, 808 (4th Cir., 1995). According to the Fourth Circuit, the district court's attempt to "anticipate" problems in the collection of restitution by delegating to the probation officer the ability to set amounts and times of payments was an unlawful delegation of a judicial function. The court identified the various duties and responsibilities imposed on probation officers under the federal probation scheme. It noted no statutory authority for the delegation of a uniquely judicial function to the probation officer. The court reached this result even in the face of a general statutory charge that probation officers were to "perform any other duty that the court may designate," 18 U.S.C. § 3603(9)(2005).

Similarly, in *United States v. Gunning*, 401 F.3d 1145 (U.S. 9th Cir. 2005), the Ninth Circuit held that the district court erred when it delegated to the Bureau of Prisons the duty of setting a payment schedule for the defendant's payment of restitution. According to the court, the Mandatory Victims Restitution Act of 1996 required the district court to set the payment

schedule itself. It could not delegate that duty to a correctional agency. A similar result was reached by the Second Circuit in *United States v. Green*, 81 Fed. Appx. 364 (U.S. 2nd Cir. Nov. 2003). In *Green* the court agreed with the defendant that the district court impermissibly delegated to the probation office the court's authority to set the defendant's payment schedule, even though the delegation of authority was limited and contingent. The district court had stated in relation to the defendant's restitution obligations that, "[I]f payments in that amount are not possible, then payments obviously in a lesser amount as determined by the Probation Department would be appropriate," *Green* at 367. Although the grant of authority was thus very limited, it nonetheless constituted an impermissible delegation of a judicial function which, by itself, warranted remand.

The cases that strike down improper delegations of a judicial function are not limited to restitution conditions. In *United States v. Padilla*, 393 F.3d 256 (U.S. 1st Cir. Dec. 2004)(*Padilla I*)(reversed essentially on other grounds by the court en banc, *U.S. v. Padilla*, 415 F.3d 211 (1st Cir. 2005)(*Padilla II*)), the First Circuit held that the district court erred when it allowed the probation officer to determine the number of drug tests that the defendant would be required to undergo during his period of supervised release. According to the court, the district court may not delegate to the probation office the judicial function of imposing appropriate conditions of supervision. See *United States v. Melendez-Santana*, 353 F.3d 93 (1st Cir.2003)(reversed on essentially other grounds *U.S. v. Padilla*, 415 F.3d 211 (1st Cir. 2005) (En Banc)(*Padilla II*)). Under 18 U.S.C. § 3583(d), the district court is required to determine the maximum number of drug tests to be performed. It may not delegate that duty to the probation office.

It is interesting to note that the court in *Padilla II* determined that the delegation of duties error was not "plain error" in large part because the probationer could redress over-reaching by the probation officer through Federal Rule of Criminal Procedure 32.1(c). Thus, *Padilla II* recognized the wrongful delegation of duties to the probation officer as "error," just not fundamental error of which the court could take notice on appeal without an objection being lodged by the defendant in the district court.

In *United States v. Parker*, sub nom, *United States v. Green*, 81 Fed. Appx. 364 (U.S. 2nd Cir. 2003), the Second Circuit held that the district court impermissibly delegated to the probation office the court's authority to set the defendant's payment schedule. The district court, in an apparent attempt to account for foreseeable financial difficulties on the part of the defendant, stated: "[I]f payments in that amount are not possible, then payments obviously in a lesser amount as determined by the Probation Department would be appropriate," *Parker* at 367. This, according to the Second Circuit, constituted an impermissible delegation of a judicial function which by itself warranted remand for re-sentencing.

Similarly in *United States v. Dempsey*, 180 F.3d 1325 (11th Cir. 1999), Eleventh Circuit held that an occupational restriction imposed by the probation officer was invalid. According to the court, "[A] probation officer lacks the authority to impose an occupational restriction as a condition of supervised release," *Dempsey* at 1326.

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State Cases

Cases from various state jurisdictions have also considered the problem of unauthorized delegation of authority to the probation officer. In the case of *People v. K.D.*, 781 N.Y.S.2d 856 (Sup. Ct. Kings Co. N.Y. July 2004), the court discussed the problems created when supervisory personnel are permitted to add new and distinct conditions of supervision. In *K.D.*, the defendant was convicted of grand larceny in relation to incidents in which he wrote checks to himself while employed as an accountant. The defendant was placed on probation. One of the conditions of probation required the defendant to work at suitable employment. At no time was the defendant informed by the court that his employment as an accountant would be inappropriate. It was only after the defendant began his period of supervision that he was informed by the probation office

that he would have to resign from his employment as an accountant or the probation department would notify his employer and have him terminated. This action was apparently taken pursuant to probation department policy.

Reviewing the propriety of the actions of the probation office, the Supreme Court of Kings County noted that when a defendant is sentenced to probation, the Court, not the Probation Department, sets the terms and conditions of probation, PL § 65.10(1); CPL § 410.10(1). Moreover, under New York's statutory scheme, there is a mechanism for the modification and/or enlargement of the terms and conditions of probation by the court on notice to the probationer, CPL § 410.20(1). The court went on to find it "abundantly clear...that the court, not the Probation Department, imposes the conditions of probation....The court does not delegate to the Department the unilateral power to impose additional or more severe conditions" K.D. at 857. The court then proceeded to note the major problems presented by the implementation of the policy in this case. First, there was the underlying presumption that the Department knew better than the Court and the District Attorney what the appropriate sentencing ramifications should be for the defendant. Second, the imposition of the employment restriction did not appear to be based on the deliberative process due each individual case, but rather a "knee jerk" application of probation department policy. Third, the broad restriction on the defendant's employment was not discussed in the defendant's presentence report.

Even where a defendant has notice of the additional requirements, however, courts have refused to acknowledge the validity of the new "condition." In *State v. Ornelas*, 675 N.W.2d 74 (Minn. Sup. Feb. 2004), the defendant entered a plea of guilty to third-degree criminal sexual conduct. The defendant was sentenced to a stayed 48-month prison term and 15 years supervised probation. As part of the 15-year supervised probationary term, the court imposed several conditions. A requirement that the defendant have no contact with individuals under the age of 18 was *not* included as one of the conditions imposed by the court.

While on probation, the defendant was convicted of a firearms offense and was granted probation in relation to that offense. On the firearms charge, the judge imposed numerous probation conditions, one of which was "no unsupervised contact with anyone under the age of 18 without agent approval." This condition, however, was not made part of the conditions with regard to the defendant's original offense. After the defendant was found to be residing in a residence where there were children under the age of 18, he was charged with violating his *original* term of probation. The defendant admitted that he violated this term of probation and his probation was revoked.

On review by the Minnesota Supreme Court, the court held that the order of revocation had to be reversed. Stated the court:

"The imposition of sentences," including "determining conditions of probation is exclusively a judicial function that cannot be delegated to executive agencies," *State v. Henderson*, 527 N.W.2d 827, 829 (Minn.1995). When sentencing a defendant, a court "[s]hall state the precise terms of the sentence", Minn. R. Crim. P. 27.03, subd. 4(A). In imposing a probationary sentence, "if non-criminal conduct could result in revocation, the trial court should advise the defendant so that the defendant can be reasonably able to tell what lawful acts are prohibited," Minn. R. Crim P., subd. 4(E),(2). "It is an essential component of due process that individuals be given fair warning of those acts which may lead to a loss of liberty. This is no less true whether the loss of liberty arises from a criminal conviction or the revocation of probation," *United States v. Dane*, 570 F.2d 840, 843 (9th Cir.1977) (citations omitted).

The court rejected the State's claim that because the defendant was aware of and believed that

the “no contact” provision was a condition of probation that revocation was proper. The defendant’s mere acknowledgment that he was aware of the no-contact provision and his admission that he violated the provision could not form the basis for revoking the defendant’s probation if that condition was not actually imposed by the district court. It was clear from the record that the no-contact provision was never imposed by the district court in the present case. The requirement was not contained in any district court order or other writing, was not stated as a condition of probation at the time of the defendant’s initial sentencing, and was never added as an additional condition of probation at any of the probation revocation hearings at which the defendant’s probation was reinstated. Because there was nothing in the record indicating that the no-contact provision was ever made a condition of the defendant’s original probation, the order of revocation based on the defendant’s violation of this condition had to be set aside.

In a very similar situation, the Florida Court of Appeals held that the revocation of the defendant’s conditional release had to be reversed because the revocation was based on violations of conditions that were never actually imposed on the defendant, *Thomas v. Fla. Parole Commission*, 872 So.2d 339(Fla. App. April 2004). In passing, the court noted that although the conditional release order permitted the control release officer to order the defendant into drug treatment, nothing in the record demonstrated that the defendant had in fact been given such an order. “Thomas’s conditional release cannot legally be revoked for his failure to complete a condition that was neither ordered by the court nor properly delegated to and ordered by his CRO, see *Narvaez v. State*, 674 So.2d 868 (Fla. 2d DCA 1996) (holding that it was fundamental error to revoke defendant’s probation because he violated a condition with which he was never ordered to comply),” *Thomas* at 340.

While the cases are fairly uniform in concluding that only the court may impose “conditions” of supervision, the distinction between what constitutes a “condition” and a legitimate “directive” or “instruction” from the probation agent is less clear. A case that provides perhaps the most thorough analysis of this distinction is *State v. Rivers*, 878 A.2d 1070 (Vt. 2005). In *Rivers* the court recognized that probation officers must be granted a certain amount of discretion in “implementing” conditions of supervision. This discretion notwithstanding, the court struck down the probation officer’s “implementation” of a condition which prohibited the defendant’s contact with persons less than 16 years of age. As implemented by the probation officer, the defendant was prohibited from being in any place where persons under the age of 16 might congregate. Although the defendant was given specific instructions by his supervising agent that his attendance at a fair without adult supervision would place him in violation of his probation, the court held that the instruction was nonetheless invalid. To allow the officer such authority was tantamount to allowing the probation officer to usurp the judicial function of imposing conditions of supervision.

Even where a supervision requirement would seem an “obvious” part of the supervision process, courts have held that the requirement must nonetheless be included in the conditions imposed by the court. In *Barber v. State*, 344 So.2d 913 (Fla. App. 1977), the court struck down a reporting requirement imposed by the probation officer because no such requirement was made a formal condition of the defendant’s supervision.

The courts have also rejected the argument that while a probation officer-imposed “condition” is invalid, supervision may nonetheless be revoked for the probationer’s failure to follow his probation officer’s instruction to obey the new “condition.” In *Paterson v. State*, 612 So.2d 692 (Fla. App. 1993), the probation officer gave the defendant instructions that he was to submit to periodic urinalysis examinations. When he did not do so, his probation was revoked based on his alleged violation of the general condition of his supervision that he “comply with all instructions the probation officer may give him,” *Paterson* at 693. On review by the Florida Court of Appeals, the court reversed the revocation. The general condition of supervision which requires probationers to follow the instructions given them by supervision personnel does not authorize probation officers to impose new requirements of supervision.

In *Ackerman v. State*, 835 So.2d 354 (Fla. App. 2003), the court clarified that probation may not

be revoked for a violation of a condition or requirement unilaterally imposed by the probation officer, but not by the trial court. While reasonable delegations by the trial court of incidental discretion to a probation officer are allowed, the restrictions imposed by the supervising agent went substantially beyond what was restricted by the condition imposed by the court. Thus, the directive from the probation officer was more than the exercise of delegated incidental discretion. Such was improper.

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Cases Upholding Directives

The above cases stand in contrast to cases like *United States v. Allen*, 312 F.3d 512 (U.S. 1st Cir. 2002), in which the court upheld a condition that gave the probation officer discretion to determine the “schedule” of the defendant’s mental health treatment sessions. On review by the First Circuit, the court could not agree that the condition regarding treatment improperly delegated judicial authority to the probation officer. The condition did not leave to the probation officer the decision to require the defendant to receive treatment. Rather, the condition required the defendant to receive treatment and delegated to the probation officer simply the selection and scheduling of the program to be completed.

As stated by the court:

“When we examine the record, it becomes evident that Judge Hornby was merely directing the probation officer to perform ministerial support services and was not giving the officer the power to determine whether Allen had to attend psychiatric counseling. . . . The extensive evidence of Allen’s mental illness indicates that the court was imposing mandatory counseling and delegating the administrative details to the probation officer, actions constituting a permissible delegation,” (see, *U.S. v. Peterson*, 248 F.3d 79, 85 (2d Cir. 2001).

Even delegations of authority that give the probation officer considerable power over an offender’s life style have been approved. In *United States v. Fields*, 324 F.3d 1025 (U.S. 8th Cir. April 2003), for example, Fields pleaded guilty to selling child pornography over the Internet. He was sentenced to a term of confinement and a term of supervised release. One of the special conditions prohibited the defendant from possessing a computer unless he was granted permission to possess it by his probation officer. On review by the Eighth Circuit, the court found nothing improper about the conditions imposed by the district court. The court simply did not believe that providing a probation officer with discretion regarding Fields’ computer use subjected the defendant to arbitrary or selective enforcement of the law.

State courts have similarly upheld conditions that give the probation officer wide latitude to determine a defendant’s legitimate possession of certain material. In *Belt v. State*, 127 S.W.3d 277 (Tex. App. Jan. 2004), for example, the court upheld conditions that prohibited the defendant’s possession of certain materials deemed inappropriate by the supervision office and his counselor or treatment provider. The same case upheld a condition that permitted the supervising probation agent to approve of certain living arrangements.

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Recommended Procedure

As the above cases indicate, the crux of the problem is the extent to which the probation officers’ instructions or directives require the defendant to adhere to new requirements of supervision about which he did not have reasonable notice. Too much limitation of the community supervisor’s discretion is obviously problematic, for it will render the agent unable to

respond to changing conditions in an offender's circumstances. On the other hand, courts cannot abandon their constitutional and statutory sentencing roles by granting plenary powers to correctional personnel. Obviously, some middle ground is needed.

Several jurisdictions, including the federal government, have procedures in place for the modification of probation conditions. As a general matter, these procedures require notice to the defendant, an opportunity to contest the modification, and findings by the trial court that support the necessity for the modifications (see, for example, *People v. K.D.*, supra and CPL §410.20(1)). Of course, such burdensome and time-consuming procedures are obviously problematic when a supervising corrections agent must respond to rapidly changing events in the field. In such situations, the agent is frequently called upon to impose restrictions that significantly impact a defendant's circumstances. While instructions that merely give normal supervisory directions need not be judicially approved (see *Holterhaus v. State*, 417 So.2d 291 (Fla. App. 1982)), where the instruction does more, due process requirements are clearly implicated. But even here, the due process need not precede the "temporary" restrictions imposed on the defendant by the probation officer. Even where the deprivation imposed is quite substantial, at least one court has found that post-deprivation procedures adequately protect the defendant's interests.

In *Dordell v. State*, 850 A.2d 302 (Del Sup.2004), the defendant pleaded no contest to unlawful imprisonment in the second degree and offensive touching. The victim was a five-year-old girl. The defendant was placed on a term of supervision. One of the conditions of supervision prohibited the defendant from having contact with the victim. Based upon an affidavit of probable cause for the defendant's arrest filed during the defendant's probation term, the defendant's probation officer imposed sex offender special conditions. These conditions included a requirement that the defendant have no contact with anyone under the age of eighteen. The defendant filed a motion to review the conditions of supervision. The Superior Court denied the motion; however, the court modified the conditions to allow the defendant to interact with minors in the defendant's immediate family under adult supervision. The defendant appealed.

On review by the Delaware Supreme Court, the court upheld the condition imposed by the probation officer. The existence of post-deprivation procedures, found the court, alleviated any due process concerns. Though the defendant could have refused the new condition and thus been entitled to immediate hearings on his violation of probation, this he did not do. Rather, he accepted the condition and pursued a motion to review the condition. Although the defendant was bound by the condition in the interim, a post-deprivation hearing process adequately protected his due process rights. Not only did the probation officer have the statutory authority to impose the special conditions of probation, but the prompt post-deprivation hearing satisfied due process.

Taking guidance from the above cases, the following procedure is recommended in any circumstance in which the corrections agent seeks to give formal instructions to a defendant or seeks to impose modified conditions of supervision. First, any and all instructions from the corrections agent to the defendant should be thoroughly documented, and adequate measures should be taken to assure that the defendant understands these instructions. Acknowledgement forms that detail the instructions and the reasons for their imposition are recommended. Second, if the instruction seeks to impose new and different "conditions," the defendant should be informed that his "acceptance" of the new condition is on a temporary basis and that he has a right to seek review of the new condition in court. The defendant should also be provided with a statement of the evidence relied on by the supervising agent and the reasons for imposing the temporary condition. The defendant also should be informed that his failure to adhere to the new requirements may nonetheless form the basis for revocation of his supervision status.

In *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court identified three factors for consideration in determining if post-deprivation due process would pass constitutional muster. First, there must be an analysis of the nature of the private interests in question. Second, there should be an assessment of the risk of an erroneous deprivation and the probable value of additional safeguards. Third, courts should consider the nature of the governmental interests at stake.

In the context of community supervision and the temporary imposition of additional conditions on a probationer, the first consideration would seem to clearly balance in favor of the government. Probationers and parolees do not enjoy the full array of rights enjoyed by free citizens. Their freedom is conditional and necessitates continued control and supervision. Moreover, it must be remembered that any new condition imposed by the probation officer is temporary and will not be made permanent until approved by the court.

With regard to the possible risk of an erroneous decision, the requirements that the probationer be informed of the evidence relied on and the reasons for the new condition should keep the risk of erroneous deprivations to a minimum. Additionally, in most jurisdictions, courts retain the authority to modify and add new conditions of supervision any time during the term of supervision.

As to the third Mathews factor, the governmental interests in assuring that the offender adheres to the probation or parole plan and does not pose a risk to the community is paramount. Community supervision personnel not only have a duty to those they supervise, but also to the community at large. Community supervision is only permissible based on an assessment that the offender can remain at large without significant risk to the community. Providing correctional personnel with a flexible means of dealing with problems in the field not only enables them to adjust terms of supervision to meet an offender's needs, but also provides a means for enhanced public protection.

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Hurricane Katrina: Resiliency, The Other Side of Tragedy

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IT WAS LABELED as one of the greatest natural disasters in the history of the United States. And while the devastation brought on by Hurricane Katrina was bad enough, it proved to be only a prelude to the subsequent flooding of New Orleans in the wake of breaches in that city's system of levees. Overnight it seemed as though New Orleans went from being one of our most vibrant cities to a city in shambles and eventually, to a ghost town. Now, more than a year later, reports tell us that while recovery has occurred to some extent, New Orleans is a long way from returning to the city it once was. And let us not forget that while New Orleans has received the lion's share of media attention, the states of Mississippi and Alabama suffered unspeakable losses at the hands of Katrina as well.

So how do the residents of these areas, many of whom are our federal court colleagues, come back from such an overwhelmingly devastating experience? The stories of the human side of this disaster have been both heart-wrenching and inspiring. It is the inspirational side of these stories that I want to focus on in this article, because there are important lessons to be found on the other side of this tragedy.

History is rich with stories of those who have triumphed in the face of overwhelming odds, prompting us to wonder, "How does this happen?" One answer can be found in a human state known as resiliency. Note that I called resiliency a state, as opposed to a trait, meaning that resiliency is more "developmental and apt to be influenced by environmental factors" (Norman, Luthans & Luthans, 2005). Thus, resiliency can be learned.

Before going on, I should define the term resiliency. Simply put, resiliency is the ability to "bounce back" from difficult circumstances. Masten & Reed (2002) define resiliency as "the consistent positive adaptation in the face of significant adversity or risk." The phrase "positive adaptation" in this definition refers to an individual's achievement of success as defined by the threatening situation. So there must first be a perceived threat in order for there to be resiliency. The threat must be legitimate and with a "statistical probability" that the threatening event will, in fact, occur (Norman, et al. 2005).

Clearly, the threat of Hurricane Katrina was real and had a high probability of occurring. The

only question left for those in its path was “How do we survive?” However, much more than “surviving” was at stake here. The residents of the tri-state target area were to be faced with surviving, assessing, planning, rebuilding and then moving on, none of which could be accomplished successfully in the absence of resiliency. So it’s safe to say that great numbers of the residents of Louisiana, Mississippi, and Alabama satisfy the resiliency requirements. The past year has shown their “consistent positive adaptation in the face of significant adversity” (Masten & Reed, 2002).

Are there, then, components or factors that we can employ that enable a person to become resilient? The American Psychological Association (2005) has identified a number of factors and strategies that one can study and employ in order to build resilience. In the following, I’ll review some of these factors and strategies.

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Caring and Supportive Relationships

One of the most consistent factors that the literature shows is associated with resiliency is the ability to build and maintain caring and supportive relationships. Those who constitute these relationships include spouses, significant others, neighbors, co-workers, church/pastor, and community.

In the aftermath of Katrina, many who would normally fit into these categories were themselves victims. Some had lost everything and had to permanently relocate. Thus the challenge for others now becomes establishing new circles of support. This can be a daunting task.

First, there’s a need to mourn what was lost. Whenever we lose contact with someone we love and care about, there’s a period of adjustment, perhaps even grieving. So before we can move on, we need to transition into a life without that person or persons. And it’s important to remember that this process is always a subjective one, meaning it will take the time it takes.

As we adjust to a life without those from our old social network, we strive to find the balance again. Given that we are social beings we eventually will begin reaching out to others again. We’ll be looking for that friendly face, an outstretched hand, someone who will laugh and cry with us, someone who will keep our secrets, and provide us with unconditional acceptance. These are among the things we lose when we are left without caring and supportive relationships and these are the things we again hope to find in order to get us through such tragedies.

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Other Factors Associated with Resiliency

In addition to the capacity for building caring and supportive relationships, resilient individuals also display the following characteristics: a) the capacity to make realistic plans and take steps to carry them out, b) a positive self-image and confidence in your strengths and abilities, c) the ability to communicate skillfully and solve problems, and d) the ability to manage strong feelings and impulses. (American Psychological Assoc., 2004)

As mentioned, these are characteristics researchers find in those whom we would label as resilient. The good news is that characteristics such as these can be learned. There are identified strategies people can employ to build resilience in themselves.

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On Building Resilience (American Psychological Assoc., 2004)

1) Make Connections

As mentioned, in many instances the victims of Katrina were challenged not only with relocating their families and their lives but also with finding a sense of normalcy again. For some, this literally meant starting over. They were faced with the challenges of starting life over in a different state and a different town with different neighborhoods, schools, and churches. Fortunately many traveled with family, so those networks continued even though all were traumatized to varying degrees by the storms. There's much to be said for coming through a tragedy together. Family can be critically important for physical and emotional survival during crises.

Still, as time goes on, other vital connections need to be made. If survivors had a church community in their former existence, this new relationship needs to be forged. The need to establish new community ties is also very important as survivors move on with their lives. However, one critical area that should not be ignored is the community of survivors themselves. Many stories from tragedies such as Katrina relate instances in which survivors relied on each other and new connections were formed. These connections can be vital sources of strength and support as survivors rebuild their lives.

2) Avoid seeing crises as insurmountable problems

There's almost nothing that the human spirit cannot recover from. This particular skill reminds us to focus not on what has happened but rather on how we choose to respond to what has happened to us. We often hear that life is a matter of perspective or that perspective is reality. The choices we make and the behavior we exhibit as a direct result of those choices are directly tied to our perceptions. If we choose to be problem solvers, if we choose to find a way to move beyond the current challenge, we will almost always succeed. The critical message here is that there is something we can control in the midst of crises, and that is our response.

3) Accept that change is a part of living

Many would say this is easier said than done. Katrina and its aftermath represented what was, for some, unspeakable change in their lives. It's almost impossible to predict the long-term effects a tragedy of this proportion will have on someone's life, though it is safe to say that the long-term impact can be profound. Adjusting to change is seldom easy, especially when the circumstances bringing about that change have been forced upon us. No one asked for Katrina to come calling. Again, it's a matter of accepting that often we cannot control what happens to us, but we can control how we choose to respond. Taking responsibility for the fact that we do have this kind of control and acting upon it can make the difference between surviving a tragedy and not surviving it. Accepting change is a day-by-day effort. Exercising control over our lives following a tragedy can offer us victories, large and small, and each of these is critically important to surviving and moving on.

4) Take care of yourself

It is very easy to get caught up with the external challenges following a tragedy. In fact, we can all but ignore our own needs. The physiology of stress is a daily reminder for us. Our bodies do what they were designed to do to combat the daily grind and give us the capability to manage life's challenges. Under the stress of a tragedy such as Katrina, the strain on the body can be enormous and the impact can be felt for months, if not years following the event. The reason for this is not only the intensity of Katrina's impact but also the duration of the trauma and subsequent physiological impact. The potential for the creation of gastrointestinal, cardiovascular, respiratory, and musculoskeletal disorders is very real in the aftermath of a tragedy of Katrina's magnitude. Lachman (1972) stated that "the longer a given structure is involved in an on-going emotional reaction pattern, the greater is the likelihood of it being involved in a psychosomatic disorder."

We can help to minimize the impact of severe stress on our bodies by working to ensure a few

simple behaviors. First, make sure we do our best to feed our bodies. During stressful times, we may experience a drop in the hunger response. Nevertheless, our bodies need fuel to function. So we should try to eat even in small portions, on a regular basis, and to take fluids. Second, exercise continues to be one of the most effective means for burning off the chemical dumping that occurs during a significant stress response. This doesn't have to be anything more complicated than walking. It's important to acknowledge that getting any exercise time beyond an occasional walk when we are in the midst of coping with a major traumatic event may be impossible. Finding time to rest/sleep may also prove a daunting challenge in the midst of a tragedy, so survivors must do the best they can. Fortunately, our bodies are designed in such a way that seriously neglecting any of the three basic areas I've mentioned will manifest itself in one way, shape, or form through our body's responses during a traumatic event.

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Learning from the past

Another method for building resiliency to cope with tragedies in our future is to look at how we have coped with tragedies from our past. Again, the APA offers some questions we can ask ourselves as a way of learning from these past experiences.

1) What kinds of events have been most stressful for me?

Take an inventory of past events and look at the types of events that have presented the greatest stress for us. Chances are these will be events for which we were least prepared, or perhaps they occurred at a time when other stressors were predominant and thus our psychological and physical guard was down. Assessing how we coped with events such as these can provide great insight as to how we are prepared to cope with similar events in our future.

2) How have those events typically affected me?

We each respond to the stressors in our life in a variety of ways. Another sub-question you can ask here is "how do I know when I am feeling stressed?" Generally your first response will be to recall some type of physical reaction you experienced, such as an upset stomach, headaches, muscle tension, profuse sweating, etc. It's important to understand that in these incidents when you have experienced these types of reactions there is almost always a dominant thought or group of thoughts that preceded these reactions. How we think about a situation will often dictate how we ultimately respond. And the good news here is that we can control our thoughts.

3) To whom have I reached out for support in working through a traumatic or stressful experience?

This question brings us full circle back to the beginning of this article, where I discussed the importance of maintaining a social support network in building resiliency. Unfortunately, when tragedies such as Katrina occur, a person may find him or herself without some or all of this traditional social network. However, in many instances we do have others we can turn to. Given this, the question is "Have we reached out and to whom?" If we haven't, we should ask ourselves why we haven't. If we have, we can then think of how helpful those contacts were and who we might turn to again. By nature, we are social beings, and as such we do have a basic need for social interaction. Acknowledging this and building these networks long before a tragedy occurs will go a long way toward helping us to sustain and support ourselves at a time when we need this the most.

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Final Thoughts

Resiliency can be learned. Resiliency training can and should be developed at the individual, managerial and organizational levels. The first step is to take a personal or organizational

inventory identifying and assessing the tools that currently exist in the resiliency arsenal. Then, identify the holes that need to be filled. The goal here is to do this before a tragedy occurs. Of course, real-life tragedies offer, in one respect, great learning opportunities for each one of us. As recommended in this article, determine what lessons have been learned regarding how we have dealt with past traumatic events. Then, take an in-depth look at the factors associated with resiliency that we currently have in place and develop strategies for building upon those factors.

Tragedies will continue to befall us. Traumatic events will continue to alter our lives forever. What we can control in all of this is how we choose to respond to these inevitable events. Building resiliency is buying insurance that will help sustain us through difficult times.

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Juvenile Offenders and Sex Offender Registries: Examining the Data Behind the Debate

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SEXUAL OFFENDERS WHO commit further crimes have been a cause of fear among the public for some time. In an attempt to lessen the numbers of them who recommit crime, in 1996 the federal government implemented a law that required sex offenders to register with a local law enforcement agency and also required that the registry be made public. The stated intent for offender registration was to deter sexual offending, punish and incapacitate sex offenders, provide law enforcement officials with an information tracking tool, and to increase the safety of the public (Farkas, 2002). The law, commonly known as Megan's Law, is quite popular with the public (Proctor, Badzinski & Johnson, 2002; Phillips, 1998). One survey in Washington State found that more than 8 out of 10 respondents ranked the law as "very important" (Phillips, 1998). Even though the law is strongly backed by the general public, there is a debate about whether juveniles who commit sex offenses should be required to register and whether that information should be made public.

Data regarding adult sex offenders indicates that, among sex offenders who have been released from prison, 43 percent were rearrested for another crime and 5.3 percent of them were arrested for another sex crime within three years after their release (Langan, Schmitt & Durose, 2003). In a meta-analysis of research on sexual recidivism, also among adult offenders, Hanson and Bussiere discovered that 13 percent of convicted sexual perpetrators offended again within four to five years (1998). That percentage dropped only one percentage point when investigating recidivism of sexual assault offenders who targeted children (Hanson & Bussiere, 1998). Research by Lisak and Miller (2002) showed that 120 adult individuals were responsible for a total of 1,225 acts of interpersonal violence, defined as rape, battery, child physical abuse, and child sexual abuse. This translated into an average of 5.8 assaults per offender that were not reported to law enforcement officials (Lisak & Miller, 2002).

The characteristics of the crimes and the victims are varied for both adult and juvenile sex offenders. Half of child molesters were more than 20 years older than their victims and most of their victims were under the age of 13 (Langan, Schmitt & Durose, 2003). The National Crime Victimization Survey (NCVS) illustrated that, of those people who were raped by a single offender, 10.8 percent of victims said the offender was under the age of 18 (Greenfeld, 1997). In

a review of studies about juvenile sex offenders, researchers summarized that juvenile sex offenders are more likely to target victims much younger than themselves as compared to peers, and their victims tend to be female (Rightland & Welch, 2001). Moreover, 40 percent of those juvenile perpetrators abused victims under the age of six (Snyder, 2000). In a comparison between male and female juvenile offenders, it was found that, compared to males, females were more likely to target victims of the same sex (Vandiver & Teske, 2006). It should be noted, however, that sex crimes committed by juveniles are small in number. Stahl (2001) estimates that less than one percent of the cases in juvenile court are for forcible rape or other violent sex offenses. Additionally, the FBI reported that those under age 18 accounted for 16.2 percent of the forcible rape arrests in the United States in 2004. One should remember that these statistics are only applicable to those who were caught sexually offending.

In the debate over how to handle juvenile sex offender registration, some scholars have invoked the history of the juvenile justice system. In a summary of its foundation, Greenwood (2002) wrote that the juvenile justice system was intended to reflect the best interests of the child. Unlike criminal courts for adults, the juvenile court system was designed to give treatment and guidance for the young offender, rather than punishment (Greenwood, 2002). What are the implications of this regarding the registration of juveniles as sex offenders under Megan's Law? Zimring argues in his book *American Travesty: Legal Responses to Juvenile Sex Offending* (2004) that the juvenile court system has typically been set up to protect juvenile offenders and do what is best for them; however, having juveniles register as sex offenders contradicts that goal. Trivits and Reppucci (2002) share Zimring's concern, arguing that states requiring juveniles to register as sex offenders lose sight of the original intention of the juvenile justice system, because the goal of the registry is not to rehabilitate the offender, but rather to provide a sense of safety to the community. Furthermore, Letourneau and Miner (2005) hypothesize that applying sex offender policies such as registration and community notification to juveniles may cause adverse consequences for them. Registries may increase the likelihood of future offending by increasing the social isolation of offenders, a factor highly correlated with re-offending (Gutierrez-Lobos et al., 2001). Zimring (2004) does not deny that serious juvenile offenders need to be adjudicated through the juvenile court system, but he appears doubtful that registries are an effective deterrent, even among serious juvenile offenders. Zimring (2004) calls for informed research on this topic when he wrote, "there have been no extensive efforts to compare the characteristics and motivations of adolescent sex offenders with different types of adult offenders" (p. 55).

While this study does not measure motivation, it does purport to compare juvenile and adult sex offenders who are required to register as sex offenders under Texas state law. This descriptive study is intended to discover if there are significant differences between juvenile and adult offenders on a sex offender registry. It is hypothesized that there should be no difference between registered juvenile and adult offenders in terms of offender race and sex, crime committed, or risk level assigned by the state. One may expect to find differences with victim sex, as previous research has shown that juvenile offenders have a higher proportion of male victims as compared to adults (Aljazeera, 1993; Davis & Letienberg, 1987) and the average age of the victim, with juveniles hypothesized to be more likely to have younger victims. Moreover, it is expected that the age differential will be smaller between juvenile offenders and their victims, due to the juvenile offenders' smaller age range.

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Method

This study compared the characteristics of adult and juvenile offenders and their respective victims on the State of Texas sex offender registry. Texas provided the dataset in February 2004 for secondary analysis. After removing observations that had missing values on the above areas of interest, the sample was comprised of 41,979 sexual offenses committed by 36,347 offenders.

Variables

To establish a dividing line between adult and juvenile offenders, the authors used the definition from the State of Texas: a juvenile, for criminal purposes, is age 17 or younger (Texas Department of Public Safety, 2004). This dataset did not include the dates of the sexual crimes, and consequently, the age of the offender was determined by using the disposition date and birth date, thus determining the age of the offender at the time of disposition.

Risk level, as determined by the State of Texas, was included as a variable of interest. As dictated by law, offenders were rated as being low, moderate or high risk by a screening tool decided upon by a “risk assessment review committee” (Texas Code of Criminal Procedures, 2006). Approximately half of the sex offenders are given risk levels by the State of Texas. Offenders who were not assigned a risk level by the state are also included as a separate category.

Another variable of interest was crime committed by the offender. For ease of analysis, the crimes of which the offenders were convicted were grouped to narrow the categories from the twenty original categories to eight categories. Sexual assault, sexual assault with a child, indecency with a child—exposure, indecency with a child—sexual contact, and aggravated sexual assault—child victim remained as unique categories. The categories “kidnapping (victim under 17 years of age),” “aggravated kidnapping (with intent to violate),” and “aggravated kidnapping (with intent to violate victim under 17 years of age)” were combined to form “kidnapping.” “Aggravated sexual assault” and “aggravated sexual assault – Victim 65 years or older” became aggravated sexual assault/adult victim. Finally, the “other” category is comprised of all other sexual offenses with very small sample sizes, such as compelling prostitution, court/board-ordered registration, indecent exposure (second conviction), and prohibited sexual conduct (incest).

According to Texas law, “indecency with a child” is defined as sexual contact with a minor under the age of 17 by an offender who is at least three years older than the victim (Zimring, 2004). This theoretically should eliminate most of those offenders who had consensual sex, but where the victims were below the age of consent (17). The number of sexual offenses committed by each offender was tallied to produce a count variable.

Finally, demographic, offender, and victim characteristics from the sex offender registry were included: race, sex, and age of the offender. Victim characteristics, including sex and age, are included, except for victims under one year old or when the age was missing from the dataset. A variable defining the age difference between a victim and offender was established by subtracting the victim’s age from the offender’s age.

Analysis

T-tests for unequal variances were used to compare the mean ages of victims and the age gap between victims and offenders. Chi-squared tests of statistical significance were used on the bivariate tables between the independent and dependent categorical variables. Fisher’s exact test was used when the observations in a cell were less than five. Adjusted residuals were used to determine which specific cells in a table deviated significantly from independence. Agresti and Finlay (1999) suggest that an adjusted residual greater than 2.0 indicates that the variables are not truly independent.

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Results

Differences between the Characteristics of Juvenile and Adult Offenders

Of the 36,347 offenders in the study, 91.45 percent were adults at the time of disposition and

8.55 percent were juveniles. Nearly all of the offenders on the registry were male, whether they were adults (98 percent) or juveniles (98 percent). The mean age for juveniles at disposition was almost 15 years of age ($SD = 1.4$), as compared to a mean age of 33 years ($SD = 12$) for adult offenders. The majority of both adult and juvenile offenders were classified as White. There were a significantly higher percentage of Black juvenile offenders (25 percent) on the registry as compared to Black adult offenders (21 percent) and a lower percentage of White offenders listed as juveniles (75 percent) as compared to adults (79 percent) ($p < .001$).

Finally, juveniles were also classified as higher risk than adult offenders ($p < .001$). Adjusted residuals show that juveniles are more likely to be considered moderate risk than adult offenders. Comparing only low- and moderate-risk offenders, the odds of a juvenile being classified as a moderate-risk offender were 3.88 greater than those of an adult being classified as a moderate risk.

When examining the number of offenses per offender listed on the registry, most (88 percent of adults and 84 percent of juveniles) had committed only one offense. Among those with multiple offenses, juveniles had committed significantly more offenses ($p < .001$). This is unexpected, since older offenders would have had more years to offend. However, it is possible that youth were more likely not to be adjudicated until they had committed multiple offenses.

*Differences between the Offenses
Committed by Juvenile and Adult
Registered Offenders*

[Table 1: Texas Registered Sex Offenders by Adult/Juvenile Offenders \(Adjusted Residual\)](#)
[Table 2: Sexual Offenses by Registered Sex Offenders for Adult/Juvenile Offenders \(Adjusted Residual\)](#)

The crimes committed by adults and youth were significantly different at the $p < .001$ level. Adults were most likely to have committed indecency with a child (36 percent). Juveniles were most likely to have been convicted of aggravated sexual assault against a child (40 percent). Juveniles were significantly more likely to have committed aggravated sexual assault against either a child or an adult as compared to an adult offender. Adults were more likely to commit sexual assault against an adult or child than juveniles.

The age of the victims ranged from one to over ninety years for adults and one to eighty-five years for juveniles. As expected, the mean age of the victim was higher for adult offenders (13.6 years, $SD = 7.9$) than for juvenile offenders (8.3 years, $SD = 4.8$) ($p < .001$). The age difference between offender and victim was much larger for adult offenders than for juveniles. ($p < .001$). On average, adults were 20 years older ($SD = 15$) than the victim and juveniles were 6 years older ($SD = 4.7$).

The gender of the victim was also significantly different for adult and juvenile offenders. While female victims were most common for both adult (89 percent) and juvenile (66 percent) offenders, males were more likely to be victimized by juveniles than by adult offenders ($p < .001$). Using a cross-product odds ratio equation, we calculate that the odds of being a male victim of a juvenile offender were almost four times higher than those of being a male victim of an adult offender.

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Discussion

The presented descriptive analysis demonstrates that the adults and juveniles listed on the sex offender registry in the state of Texas differed in a variety of ways. Juveniles were more likely to commit offenses against male victims than were adult offenders. This finding resembles other studies with smaller sample sizes where the majority of juvenile sex offenders have female victims; however, as compared to adult offenders their proportion of male victims is higher

(Aljazireh, 1993; Davis & Letienberg, 1987). Additionally, it appears that, based on risk classifications, juveniles who were required to register were considered higher risks to the community than those adults who are required to register. Research has shown that juvenile sex offenders use more force (Miranda & Corcoran, 2000), which may explain the higher proportion of juveniles listed as “moderate” risks. It may also explain why a higher proportion of juvenile sex offenders are identified as having committed aggravated sexual assaults against both children and adults. Additionally, juveniles were found to have committed a higher number of sex crimes per offender as compared to adults, which may also impact the determination of risk level. However, it is feasible that youths may be less likely to be adjudicated until they have committed multiple offenses.

The finding of racial differences between adult and juvenile offenders is perplexing. Namely, it was surprising that African-American juveniles comprised nearly 25 percent of the juvenile sex offender registry while African-American adult sex offenders comprised 20 percent of the adults on the registry. This decrease in proportion was unexpected, as was the increased proportion of white offenders when comparing juveniles and adults. Sampson and Lauritsen (1997) suggest utilizing multilevel analyses that include both environmental and individual level factors in examining racial differences in juvenile justice. Most likely there were environmental and individual explanatory variables that were not available through the sex offender registry, which was used for this exploratory analysis.

Limitations of the Study

One weakness of this study is the calculation that had to be used to determine the age of the offender, using the age at date of disposition. This may have resulted in some offenders being mis-classified because they fit the juvenile category at the time of the assault, but became adults by the date of disposition. The Texas Juvenile Probation Commission (2006) states that an offender who is between 17 and 18, but who committed the crime while under the age of 17, is considered a juvenile. Therefore, since no date of assault was provided, some of the sex offenders who may have committed the crime as a juvenile were coded as adults. Another limitation may be the lack of generalizability to Latinos. There are high percentages of Latinos in Texas, yet because the registry did not include the ethnicity of those on the registry, it excluded some useful and relevant information. Finally, knowledge of additional details of the assault would have been helpful to provide a clearer picture of the differences and similarities between juvenile and adult registered offenders. For example, was the victim an acquaintance or a stranger? What was the location and what were the circumstances surrounding the attack? All of these details would have helped provide a clearer picture of the characteristics of those on registries.

Yet, this study is only a basic building block for the future. More sophisticated studies, which might take a more comprehensive look at the impact of registering on juvenile sex offenders, should be conducted. There are many questions that still need to be answered, such as: What are the underlying mechanisms that show a difference in proportion between the juvenile and adult African-American sex offenders? Are those juveniles who reside in states where their registration is made public more or less likely to commit future crimes than those who live where juvenile data are not published? Does registration prove to reduce recidivism for some types of juvenile offenders, but not for others? For example, are those juveniles who commit sex crimes against children more likely to benefit from this type of intervention/prevention strategy than juveniles who commit crimes against adults? Additionally, little is known about the public perception of juveniles registering for Megan’s Law. Is the public supportive of putting the names and addresses of offenders in their youth on the Internet?

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Conclusion

The traditional legal system for adult offenders had been identified as using disintegrative

shaming with particular approaches like the offender registry, as the registry can involve labeling, stigmatization, and ostracism of offenders (McAlinden, 2005). The dilemma regarding registration of juvenile offenders involves valuing public safety and the protection of vulnerable populations over rehabilitation, and possibly individual rights (Baranoski & Buchanan, 2003; Scott & Gerbasi, 2003). It was our intention that this research add to the informed discourse on sex offender registries and juvenile offenders by illustrating the specific differences between registered youths and adults.

Further examination can help clarify for both the public and public administrators the proper use of this law in its application to juveniles. Empirical policy analysis can help build, or possibly restructure, sex offender registration policy that can deter future sexual assaults and work for the benefit of the public, sexual offenders, and victims.

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Table 1: Texas Registered Sex Offenders by Adult/Juvenile Offenders (Adjusted Residual)

	Adult Offender (n = 33,239)	Juvenile Offender (n = 3,108)	Total (N = 36,347)
Offender Sex			
Male	98.0% (-0.3)	98.0% (0.3)	98.0%
Female	2.0% (0.3)	2.0% (-0.3)	2.0%
Offender Age at Disposition (in years)*			
Mean {SD}	33.5 {12.0}	14.7 {1.4}	31.9 {12.6}
Offender Race*			
American Indian	0.0% (1.1)	0.0% (-1.1)	0.04%
Asian	0.3% (1.3)	0.2% (-1.3)	0.3%
Black	20.5% (-5.4)	24.7% (5.4)	21.2%
Unknown	0.1% (-3.2)	0.3% (3.2)	0.1%
White	79.1% (5.4)	74.9% (-5.4)	78.7%
Number of Sexual Offenses Listed*			
1	88.0% (5.7)	84.4% (-5.7)	87.7%
2	10.0% (-4.2)	12.3% (4.2)	10.2%
3	1.5% (-2.4)	2.0% (2.4)	1.5%
4	0.4% (-3.1)	0.8% (3.1)	0.5%
5	0.1% (-2.9)	0.3% (2.9)	0.1%
6-12	0.1% (-0.9)	0.1% (0.9)	0.1%
Offender Risk*			
Low	7.6% (10.7)	2.4% (-10.7)	7.2%
Moderate	25.3% (-7.2)	31.2% (7.2)	25.8%
High	9.0% (0.1)	8.9% (-0.1)	9.0%
Civil Commitment	0.1% (1.4)	0.0% (-1.4)	0.1%
No Risk Given by State	58.1% (0.7)	57.5% (-0.7)	58.0%

*p < .001

Table 2: Sexual Offenses by Registered Sex Offenders for Adult/Juvenile Offenders (Adjusted Residual)

	Adult Offender (n = 38,230)	Juvenile Offender (n = 3,749)	Total (N = 41, 979)
Victim Sex*			
Male	11.0% (-39.3)	32.4% (39.3)	12.9%
Female	88.5% (37.2)	65.5% (-37.2)	86.5%
Unknown	0.5% (-12.5)	2.1% (12.5)	0.6%
Victim Age (in years) *			
Mean {SD}	13.6 {7.9}	8.3 {4.8}	13.1 {7.8}
Age Gap (in years) *			
Mean {SD}	20.2 {15.2}	6.4 {4.7}	18.7 {15.1}
Crime *			
Kidnapping	0.6% (3.4)	0.1% (-3.4)	0.5%
Aggravated Sexual Assault/Adult Victim	7.1% (-13.1)	13.1% (13.1)	7.6%
Aggravated Sexual Assault/Child Victim	17.6% (-33.0)	40.0% (33.0)	19.6%
Indecency with a Child/Exposure	8.3% (7.9)	4.7% (-7.9)	8.0%
Indecency with a Child/Sexual Contact	36.1% (5.2)	31.7% (-5.2)	35.7%
Sexual Assault	11.5% (14.8)	3.6% (-14.8)	10.8%
Sexual Assault/Child	15.1% (16.0)	5.5% (-16.0)	14.2%
Other Sexual Offense	3.8% (8.0)	1.2% (-8.0)	3.6%
*p < .001			

Sex Offenders on Campus: University-based Sex Offender Registries and the Collateral Consequences of Registration

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SEX OFFENDERS HAVE long been considered among the most despised and feared criminals in Western culture. Despite the varying circumstances and offenses that may be included by lawmaking bodies as “sex offenses,” the mere mention of the phrase “sex offender” typically conjures up images of sadistic rapists and child predators. Accordingly, prevention of these types of crimes has been a concern of policymakers at all levels of government for many years. Correctional programming for sex offenders and other types of “violent” or “heinous” criminals has traditionally included either simply incarcerating such offenders for purposes of incapacitation, or at times providing treatment in pursuit of rehabilitation for incarcerated offenders. Convicted offenders in community corrections programs have also been subjected to a variety of mandatory treatment programs, medical interventions and strict conditions of probation and parole.

Quinn, Forsyth, and Mullen-Quinn (2004) point out that of the particularly loathed segments of the criminal population, sex offenders rank among the most repulsive, as evidenced by historically harsh sentencing trends and poor treatment by society. A popular practice in the criminal justice response to sex offenders has been the creation of publicly-accessible, Internet-based sex offender registries, currently operating in most states in the U.S. These registries are often coupled with the recent trend of community notification programs that are intended to make citizens explicitly aware of registered sex offenders within communities. Such programs are described by Quinn et al. (2004) as a shaming or “branding” device, a practice that has been used on similar populations throughout history. The ideology behind these mechanisms is essentially to generate a boundary between the targeted group and society, a philosophy that Presser and Gunnison (1999) caution may not be appropriate for dealing with a sensitive population such as sex offenders.

The expressed goals of sex offender registries are to reduce recidivism and promote public safety. It is anticipated that such registries will increase community awareness, making sex

offenders feel more susceptible to the risks associated with offending. This line of thinking has led to the growth of not only the traditional state-wide sex offender registries, but also new, more specialized forms of offender registries. One of the most recent innovations is the creation of sex offender registries on college and university campuses across the U.S., allowing members of campus communities to better protect themselves from potential offenders. The outcomes of such registries, however, including the effects of such specialized registries on offenders, have yet to be studied. As a result, policymakers and society as a whole are unaware of the potential consequences and considerations that may be associated with such specialized forms of sex offender registries.

This study is intended to promote a better understanding of college and university-based sex offender registries, allowing for the transfer of important practical and ideological knowledge about such entities to policymakers and the public. The data, to be discussed later in greater detail, is gathered via surveys with a sample of offenders listed on university-based registries. Analysis of their experiences and perceptions provides one way of assessing the utility of sex offender registries—both in general and in this specialized form—as a tool for effectively enhancing public safety and promoting community awareness. The present study also adds to the literature that suggests that offenders’ perceptions of sanctions can provide valuable contributions to the structural and procedural implementation of a sanction. Finally, it is anticipated that the insight gained from the research will help determine if collateral consequences gained through the supplementary listing on a university-based registry are different in form and severity than research has suggested for the listing of individuals on state-wide registries.

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Review of the Literature

History of Sex Offender Registries

Sex offender registration became a national phenomenon following the 1994 passage of the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Program. This federal statute (42 U.S.C. 14071) requires states to maintain registries that include addresses of those convicted of a “sexually violent” offense (defined to include a “range of offenses specified by state law,” typically referring to sexual abuse and “physical contact with another person with intent to commit” such crimes). Registries born out of this law contain a wide range of information, and most often include place of residence, general demographic information and offense details. Further, offenders are required to be listed on these registries for at least ten years, with lifetime registration mandatory for “particularly serious offenses.” Failure of a state to comply with the statute results in a ten percent reduction in state Byrne grants funding.

Sex offender registries became available to the public in 1996, following Congressional approval of an amendment to the Violent Crime Control and Law Enforcement Act of 1994 (more commonly known as “Megan’s Law”). The Wetterling Act was also amended in 1996 by the passage of the Pam Lyncher Sex Offender Tracking and Identification Act that allows the FBI to maintain a national database of released sex offenders. Additionally, the Lyncher amendment requires lifetime registration for re-offenders. Tewksbury and Higgins (2005) report that as of 2004 there were 40 states with publicly accessible sex offender registries, with some containing minimal information and other registries including up to 18 pieces of identifying personal data.

States may also gain compliance with these federal laws through the use of community notification programs. According to Finn (1997), community notification programs differ depending on the specific characteristics and needs of a community and the extent of the criminal activity of each offender. Goodman (1996) explains the three forms of community notification that may exist, with each form varying in the extent of information that is released to the public. The most invasive form of notification for offenders is active notification. Typically reserved for offenders considered to be the greatest danger to society, this type of notification involves the unsolicited dissemination of information to community members, often via flyers,

newspaper ads and personal visits from police. Limited disclosure is most often used for medium-risk offenders and usually involves informing certain public or private community groups such as schools and churches. And, least invasive for offenders, passive notification requires inquiry from an individual citizen, meaning that no information will be dispersed without the initiation of an interested party.

College/University Sex Offender Registries

The Campus Sex Crimes Prevention Act (Section 1601 of PL 106-386) became law on October 28, 2000, amending three former pieces of federal legislation. This act has served as the primary catalyst for the recent implementation of university-based sex offender registries on campuses across the U.S. These amendments took effect exactly two years later, with each amendment requiring various aspects of college and university compliance with regards to sex offenders (see www.securityoncampus.org). First, the Campus Sex Crimes Prevention Act amends the Wetterling Act by requiring every state-registered sex offender to notify any college or university where he or she is an employee, student or carries out a vocation. The amendment to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires institutions of higher learning to issue a statement in their federally mandated annual security report that advises the “campus community” where to obtain information on registered sex offenders. Finally, the amendment to the Family Educational Rights and Privacy Act of 1974 explicitly informs institutions that disclosure of information regarding registered sex offenders is permitted and the amendment also charges the Secretary of Education with the duty of notifying institutions of the legality of such disclosures (see www.securityoncampus.org).

Compliance with this legislation generally includes a statement on a college/university security report that explains procedures for gaining information on registered sex offenders. Some institutions direct inquiries directly to the police department maintaining the state-wide registry. Institutions generally make available a list of employees, students and contracted workers registered as sex offenders upon personal inquiry at the campus police department. However, compliance with the Campus Sex Crimes Prevention Act may also be achieved by an institution creating and maintaining a campus-specific sex offender registry. (Typically such registries contain the same information as state registries, and may simply provide a link to the publicly-accessible state-wide registry page of listed registrants.) The difference in these university-maintained registries is that they specifically identify the state-registered offenders who also have an affiliation with the school, and therefore contain a much smaller number of registrants. This form of registration further publicizes sex offenders by exposing a segment of personal life to an interested population (campus community) which is also likely to be much smaller than the audience for state registries. To date, no research on the effects of university-based registration has been conducted, although the effects of this type of registration may be much different from those of traditional sex offender registration. Essentially, with the creation of publicly-accessible sex offender registries born out of the Campus Sex Crimes Prevention Act, a significant gap in the literature on sex offender registration has been created. Research is needed to assess the consequences that may accompany such a sanction.

Research on Sex Offender Registries

Existing research on sex offender registries can be categorized into five major areas of focus: 1) statistical profiles of registrants, 2) assessments of recidivism, 3) evaluations of the accuracy of registry information, 4) examinations of collateral consequences that accompany registration, and 5) identification of residential locations of registrants. Literature emanating from the first three categories is generally used to determine the overall utility of registries and is the literature most commonly employed by policymakers when addressing programmatic concerns involving sex offender registration. The latter two categories of literature include a deeper examination into theoretical and social issues that may result from the registration process.

Overviews and statistical profiles of registrants have revealed a rapidly growing population of offenders as a result of both new additions to existing registries and the creation of additional

registries. Adams (2002) reports approximately 386,000 registrants in 49 states and Washington, D.C., as of February, 2001. The report shows that registries are typically maintained by a variety of jurisdictions ranging from state police to Offices of the Attorney General, and noted a 46.2 percent increase in registrants from 1998 to 2001. The most detailed evaluation of a state registry was done in Hawaii by Szymkowiak and Fraser (2002), who determined an average offender was a male in his 40s with one to five prior felony convictions and residing in an urban area. Finally, in a study of Arkansas female registrants, Vandiver and Walker (2002) report the average female registrant to be 31 years old, Caucasian and having no prior felony convictions.

Available assessments of sex offender recidivism have generally given little, if any credit to sex offender registries for reductions in recidivism. Berliner, Schram, Miller, and Milloy (1995) examined the impact of a special sex offender sentencing alternative in Washington, finding no statistically significant differences in sex offense recidivism as a result of the program. Similarly, Lieb (1996) found no significant differences in recidivism among Washington sex offenders subject to community notification when compared to a control group not subjected to community notification. Adkins, Huff, and Stageberg (2000) utilized a natural experiment by comparing recidivism rates of sex offenders before the creation of the Iowa Sex Offender Registry to a group subjected to state registration, again concluding no significant differences in re-offending rates. Pawson (2002) was unable to reach a definitive conclusion in his examination of the effectiveness of Megan's Law across America. Finally, Welchans (2005) reviewed 12 evaluations of Megan's Law, and specifically reports that, "Goal-oriented evaluations are not supportive of the policy's effectiveness" (p.123).

Additionally, the literature addressing the accuracy of sex offender registry information may cause some to question the utility of registries in their current form. Curtis (2003) reports that the state of California actually "lost" over 33,000 registered sex offenders in its tracking system. Levenson and Cotter (2005) report that in their study of almost 200 Florida registrants, more than one-half reported inaccurate information posted about them online. Tewksbury (2002) determined that enough information was incorrect on the Kentucky Sex Offender Registry that it could not be regarded as a legitimate tool for promoting public safety or increasing community awareness.

The fourth focus of research, that concerning collateral consequences of sex offender registration, reports results consistent with other research addressing the collateral consequences of any felony conviction. Legal consequences accompanying a felony conviction often include legally imposed restrictions such as disenfranchisement, employment restrictions, and loss of certain rights such as the right to possess a firearm and the right to vote (Burton, Cullen, & Travis, 1987; Olivares, Burton, & Cullen, 1996). Social consequences have also been found to exist for convicted felons, including relationship difficulties, employment problems, harassment and feelings of shame (Goffman, 1963; Dodge & Pogrebin, 2001; Pogrebin, Dodge, & Katsampes, 2001).

Recent literature suggests that the nature and extent of these consequences is particularly greater for sex offenders. Tewksbury (2004, 2005) reports damaged relationships, housing and employment difficulties, and instances of harassment for sex offenders registered in Kentucky and Indiana. Tewksbury & Lees (2006) found similar consequences reported in qualitative interviews with registered sex offenders from a large urban county in Kentucky. Community notification efforts in Wisconsin were also found by Zevitz and Farkas (2000) to facilitate societal ostracism, harassment, and other social problems for sex offenders.

The nature and extent of collateral consequences for sex offenders is likely to increase even further in the near future, as evidenced by a number of policies promoting further sanctions for registered sex offenders. Tewksbury and Mustaine (2006) have examined the imposition of residential buffer zones around "child gathering places," and report that significant numbers of registrants are in violation of such restrictions. Other communities have recently begun to use GPS monitoring systems to track sex offenders' movements. Overall, the numerous and increasing collateral consequences accompanying sex offender registration make reintegration into society exceptionally difficult for offenders (Harding, 2003; Tewksbury and Lees, in-press), and may contribute to unintended, adverse outcomes.

The most recently emerging body of literature regarding sex offender registries and registrants focuses on identifying the distribution of registrants in communities, and the characteristics of communities where registrants are concentrated. In short, registered sex offenders, while found throughout most communities, are especially likely to be found in communities with high levels of social disorganization (Mustaine, Tewksbury & Stengel, in-press) and to have often changed residences (either since arrest or during their time of registration) (Mustaine, Tewksbury & Stengel, 2006; Turley and Hutzler, 2001). When registrants move, significant numbers move to locations exhibiting higher levels of social disorganization than their previous neighborhoods. As a result many registered sex offenders can be found in communities with low levels of social capital and informal social control.

Offenders' Perceptions of Sanctions

Understanding the consequences and results of criminal sanctions is often difficult to gauge outside of statistical data such as recidivism rates. However, research consistently and strongly suggests that valuable and even unanticipated knowledge may be gained by learning offenders' perceptions of the sanctions imposed upon them (Larson & Berg, 1989). As Crouch (1993) explains, since the offender is the one receiving the sanction, he or she must truly believe in its punitive and deterrent value in order for the sanction to achieve its goal. This type of knowledge is particularly important for policymakers regarding the utility and effectiveness of a new, developing sanction such as sex offender registration. The views of sex offenders provide valuable insights regarding what constitutes sanctions perceived as fair, effective and efficient. Such information can in turn inform policy-makers about how effective sex offender registries can be constructed and implemented.

The way in which offenders view sanctions has been strongly linked to recidivism. Principally, offenders must view a sanction as legitimate and fair in order for the sanction to impact their re-offense rates. Sherman (1993, p. 452) points out that "people obey the law more when they believe it is administered fairly than when they don't." Williams and Hawkins (1992) note a positive relationship between offender perceptions of sanctions and increased compliance with the law. The converse has also been shown to be true; offenders who perceive their sanctions to be unjust, arbitrary or ineffective are more likely to recidivate (Sherman & Berk, 1984; Sherman, 1993; Petersilia & Deschenes, 1994).

Sanctions imposed on offenders must not be viewed as too severe or inescapable, a view that literature has shown often leads to recidivism. Sherman and Berk's (1984) classic study examining mandatory arrests for domestic violence cases revealed that only for a certain group of people did arrest deter future offending; for offenders with no "interdependencies" (e.g., job, marriage, etc.), arrests only resulted in anger in response to relatively harsh punishment and actually had a counter-deterrent effect. Petersilia and Deschenes (1994) explain that punishment must be viewed as fair and proportional to the offense in order to achieve maximum deterrent value.

While the offender's view of regarding the legitimacy and fairness of a sanction is important for public safety concerns regarding recidivism, offenders' perceptions of specific sanctions can have a highly desirable impact on programmatic issues of sanction implementation and design. Turner, Greenwood, Fain, and Deschenes (1999) found that the views of offenders were very helpful in the creation of a drug court program, since the offender was personally familiar with particular components of the program and able to gauge other participants' reactions and outcomes of the program. The perception of sex offenders regarding registration should be considered valuable for similar reasons related to the new, untested nature of such a rapidly growing sanction (see Tewksbury, 2006; Tewksbury & Lees, in press).

Ultimately, policymakers involved in design, implementation, and analysis of sex offender registries can gain highly valuable information from registrants about the effectiveness, utility, and legitimacy of current registration procedures and structures. Research that incorporates

offenders' perceptions of registration should be considered among the best methods of examining the collateral consequences and experiences of registered sex offenders, and of particular value for assessing the nature and extent of experiences of sex offenders listed on a university-based registry.

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Methods

Data for the current study were collected through mailed, anonymous surveys sent to all persons listed on a sex offender registry maintained by a four-year public college or university in the United States. To identify such individuals, websites for all 579 four-year, public colleges and universities were searched to find those institutions with a publicly-accessible sex offender registry (SOR). A total of 39 (or 6.7 percent of all reviewed institutions) university-maintained SORs were identified. These registries included listings of 113 individuals.

Once identified, each individual's name and address was recorded and checked for accuracy (i.e., correspondence) with the respective state-wide sex offender registry. All 113 registrants were mailed a cover letter, informed consent explanation, survey, and postage-paid return-addressed envelope. The Human Studies Protection Program Office at the authors' institution reviewed all materials. Data collection was conducted in January, 2006.

Sample

A total of 26 completed surveys were returned. This represents a response rate of 24 percent. ^[1] While this is not a very high response rate, this needs to be understood as a difficult to reach population. Due to experiences of stigma, media exploitation, and skepticism regarding researchers and other "officials" (Tewksbury & Lees, in press), registered sex offenders may be a population especially unlikely to accept invitations to participate in research. Additionally, response rates and sample sizes of this magnitude are common in research with registered sex offenders (Sack & Mason, 1980; Tewksbury, 2004, 2005, 2006; Tewksbury & Lees, 2006, in press; Vandiver & Walker, 2002). Because the response rate is not large, results need to be viewed with caution.

The sample is almost exclusively male (96.2 percent), white (92.3 percent) and older than the typical college student (mean age = 39.6, median = 38.5). The sample includes students (65.4 percent), employees (27.0 percent) and individuals who are both students and employees (7.6 percent). Students in the sample are also older than the typical college student (mean = 36.4, whereas in 2002–2003 only 18.6 percent of university students were age 35 or older) (National Center for Education Statistics, 2006). The sample represents individuals from ten states. ^[2]

As shown in [Table 1](#), the offenses for which these individuals are registered are primarily offenses against children (65.4 percent), known to the offender (i.e., not strangers, 92.3 percent) and these individuals typically report having had only one victim (7 percent report multiple victims).

Instrument

The data collection instrument was designed specifically for this study. The instrument is a four-page questionnaire containing 41 closed-ended and 2 open-ended items. The items assess demographics, offense characteristics, questions about experiences with collateral consequences and public recognition as a RSO.

The primary variables of interest in this study are self-reports by registrants regarding 13 forms of collateral consequences (focusing on both on-campus and off-campus experiences) and four items regarding perceptions of stigmatization and social impediments to academic progress/success.

Findings

All RSOs report that they know they are listed on their state-wide SOR, yet more than one-third (38.5 percent) report that they were not aware of their listing on their university SOR. The mean length of time that individuals have been listed on SORs is 4 years and 10 months for state-wide SORs and 2 years and 10 months for their university-maintained SOR. A majority (73.1 percent) of RSOs say that they have seen their state-wide registry page, but only 38.5 percent (or, 62.5 percent of those who know of their registration on a university-maintained SOR) have seen their university SOR page.

More than two-thirds (68 percent) of RSOs report that they do not have any contact with university officials as a result of their listing on the university SOR. However, when considering their interactions on campus, most (56.5 percent) report that they are recognized, at least a few times a year or more as a RSO. Interestingly, a minority of RSOs (21.7 percent) report that they are recognized on a daily basis as a registered sex offender. Despite this fact, most RSOs on university registries perceive that the majority of people on their campus do not know of their status as a registered sex offender. Only 4.2 percent report that they believe almost all campus members know of their status. One in six (16.7 percent) believe that no one on their campus knows of their status, and fully 52.5 percent believe that only a “few” or “some” people know them to be a registered sex offender. This contrasts with the belief of 30.7 percent of RSOs that “all” or “almost all” persons they know away from campus know of their status. Only 26.9 percent of RSOs claim that “few” or “some” people in their lives away from campus know them to be a RSO (and no-one reports that away from campus “no one” knows of their status).

Collateral Consequences

As shown in [Table 2](#), at least one-third of the sample reports having experienced each of six of the 13 surveyed collateral consequences. Additionally, for all but two of these experiences, students are more likely than university employees to report having had such experiences. Most common among the collateral consequences reported by this sample of RSOs is employment difficulties. Two-thirds (65.4 percent) of the entire sample, and nearly 4 of every 5 students (78.9 percent) report having lost or not received a job, because they believed they were discriminated against due to their status as a RSO. Also common among the reported collateral consequences are housing difficulties, verbal and written harassment away from campus, and loss of friends.

In addition to being asked whether they had ever experienced these forms of collateral consequences arising from their status as a registered sex offender, each respondent was also asked to respond to five questions assessing their perceptions of stigmatization and collateral consequence experiences. As shown in [Table 3](#), when responding to these scaled items (0 = Completely Disagree, 10 = Completely Agree), RSOs report that they do believe their listing on the state-wide registry has influenced their lives, but they do not necessarily believe they have been negatively affected by their university SOR listing. When directly asked to reflect on whether the state-wide registry listing or the university-maintained SOR listing has been more influential on their lives, fully 73 percent report the state-wide registry has been more influential, 19.2 percent believe both have been about equally influential, and 7.8 percent believe the university registry has had more of an impact on their lives. Clearly, being listed on the state-wide SOR is perceived as much more influential in their lives for this sample of RSOs than being listed on their university-maintained SOR. ³ Additionally, this sample of RSOs reports ambivalence regarding the effect of sex offender registration on their social lives and (for students) on their perceived support/encouragement for pursuing academic goals.

Respondents were asked one free response question on the survey instrument, asking them to identify the worst thing about being a registered sex offender. The majority of respondents identified numerous consequences that they perceived to be the “worst thing.” Responses to this question were remarkably similar to past research findings with regards to collateral

consequences of sex offender registration and consequences of felony convictions in general. The most commonly reported consequence (30.8 percent) was the misperception, stereotype, or stigma that accompanies sex offender registration. These responses reflected feelings of frustration and a view that “everyone” thinks all RSOs are “predators,” “rapists,” or “pedophiles.” Because of these concerns, respondents severely criticize the structure of many sex offender registries that fail to distinguish between “minor” and “heinous” offenders.

One-quarter (23.1 percent) of respondents reported the worst consequence of registration to be the general uncertainty associated with being listed, “exposed,” and “known” to the public. The responses included persistent feelings of vulnerability and withdrawal from or avoidance of many social settings. Other collateral consequences reported include difficulties finding and maintaining housing (15.4 percent) and jobs (23.1 percent). Difficulties pursuing and maintaining relationships with significant others, friends and families were identified, but reported by only 16.6 percent of our respondents.

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Conclusion

In examining the experiences of registered sex offenders on university-maintained sex offender registries it is important to keep in mind that this is a new form of sanction, and present at only a minority (6.7 percent) of public, four-year institutions. In this way, now is the time to examine the effects of this new form of registry, and to use research findings to guide the development, modification, and use of such tools in the future.

Several major findings emerge from this study. First, fully one-third of these RSOs did not know that their educational institution maintained a SOR with their name listed on it. This fact may call into question the deterrent value of such registries. Additionally, registrants report a wide variety of collateral consequences as a result of being listed on both a state-wide and a university-based sex offender registry. These consequences include housing and employment difficulties, problems with social relationships, instances of harassment and feelings of uncertainty and fear.

Perhaps most important for educational administrators, analysis suggests that consequences may be more severe for students than for employees. The subsequent consequences of this (perceived) greater impact, however, are unclear at this time. Whereas previous research has suggested that offenders’ perceptions of a sanction’s fairness and impact on them is related to recidivism likelihood, this issue has not been explored for this population.

One way to explain the differences in experienced collateral consequences for students and employees is to look at age and length of experienced registration for each group. Student registrants are significantly younger than employees (mean of 36 vs. 50). This fact in itself may help to explain students perceiving the effects of registration as being more severe. However, even more informative may be the fact that employee registrants report a mean of 4 years more experience with registration. Students report having first been listed on their statewide registry an average of 4 years earlier (with a mean of 2 years on their university-maintained registry). However, employee registrants report a mean of nearly 10 years of registration (with a mean of 4 years on their university’s registry). This suggests that as registrants become more accustomed to their status they may be less likely to see negative consequences arising from the registration experience. This may also suggest that the initial shock/humiliation/shame that may be associated with registration (Tewksbury & Lees, in press) may diminish with time. In short, registered sex offenders may develop more effective means of coping with their status as RSOs, and thereby may come to see fewer impacts from their status as registrants.

Results of the present study closely correspond with the existing literature examining collateral consequences of sex offender registration. With this unique population of RSOs, the collateral consequence experiences can be seen as equal to or (especially for students) more frequent and

intense than those described by RSOs in the general population. The present study also shows that a RSO likely faces *additional* collateral consequences as a result of being subsequently listed on a university-based sex offender registry in addition to a state-wide listing. Clearly, these are issues that policy-makers—especially those in higher education—need to be aware of and consider as university-based sex offender registries continue to develop and appear.

Additionally, it is important to point out that the present research, in fact the entire body of emerging literature concerning the experiences of sex offender registration, raises more questions than are answered. For instance, the present research does not consider the issue of whether university students of different statuses (full or part time, area of study, type of campus) experience registration differently. Neither can the present research address whether or not university-based registries are used by members of the campus community, and whether the students, faculty and staff on these campuses are even aware of the existence of the registry (or the identities of registrants). Clearly, these are issues that future research should address. Concerning SORs in general, issues of whether collateral consequences build in intensity or produce diminishing returns for registrants could and should be investigated. With large numbers of registrants being required to register for life, what can such persons (and communities in general) expect from the registration process in 15, 20 or more years? Is lifetime registration a wise move, and are there additional collateral consequences that may appear only after registrants are listed for lengthy periods of time?

Policy issues, as well as research questions, surface as a result of this research regarding the implementation and maintenance of university-based sex offender registries. Perhaps most importantly, research on the possible negative effects of sex offenders via additional registries is greatly needed. Literature has already suggested that adverse outcomes may be associated with the imposition of severe and seemingly “inescapable” sanctions. The true efficacy of sex offender registries needs to be further evaluated before the implementation of more specific registries (such as university-based SORs) occurs. The creation of organization-specific sex offender registries, in addition to state-wide registries, may have an effect counter to programmatic goals of public safety and lower recidivism. Overall, it is necessary for assessments and evaluations of sex offender registration to continue in order to best inform and shape policy and practice.

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

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**Table 1:
Victims of RSOs on University SORs**

Type of Victim	Percent of RSOs
Child victim(s)	65.4
Stranger victim(s)	7.7
Relative victim(s)	26.9
Friend/Acquaintance victim(s)	50
Female victim(s)	69.3
Male victim(s)	19.2

Table 2: Reported Collateral Consequences

Collateral Consequence	Percent of ALL RSOs	Percent of Students*	Percent of Employees*
Not hired for, or fired from a job	65.4	78.9	44.4
Denied a promotion at work	15.4	15.8	11.1
Had academic performance suffer	26.3	—	—
Lost/Denied place to live	42.3	47.4	22.2
Treated rudely in public	34.6	50.0	22.2
Lost a friend who discovered status as RSO	42.3	50.0	44.4
Lost a significant other	19.2	15.8	22.2
Harassed in person away from campus	34.6	31.6	33.3
Harassed in person on campus	11.5	15.8	—
Assaulted away from campus	3.8	5.3	—
Assaulted on campus	3.8	5.3	—
Received harassing telephone calls	15.4	21.1	—
Received harassing mail/notes/flyers	38.5	47.4	11.1

*Percent of students and percent of staff both include the two respondents who report being both a student and employee on their campuses

Table 3: Perceptions of Stigmatization and Imposition of Collateral Consequences

Question	All RSOs	Percent of Students
To what degree do you believe your life has been influenced by being listed on the state-wide sex offender registry?	8.12	8.18
To what degree do you believe your life has been influenced by being listed on the university sex offender registry?	4.44	4.88
Because of being on the sex offender registry I have had difficulties making friends at the university	5.21	5.50
IF you are a student: Because of being on the sex offender registry I have been discouraged about pursuing my academic goals	---	5.00

Juvenile Focus

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

Teen Drug Use

Young people are using fewer illegal drugs, but new data show a rise in use among older adults, perhaps because a few aging baby boomers have clung to their youthful ways, according to the annual survey by the Substance Abuse and Mental Health Services Administration. Just 6.8 percent of teenagers aged 12 to 17 said they had used marijuana in 2005, down from 8.2 percent in 2002. Overall illicit drug use by teens also fell, from 11.6 percent in 2002 to 9.9 percent in 2005. Illegal use of alcohol also fell among teens, with 16.5 percent of 12- to 17-year-olds saying they were drinkers and 9.9 percent reporting binge drinking—having five or more drinks in a row. Overall drug use barely changed among Americans aged 12 and older. About 19.7 million, or 8.1 percent, reported that they had used an illicit drug in 2005, a rise from 7.9 percent in 2004. The survey questioned 68,308 people 12 and older about their substance abuse habits.

Students and Drinking

Despite the alcohol warnings and campaigns targeting college campuses, students still find ways to drink—and they have developed ways to drink safely, according to research by the National Social Norms Resources Center. The study, developed with data from more than 28,000 students at 44 colleges and universities, notes that about 73 percent of student drinkers protect themselves by using designated drivers, setting spending limits at bars, counting their drinks, going out in groups, and trusting friends to speak up when someone is drinking too much.

Overweight Toddlers

About 60 percent of toddlers and pre-schoolers who are overweight still weigh too much at age 12, setting them on a path toward adult obesity and its attendant health problems, according to a set of researchers at 10 U.S. universities who examined 1,042 children whose height and weight were recorded seven times from ages two to 12. Those children were defined as obese if they qualified for the 95th percentile of the weight-to-height ratio of kids at the same height and in the 85th to 95th percentile for weight. Other findings of the research include:

- 40 percent of kids who were in the 50th percentile or above by age three were overweight or obese at 12.
- The more times a child reached the “overweight” category during the pre-school and elementary school years, the more likely he or she was overweight at 12.

Autism and Fathers

Children fathered by men older than 40 have a higher risk of autism, possibly because of mutations or other genetic changes, report researchers at New York's Mount Sinai School of Medicine and the Institute of Psychiatry at London's King's College. The findings were based on records of 130,000 Israelis, both male and female, who were born in the 1980s. At 17, they were assessed for military eligibility. Offspring of men 40 years or older were 5.75 times more likely to have autism disorders, compared with those of men younger than 30.

College Aid

College financial aid has been shifting away from the most disadvantaged, low-income students, and the schools themselves are the most to blame, according to the Education Trust. Although state and federal assistance is increasingly merit-based instead of need-based, the biggest shift has occurred in institutions' financial aid packages. At private four-year colleges and universities, the average award for students with family incomes below \$20,000 was \$836 in 1995. That grew over eight years to \$1,251, a 50 percent increase. But the average institutional grant to students from families making more than \$100,000 grew 227 percent to \$781. The trend was more pronounced at private schools. The Education Trust attributes the change to colleges giving more of their limited grant money to the most talented high school graduates to make the institution look better on college rankings.

Uninsured Children

For the first time since 1998, the number of children younger than 18 without health coverage ticked upward last year by 361,000 (accompanying an overall increase in the ranks of the uninsured), according to Census Bureau data. Of the nation's nearly 74 million children, about 8.3 million, or 11.2 percent, lacked coverage in 2005, up from 10.8 percent in 2004. Health experts attribute the change to budget crunches that led some states to curtail enrollment of children in government-subsidized plans and steady declines in the number of people who receive health insurance through their jobs. Children without health coverage are three times as likely as insured children to lack a regular doctor, are less likely to be up on their immunizations, have more school absences or receive treatment for sore throats, earaches, and other common childhood illnesses. Various uninsured percentages include:

11.2%—All children

7.2%—White, non-Hispanic

12.2%—Asian

12.5%—Black

21.9%—Hispanic

Mothers' Vitamin E

A study analyzed diet and medical data on 1,253 pregnant women and their children and found that at five years of age, about 12 percent of the children had been diagnosed with asthma. Children whose mothers had taken in the lowest amounts of vitamin E while pregnant were five times more likely to have asthma than were children whose mothers had registered the highest levels of the nutrient. The children's intake of vitamin E did not affect whether they had asthma. Pregnant women are advised to consume at least 22 milligrams daily of vitamin E.

Painkillers and Pregnancy

According to a March of Dimes study, an analysis of medical data on children born to 36,387 women, 2,571 were born with a birth defect. Women who had taken NSAIDs (mainly Aleve, Advil, Vioxx, Celebrex, and Cataflan) during the first trimester of their pregnancy were twice as likely to have had a child with a birth defect as were women who did not take such pain relievers. Heart defects, specifically cardiac septal abnormalities, were most common.

SAT Scores

National average scores for the SAT college entrance exam fell seven points—the biggest drop in 31 years—for the high school class of 2006, the first to take the new version of the test. The number of test-takers also was down, by about 9,600 students, to 1.47 million. Participation rates particularly fell among students who said they were low-income. Meanwhile, more students reported family incomes of \$80,000 or more. In all, test-takers averaged a two-point drop in reading from last year, the decline attributed to 41,000 fewer students re-taking the test than last year.

Federal Resources Guide

The *Guide to Federal Resources for Youth Development*, published by America's Promise, presents information on federal funds available for youth development programs. Five core resources are highlighted:

1. Caring adults
2. Safe places
3. A healthy start and future
4. Effective education
5. Opportunities to help others

The guide provides a list of more than 100 federal grant programs that promote the five core resources and outlines the steps to finding and applying for grants. For details see www.americaspromise.org/partners/federal_funding_guidelines.pdf.

Drug Courts

The National Institute of Justice recently released *Drug Courts: The Second Decade*, a special report that presents information from recent drug court evaluation studies. The report provides insight into what works, including an analysis of how target populations and participant attributes affect program outcomes, the judge's role, treatment issues, drug court interventions for juveniles, and cost-benefit analysis. As of December 2005, there were more than 1,500 drug courts in the U.S. and 391 were being planned. See www.ncjrs.gov/pdffiles1/nij/211081.pdf.

ACA Directory

The American Correctional Association has published the 2006 *Directory of Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities*. Contact the ACA store at www.aca.org to find a complete listing of all ACA directories.

Parents and Teen Risks

A third of American teenagers have attended parties where parents were at home while alcohol or illegal drugs were used, according to an annual back-to-school survey on teens' attitudes that paints an overall portrait of a generation of parents clueless about their teens' vices, according to the National Center on Addiction and Substance Abuse (CASA). The study did not suggest that parents were aware of what was happening when teenagers were partying in the homes. To the contrary, only 12 percent of parents see drugs and alcohol as a problem for their children, while 27 percent of teenagers ranked it their biggest concern. Fifty-eight percent of parents cited social pressure as their child's biggest issue. The study found that 80 percent of parents think that neither alcohol nor marijuana is usually available at parties that their teenagers attend. Fifty percent of teens said that they had been at parties where alcohol and drugs were being used. For the first time, CASA found that the substance abuse gender gap has closed, with girls 12 to 17 at equal or higher risk compared with boys. By age 17, one in four teenagers will have known someone who was a victim of gun violence.

Among the "high risk" group, almost two-thirds of the teens reported they could buy marijuana

in an hour or less; 93 percent said they had a friend who uses marijuana; 58 percent reported getting drunk at least once a month; and 71 percent said they had a friend who uses cocaine, LSD, or heroin. The survey also revealed that the transition stage at 13 and 14 years old is a particularly vulnerable time for teenagers as they enter high school and attain the freedom that comes with it. Fourteen-year-olds were three times as likely to be offered the drug ecstasy, and twice as likely to be offered cocaine, as teenagers a year younger. It is also reported that white, black, and Hispanic teens experiment with drugs to the same degree, but that the poorer youths are more likely to get hooked on drugs and less likely to get serious treatment.

Breast Milk

The tiniest premature infants fed with breast milk in the hospital did better on tests of mental development later in life than did others fed only formula, reports a new study in *Pediatrics*. The research is the first to show the benefits of breast milk for babies born weighing less than two pounds, three ounces. For those infants, brain development that normally would occur in the womb during the third trimester of pregnancy must occur in the hospital. Ingredients in breast milk, particularly fatty acids, seem to help the brain develop properly.

Newborn Testing

States have nearly doubled the number of newborns being tested for a host of rare but devastating genetic diseases, yet where you live determines just how protected your baby will be, according to the March of Dimes. For almost two years, specialists have urged that every U.S. newborn be checked for 29 disorders to detect the few thousand who will need early treatment to avoid serious, even life-threatening problems. As of last June, a total of 31 states required testing for more than 20 of these disorders. That is up from 23 states the previous year and covered 64 percent of the nation's babies, nearly double the number tested in 2005.

Underage Drinkers

Underage drinkers are at greater risk of becoming alcoholics as adults than those who abstain before age 20, reports a study conducted at the Boston University School of Public Health. The study found that 45 percent of those who begin drinking at ages 14 to 20 become alcohol-dependent later in life, compared with 10 percent of those who start drinking after age 20.

Riskier Lifestyles in Men

Young men all over the world have higher death rates than women because of their riskier lifestyles, reports researchers at Leeds Metropolitan University in England. Accidents and suicide are the leading killers of men 15 to 34 years old; deaths from heart disease, cancer, and chronic liver disease rise sharply in those 35 to 44.

Kids and Exercise

Children need more exercise than is recommended in international guidelines to reduce their risk in developing cardiovascular disease, according to the Norwegian School of Sports Science. Instead of one hour a day of physical activity, youngsters may need 90 minutes to stave off high blood pressure, unhealthy cholesterol levels, and other risk factors that can lead to heart problems. The nine-year-olds who did 116 minutes of moderate to vigorous exercise a day and the teenagers who exercised for 88 minutes daily had the lowest scores for heart-disease risk factors.

WIC Eligibility

The Agriculture Department's Food and Nutrition Service has issued a new set of Women, Infants and Children (WIC) eligibility rules that raises the amount of money a family can make and still qualify for government aid. The new income eligibility level for a family of three, to

include a mother, father, and baby, rises to \$591 a week and for a family of four is adjusted to \$712 a week. WIC provides vouchers that families can use at supermarkets. See www.fns.usda.gov/wic/howtoapply/IEG2006Frnotice.txt.

Fatal Crashes

Laws that set strict conditions before teenagers can get a license can reduce fatal crashes involving 16-year-old drivers by up to 21 percent, according to a study at Johns Hopkins Bloomberg School of Public Health. Examples include restrictions on driving at night, requiring a minimum number of hours of supervision by an adult driver, and limits on the number of passengers a teenage driver can have. States with such conditions showed a decline in fatal crashes involving 16-year-old drivers. Traffic accidents are the leading cause of death for teenagers. Federal figures show that 16-year-old drivers were involved in 957 crashes that killed 1,111 people in 2004. By the end of 2004, 41 states and the District of Columbia had programs that included a learner's permit with supervised training, an intermediate period with a limited amount of unsupervised driving, and a final stage without restrictions.

The study based its analysis on programs with these requirements:

- A minimum age of 15 for earning a learner's permit.
- A waiting period of at least three months after getting a learner's permit before applying for an intermediate license.
- A minimum of 30 hours of supervised driving.
- A minimum age of 16 for obtaining an intermediate state license.
- A minimum age of 17 for full licensing.
- Driving restrictions at night.
- A restriction on carrying passengers.
- The study found that such programs reduced fatal crashes by an average of 11 percent. Programs with six or seven components were linked to a 21 percent reduction.

Additionally, according to the AAA Foundation for Traffic Safety, about one-third of the people killed in automobile crashes involving the nation's youngest drivers were pedestrians or occupants of other vehicles. The study found that nearly 31,000 people were killed in crashes involving drivers between the ages of 15 and 17, between 1995 and 2004. The report found that of the 30,917 deaths during the span, 1,177, or 36.2 percent, were the teen drivers. The death toll included 9,847 passengers of the teen drivers, or 31.8 percent; 7,477 occupants of other vehicles operated by drivers at least 18 years of age, or 24.2 percent; and 2,323 pedestrians and bicyclists, or 7.5 percent.

Sleepy Teachers

Students who find themselves dozing off in class will be surprised to learn that their teachers are often just as sleep-deprived, according to a survey by Harris Interactive. A poll found that 51 percent of 1,350 kindergarten through 12th-grade teachers from around the country reported being drowsy or falling asleep while at work, and 43 percent said they've been so tired that they changed their lesson plans to show a movie or had the class do "busy work" because they didn't feel they could handle the day's instruction. Eighty-eight percent of the teachers in the survey said they have trouble falling or staying asleep at least some of the time, but just one in 10 thinks they have insomnia.

Father Facts

According to the National Center for Health Statistics:

Nonmarital childbearing: about 50 percent of the men without a high school education have fathered a child outside of marriage compared with about six percent among college graduates.

Teen fathers: Among non-Hispanic black fathers, 25 percent fathered their first child before they were 20 years old; 19 percent of Hispanic fathers also became fathers as teenagers, and 11 percent of non-Hispanic white men became fathers while in their teens. See www.cdc.gov/nchs/pressroom/06facts/fatherhood.htm.

Teaching With Data Methods

Most undergraduate teacher-education programs give prospective teachers a poor foundation in reading instruction, according to the National Council on Teacher Quality. The report looks at course work and textbooks used at 72 leading colleges of education and found that most use what the council considers outdated, discredited approaches to teaching reading, especially for underprivileged children. The study finds that only 11 colleges currently teach teachers about all five so-called scientific components of reading, which dictate that students should learn reading through phonics, vocabulary, and similar means. Other approaches often require students to learn by memorizing key words and inferring the meaning of others through the context of the sentence.

Numbers

- 2 million infants worldwide die each year within 24 hours of birth.
- 0.5 percent of U.S. newborns die in their first month, the second-highest infant-mortality rate among industrialized nations, behind only Latvia.
- 45 percent of Americans younger than five belong to a racial minority group, compared with
- 33 percent of the overall population.
- 32 percent of teens believe personality outranks talent as a celebrity's most important quality.
- 52 percent of teens think celebrities use charity for self-promotion.
- 7 percent of teens believe that their parents have the most influence on their opinions and values; friends 43 percent; and teachers rate only 38 percent.

Illicit Drug Use

Young people who use marijuana weekly have double the risk of depression later in life, and teens ages 12 to 17 who smoke marijuana weekly are three times more likely than non-users to have suicidal thoughts. Moreover, according to the Partnership Attitude Tracking Study, teenage smoking and drinking continue to drop, but teenage abuse of prescription drugs has become an "entrenched behavior" that many parents fail to recognize. For a third straight year the study shows that about one in five—about 4.5 million—teenagers have tried painkillers such as Vicodin or OxyContin to get high. Forty percent of teenagers said prescription medicines were "much safer" than illegal drugs, while 31 percent said there was "nothing wrong" with using prescription drugs "once in a while." The study also found that 29 percent believe prescription pain relievers are not addictive. The 2005 study surveyed more than 7,300 teenagers in grades seven through 12.

Youth Meth Use

According to research supported by the National Institutes of Health's National Institute on Drug Abuse (NIDA), prevention programs conducted in middle school can reduce methamphetamine use among rural adolescents years later.

The study, conducted by Dr. Richard L. Spoth and colleagues from the Partnerships in Prevention Science Institute at Iowa State University, was reported in the September issue of the journal "Archives of Pediatrics and Adolescent Medicine."

NIJ Research Fellowships

The National Institute of Justice is offering two research opportunities: the Graduate Research Fellowship and the W.E.B. DuBois Fellowship Program.

The Graduate Research Fellowship provides dissertation research support to outstanding doctoral students undertaking independent research on issues related to crime and justice. Students from academic disciplines are encouraged to apply and propose original research that has direct implications for criminal justice. NIJ encourages diversity in approaches and perspectives in an effort to encourage doctoral students to contribute critical and innovative thinking to pressing criminal justice problems. Visit <http://www.ncjrs.gov/pdffiles1/nij/sl000747.pdf> to read the current solicitation.

The W.E.B DuBois Fellowship Program seeks to advance knowledge regarding the confluence of crime, justice, and culture in various societal contexts. DuBois fellows are asked to focus on policy questions that reflect the American past, present, and, increasingly, the future. The Fellowship places particular emphasis on crime, violence, and the administration of justice in diverse cultural contexts. Visit <http://www.ncjrs.gov/pdffiles1/nij/sl000753.pdf> to read the current solicitation.

Publications

The August CJEG monthly publications list is now available at <https://www.ncjrs.gov/App/Secure/cjeg/CJEGMonthlyPublications.aspx>. Using this link, you can also login to update your contact information and order publications.

The new OVW Web site highlights the President's Family Justice Center Initiative, Faith-Based and Community Initiatives, Safety for Indian Women Demonstration Initiative, and OVW's Measuring Effectiveness Initiative. New resources have been added along with links to domestic violence and sexual assault hotlines, state coalitions, and other federal agencies with violence against women programs.

OVC Announces Theme for 2007 NCVRW: OVC is pleased to announce the theme for next year's National Crime Victims' Rights Week (NCVRW): Victims' Rights: Every Victim. Every Time, to be held April 22-28, 2007. If you are planning an event for NCVRW, be sure to post it to the OVC National Calendar of Events today.

A Community Partnership Approach to Addressing Meth Live Webcast: August 22, 2006 2-3 PM ET. This free, live interactive webcast and satellite broadcast will address the state of the meth epidemic that threatens the health and safety of our nation's communities. Viewers will learn how community policing and partnerships can be used to enhance enforcement activities as well as prevention efforts. For more information, resource materials, and viewer registration, visit www.D�JConnect.com.

New Criminal Justice Problem Solving Publication Available: "Getting it Right: Collaborative Problem Solving for Criminal Justice," discusses an approach to envisioning the type of criminal justice system a community wants, assessing the current systems, and planning and implementing strategies to achieve desired outcomes. Topics include comprehensive planning processes, and establishing policy and processes. Not available from NCJRS. For more information, contact the NIC Information Center (800-877-1461).

Juvenile Gun Violence

The Office of Justice Programs' National Institute of Justice (NIJ) has released "Reducing Gun Violence: Community Problem Solving in Atlanta." One in a series of NIJ research reports on reducing gun violence, the report features a program implemented in Atlanta, GA, during the late 1990s to reduce juvenile gun violence. It describes in detail the problem targeted, the program designed to address it, and the problems confronted in designing, implementing, and evaluating the program. See "Reducing Gun Violence: Community Problem Solving in Atlanta" is available

online at <http://www.ojp.usdoj.gov/nij/pubs-sum/209800.htm>. Print copies may be ordered online at <http://www.ncjrs.gov/app/shoppingcart/ShopCart.aspx?item=N CJ%20209800>.

Mentoring High-Risk Youth

Public/Private Ventures has released “Positive Support: Mentoring and Depression Among High-Risk Youth.” Funded through a cooperative agreement between Public/Private Ventures and the Office of Juvenile Justice and Delinquency Prevention, the report addresses the question: “Can mentoring deter high-risk youth from risky behaviors?” and examines the benefits of matching high-risk youth with faith-based mentors. It describes findings from the National Faith-Based Initiative, in which mentored youth were less likely to show signs of depression than youth who were not mentored. See “Positive Support: Mentoring and Depression Among High-Risk Youth” is available at http://www.ppv.org/ppv/publications/assets/202_publication.pdf. Printed copies may be ordered online or by fax or e-mail at http://www.ppv.org/ppv/community_faith/community_faith_publications.asp?section_id=3.

KIDS COUNT Data Book

The Annie E. Casey Foundation has released 2006 KIDS COUNT Data Book. The broad array of data it provides is intended to shed light on the status of America’s children and to aid in assessing trends in their well being. The Data Book ranks states on 10 key indicators and provides information on child health, education, and family economic conditions. Related information is also available through an online state-level database that covers more than 75 measures of child welfare, including those used in the Data Book. To access the 2006 KIDS COUNT Data Book, visit <http://www.aecf.org/kidscount/sld/databook.jsp>. A free hardcopy may be ordered at <http://www.aecf.org/publications/browse.php?filter=15>. The state-level database may be accessed at <http://www.aecf.org/kidscount/sld/index.jsp>.

Statistical Briefing Book

The Office of Juvenile Justice and Delinquency Prevention’s Statistical Briefing Book has been updated to provide users with quick access to the latest available state and county juvenile court case counts for delinquency, status offense, and dependency cases. The Statistical Briefing Book provides online information about juvenile crime and victimization and youth involved in the juvenile justice system. To access state and county court data, visit <http://ojjdp.ncjrs.gov/ojstatbb/ezaco/>. To browse the Statistical Briefing Book, visit <http://www.ojjdp.ncjrs.gov/ojstatbb/>.

National Youth Gang Survey Data

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) announces the availability of “National Youth Gang Survey: 1999-2001.” This 80-page summary was written by Arlen Egley, Jr., Ph.D.; James C. Howell, Ph.D.; and Aline K. Major of the National Youth Gang Center. Administered by OJJDP’s National Youth Gang Center, the National Youth Gang Survey collects data from a representative sample of law enforcement agencies across the nation. The summary provides results from the 1999, 2000, and 2001 surveys and, when available, preliminary results from the 2002 survey. According to the summary, an estimated 731,500 gang members and more than 21,500 gangs were active in the United States in 2002.

Child Welfare Information

The Children’s Bureau of the U.S. Department of Health and Human Services (HHS) has launched Child Welfare Information Gateway. This online portal connects visitors to information and resources targeted to the safety, permanency, and well being of children and families. Its services include the following:

- an online library of over 48,000 documents
- more than 130 Information Gateway publications
- free subscription services

To access Child Welfare Information Gateway, visit <http://www.childwelfare.gov/>. Questions may be addressed to the customer service center at info@childwelfare.gov or, toll free, at 800-394-3366. <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=209392>.

Juvenile Residential Facility Census

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) announces the availability of “Juvenile Residential Facility Census, 2002: Selected Findings.” Written by Melissa Sickmund, Senior Research Associate, National Center for Juvenile Justice, this bulletin is part of OJJDP’s National Report series. The bulletin provides statistics on facilities and offenders by state and facility type, as well as national data on aspects of confinement, overcrowding, suicide, mental health screening, and deaths in custody. See “Juvenile Residential Facility Census, 2002: Selected Findings” is available online only at <http://ojjdp.ncjrs.org/publications/PubAbstract.asp?pubi=232342>.

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Your Bookshelf on Review

Handling Criticism

Criticism Management: How to More Effectively Give, Receive, and Seek Criticism in Our Lives, by Randy Garner. The Woodlands, Texas: Prescient Press, 2006, 150 pp., \$19.95 (paperback)
Reviewed By Dan Richard Beto
Huntsville, Texas

In addition to possessing strong leadership qualities, persons charged with leading organizations, projects, or special initiatives, or who desire productive interpersonal relationships, must possess effective communication skills. And part and parcel of effective communication is one's ability to deliver and receive constructive criticism. In *Criticism Management: How to More Effectively Give, Receive, and Seek Criticism in Our Lives*, Randy Garner has produced a fresh and insightful book on how one might better initiate and respond to criticism.

Garner, who possesses a doctorate in social psychology, has a distinguished record of service in the field of criminal justice, both as a successful practitioner and skilled educator. During a career that spans three decades, he has served as a Chief of Police, Executive Director of the Law Enforcement Management Institute of Texas, founding Director of the Texas Regional Community Policing Institute, and Associate Dean of the College of Criminal Justice at Sam Houston State University. He is currently Professor of Behavioral Sciences at Sam Houston State University.

In the first of 12 chapters, the author defines criticism and provides a brief history of the term. Most of the chapter is devoted to Garner's own definition—"offering productive and constructive information intended to help others *grow, recover, improve, prosper, or excel*" (which he refers to as GRIPE)—and how criticism may best be conveyed. Building on the first chapter, in Chapter 2 Garner covers the subject of critical discourse, including why people criticize, who criticizes, types of criticisms, critical response, and the benefits of criticism. The challenge of giving and receiving criticism is discussed in Chapter 3, in which the author enumerates why people typically do not like to criticize or be criticized. In addition, self-criticism is also covered.

Chapter 4, "Critical Communications: Problems and Processes," is particularly instructive, because the author provides suggestions on offering constructive criticism effectively while inflicting as little pain as possible. Addressed in the chapter is the role that nonverbal communication—facial expressions, body language, eye contact, vocal tone, and distance—plays in conveying criticism. In Chapter 5, Garner discusses the "art" of giving criticism, with considerable emphasis on preparing a "productive and constructive criticism plan," which includes the following elements:

- Consider your goal and motivation
- Gather all the relevant information

- Consider the time and place
- Consider the emotional state of the giver and receiver
- Consider the psychological state of the recipient
- Evaluate the criteria being used to validate the criticism
- Use mental rehearsal and visualize the encounter
- Send a clear message
- Think win-win

Chapter 6 continues with these helpful tips on giving criticism:

- Don't procrastinate
- Remain calm—monitor your own emotions
- Stick to the facts and be specific
- Criticize the deed, not the doer
- Make sure it's a dialogue
- Be prepared for a variety of responses
- Ensure effective communication had occurred
- Focus on the future, not the past
- Be concrete regarding expectations
- Acknowledge your comments may be subjective

In the following chapter Garner provides techniques that may be employed when delivering criticism.

Chapter 8 describes how one should receive and manage criticism. More specifically, the author recommends that one should:

- See the criticism as an opportunity
- Recognize there may be some truth in the criticism
- Engage in an honest assessment
- Separate the criticism from the critic
- See the criticism as information
- Remain in the third person
- Recognize the potential for personal development
- Not dwell on the criticism
- Not dwell on the criticism
- Accept the criticism if correct—learn the lesson
- Evaluate improvement

This chapter concludes with a list of the elements of the criticism management process. Chapter 9 discusses in detail the LAURA method of handling criticism, which consists of the following components: *listen* empathetically, *appraise* the criticism, *understand* the criticism and the critic, *respond* effectively, and *assess* the outcome. Chapter 10, building on the previous chapter, provides suggestions on appropriately responding to the critic. And Chapter 11 offers strategies for seeking out constructive criticism.

In the final chapter, the author summarizes his book in a format that, for trainers, could be used as an outline for a PowerPoint presentation.

In *Criticism Management*, Randy Garner has provided a valuable tool for anyone responsible for supervising people, managing projects, and training skills in human resource management.

Dan Richard Beto is Chair of the Governing Board, Texas Regional Center for Policing Innovation, Sam Houston State University, Huntsville, Texas.

INSIDE STORY

Inside: Life Behind Bars in America (First Edition), by Michael G. Santos. New York, NY: St. Martin's Press, August, 2006, 299 pp., \$24.95 (cloth).

Reviewed By Sam Torres, Ph.d.
Long Beach, California

In his newest book about prison life, Michael Santos, serving his 19th year of federal confinement, strives to bring the reader “inside” the different security levels of institutions within the massive bureaucracy that is the Federal Bureau of Prisons (BOP). This is the fourth book he has written about prison life, and Santos once again describes the realities of everyday life “inside,” emphasizing his status as “one of them”(prisoner) (p. x) rather than an “outsider.” Given the fact that the author (BOP registration # 16377-004) has completed almost 20 years of incarceration in a myriad of BOP prisons, one can hardly disagree with his claim to know what it is like inside county jails, U.S. penitentiaries, Federal Correctional Institutions, and Federal Prison Camps. Although he has not been confined within a supermax facility, Santos has worked within the ADX Supermax facility at Florence, and is able to describe the atmosphere and confinement in prisons designated for the “worst of the worst.”

Hence, from the violent and dangerous maximum security prisons of the U.S. penitentiaries, to the gladiator schools of the medium security Federal Correctional Institutions, and ultimately to the minimum security Federal Prison Camps, Santos eloquently and engagingly captures the subculture of the prisoner. Short of the reader serving time, Santos offers the closest experience to the harsh reality of a federal prison. In doing so, he draws on his many years of imprisonment to describe the destructive nature of the prison environment both for those imprisoned and for those that work in this environment, serving time in 8-hour shifts. This book is not recommended for the faint of heart, as Santos describes in vivid and graphic detail violent assaults, sexual activity, and coarse language that is the daily life of prisoners. Since the book has been written for a general audience, Santos avoids academic or criminological jargon and instead presents the story of prison life in narrative form. Early in the introduction (p. xxix), Santos cautions the reader that he is presenting an authentic taste of prison life with all its coarseness, profanity, sexism, and blatant racism. He acknowledges that some readers will “cringe” at the profane language that is commonplace inside almost all prisons. These are “crass communities” (p. xxx), reports Santos, but to appropriately capture the atmosphere of prison life it is necessary to use the jargon, including the profanity that is the authentic language of the convict society.

“Inside” is a must read for students of criminal justice, practitioners that perhaps have little awareness of what actually occurs in these “correctional” facilities, prosecutors and judges, legislators who seek mostly to appease the punitive demands of the public, administrators who tend to exclusively emphasize security as a justification for illogical and sometimes irrational policies and decisions, and the general public, who must recognize that over 95 percent of those “inside” will ultimately be back “outside.” amongst us. Santos is not so naïve as to deny the need for prisons and the need to incapacitate dangerous offenders. However, he takes issue with the repressive and degrading techniques utilized in our prisons to manage offenders and maintain security. These strategies only serve to create greater hostility and distance offenders further from the values of society. Santos recognizes the challenge that correctional administrators face in managing the unmanageable, but from someone who has experienced what works and what doesn’t work from “inside,” he concludes that people respond better to the promise of incentives than they do to the threat of punishment. Santos argues that, as it is currently run, the Correctional System does not correct, instead breeding resentment and a vicious cycle of failure. Finally, it is the author himself whose experience exemplifies a system run amok in its fervor for harsher and at times irrational and cruel punishments. “Inside” will also serve as an excellent supplemental and easy-read text for courses in corrections, penology, criminology, sociology, and psychology.

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Adhering to the Risk and Need Principles: Does It Matter for Supervision-based Programs?

¹ Risk level was determined using a risk measure developed in previous research (Lowenkamp and Latessa, 2002) and includes 13 measures including measures of criminal history, current offense, substance abuse, alcohol abuse, marital status, employment, age, and educational attainment. Recidivism rates for the varying categories of risk, based on a two-year follow up, and using incarceration as the outcome measure were: Low risk—7 percent; Low-Moderate risk—22 percent; Moderate risk—38 percent; and High risk—53 percent. For more details and analysis using arrest as the outcome measure see Lowenkamp and Latessa, 2005.

² Comparison cases were matched to the treatment cases on gender, county of supervision, and risk category.

³ Alternate analyses using regular felony probation cases were conducted and are reported in the original report by Lowenkamp and Latessa, 2005.

The Dual Treatment Track Program: A Descriptive Assessment of a New "In-House" Jail Diversion Program

¹ The program began accepting clients in March 2003, however, IRB approval and obtainment of the Certificate of Confidentiality was not completed until December 2003. So, a number of potential research subjects were not approached to participate in the self-report interviews.

Perception and Payment of Economic Sanctions: A Survey of Offenders

¹ After designing the survey instrument, we obtained from the local probation office the names of two offenders willing to participate in cognitive interviews. The cognitive interviews proceeded in two stages. First, the offenders completed the self-report survey. Second, we discussed each of the survey questions with the offenders. The purpose of the cognitive

interviews was to help us identify questions that were difficult to understand or that did not accurately reflect what we intended. We then modified the survey to reflect any changes suggested by the offenders. The offenders were paid \$25 for their participation in the cognitive interviews.

² The two counties were chosen because we had worked with them on a previous study examining the imposition and payment of economic sanctions. In one county, our sample of 405 adult offenders sentenced in 2000 was 78% male, 90% white, with an average age of 31.5 (Mdn = 29.1), and with 11.7 years of education (Mdn = 12.0). The offenses they were convicted of were 27% property, 17% personal, 16% drugs, 24% traffic/DUI, and 16% other. In terms of sentence received, 4% were incarcerated in state prison, 21% were incarcerated in county jail, and 51% received probation. In the other county, our sample of 394 adult offenders sentenced in 2000 was 80% male, 88% white, with an average age of 33.2 (Mdn = 31.5), and with 12.0 years of education (Mdn = 12.0). The offenses they were convicted of were 21% property, 17% personal, 15% drug, 39% traffic/DUI, and 8% other. In terms of sentence received, 3% were incarcerated in state prison, 28% were incarcerated in county prison, and 51% received probation. Thus, our sample of respondents for calendar year 2003 is representative.

³ We received 78 completed surveys from one county and 44 completed surveys from the other county. We mailed 501 surveys to offenders in the first county, 64 of which were returned as undeliverable. We also received letters from family members that 2 additional offenders had died. Thus, the response rate was 18% (78/435). We mailed 508 surveys to offenders in the second county, 110 of which were returned as undeliverable. Thus, the response rate was 11% (44/398). Two surveys were returned because the inmates were in prison and prison rules prohibited them from completing the survey.

⁴ The respondents had been convicted of burglary (7%), theft (20%), robbery (2%), assault (8%), drug possession (20%), drug selling (12%), DUI (36%), traffic offenses (10%), and other (21%), most of which were property (8%) or drug offenses (4%). The percentages total more than 100 because individuals could be convicted of more than one offense (range = 1-4; M = 1.4; Mdn = 1, Mode = 1). When a respondent listed more than one conviction offense, we coded the most serious crime (e.g., personal more serious than property).

⁵ Incarceration could have contradictory effects. On the one hand, incarceration indicates that the offender had probably committed a more serious crime, had a longer prior record, or both. On the other hand, incarceration likely means that the offender would have more difficulty paying the economic sanctions.

Sex Offenders on Campus: University-based Sex Offender Registries and the Collateral Consequences of Registration

¹ Four surveys were returned undelivered due to either insufficient, non-existent addresses, or the registrant no longer residing at the residence and having no forwarding address.

² The largest proportion of respondents come from Florida (34.6 percent) as well as from Texas (19.2 percent), Ohio (11.5 percent), Illinois (11.5 percent), 3.8 percent from Connecticut, Kansas, Kentucky, Massachusetts, Oklahoma and South Carolina.

³ Differences between mean responses to the questions about how life has been influenced by listing on the state-wide and university SOR is a statistically significant difference, for both the entire sample and the student-only subsample, using a t-test ($p < .001$).

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