

# Federal PROBATION

*a journal of correctional  
philosophy and practice*

Volume 69 Number 1

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## This Issue In Brief

### [Bridging the Gap Between Theory and Practice—A Call to Action](#)

Many people in the area of correctional treatment have pressed for evidence-based practices and lamented the gap between correctional research and correctional practice. The authors explore reasons for this disconnect and suggest ways that both academics and practitioners can form a mutually respectful and accountable partnership.

*Kimberly Gentry Sperber, Martha Henderson-Hurley, Dena Hanley*

### [Improving the Employment Rate of Ex-Prisoners](#)

Recent years have seen increased awareness of the challenges faced by prisoners returning to their communities. The author explores the factors affecting employment of ex-offenders, a key component of avoiding recidivism, and suggests ways of systematically incorporating effective employment strategies, including interagency cooperation and goal-setting.

*John Rakis*

### [Court Management in an Environment of Scarcity](#)

A world marked by fundamental dislocation and uncertainty, and a workplace marked by an environment of scarcity, call for new mental and new leadership approaches.

*Michael Eric Siegel*

### [Mental Retardation and the Death Penalty](#)

There is clear scientific evidence that the mentally retarded do not have the same mental resources and capacity as adults when it comes to full criminal responsibility—the standard that provides the basis for mens rea and hence the justification for society’s ultimate sanction, death.

*Laurence Armand French*

### [Electronic Monitoring: Positive Intervention Strategies](#)

The authors remind us of what prompted the earliest experiments with electronic monitoring and suggest ways that today’s EM practices can have positive effects on those being monitored.

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The authors study the backgrounds, recruitment, training and motivation of prison chapel volunteers who assist ministers, priests, and others who offer spiritual assistance to inmates.

*Richard Tewksbury, Sue Carter Collins*

### [Families and Children of Offenders Who Return Home](#)

In an excerpt from a new book on Prisoner Reentry, the author examines the research on the dynamic of returning prisoners and their families, and explores programs that more deeply support and involve families in the reentry process.

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## Bridging the Gap Between Theory And Practice— A Call to Action

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**RECENTLY, GENDREAU**, French, and Gionet (2004) lamented the state of correctional treatment, stating that the majority of treatment programs examined to date have been “sadly lacking in therapeutic integrity” (p.28). They are not alone in this criticism. Latessa, Cullen, and Gendreau (2002) have even gone so far as to accuse many treatment programs of practicing “correctional quackery.” That so many correctional treatment programs are still in this state after years of research into “what works” baffles many researchers. Clearly, there is a gap between correctional research and correctional practice.

Why this disconnect between research and practice continues to exist is a topic for debate. Much of the discussion in this area, however, has focused on what academics believe to be the responsibilities of treatment practitioners and administrators in moving programs toward better alignment with the “what works” findings. While there has been some modest acknowledgement that academics could do more to assist practitioners with implementing and maintaining evidence-based practices, recommendations directed at researchers seem to be aimed at simply doing more of what they have traditionally done—evaluate programs to better explicate the differences between programs that work and programs that do not work (e.g., Cohn, 2002; Latessa et al., 2002). There has been little (if any) exploration into what practitioners need from the academic community in order to operationalize evidence-based practices, yet the field will not continue to advance until researchers and practitioners form an alliance that fosters mutual goals, mutual accountability, and mutual respect.

To that end, this paper challenges academics and practitioners alike to step out of their comfort zones and to honestly assess their roles and responsibilities for moving the field forward. This means that some academics will need to move from passive critic to active collaborator, while some practitioners will need to take responsibility for knowing “what works” and for dedicating existing resources to ensuring the delivery of evidence-based practices. To further explore the realities of collaboration, the authors draw on their collective experiences as both academics and practitioners to provide guidance to academics and practitioners alike. We begin with the responsibilities of academics.

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## **Guidelines for Academics**

Academics are called to do more to help bridge the gap between research and practice. To bridge this gap, academics must be able to think beyond traditional research methodology. In the traditional research practice, the academic comes into the agency and decides the research design, analysis, and impact. However, a more effective approach calls for the collaboration of researchers and practitioners to decide these issues together.

### *Strengthening Partnerships with Programs*

Academics often charge that practitioners do not understand the research process and struggle to interpret research findings; yet, researchers have done little to help improve practitioner abilities. Similarly, academics often lack a foundational understanding of program operations and the implications for research projects. One suggestion for improving understanding on both sides is to approach collaborations as true partnerships. One way of strengthening partnerships with programs is to include program staff in the development of the evaluation plan. There are several advantages to this approach. First, this inclusion gives program staff the opportunity to educate the researchers about the program, including subtle nuances that might be important but not easily understood if the researchers simply rely on a general overview of the program. For example, most programs claim to use a cognitive-behavioral approach, yet these approaches often differ in fundamental ways. A second advantage is that program staff can help inform the researchers about the resources needed to collect the desired data and can help work out the logistics associated with data collection. Finally, allowing program staff to have input into the way the data will be collected helps to increase their understanding and buy-in, which may result in a smoother evaluation process.

Another way to strengthen partnerships with practitioners is to understand that practitioners do not view a program evaluation as merely an academic endeavor into applied research later to be translated into another line on a *vita*. Engaging in an evaluation needs to be a meaningful and practical experience. This means that the process and the results of the evaluation have to be useful to the program. Researchers can help achieve this goal by ensuring that implications from the study are operationalized into concrete suggestions for improvement. For example, instructing an adolescent girls' program to "make sure the program celebrates women's and girls' ways of being in the world" is neither concrete nor helpful to a program attempting to enhance its implementation of evidence-based practices.

### *Providing Basic Research Guidelines*

A second way that academics can help practitioners is to provide them with some basic research guidelines. In order for practitioners to participate directly in the research process, which is necessary for advancing evidence-based practices, practitioners must have a working knowledge of research methods and evaluation (Buysse, Sparkman, and Wesley, 2003). Academics can help by providing comprehensive research guidelines written in a manner that is understandable to those providing direct services within corrections. These guidelines should provide guidance on quantitative as well as qualitative methodology. At a minimum, any research guidelines developed for practitioners should include three sections.

The first section should provide a "how-to" guide on accessing relevant research literature. Practitioners tend to rely on trade magazines and newsletters for programmatic updates. Such sources are often limited in depth and breadth. A consequence of this is that practitioners who want to know more often do not know where to look to find the best research literature, nor are they versed in how to evaluate basic research designs.

The second section should provide coverage on how to evaluate quantitative research without being a statistician. This section should cover the basic logic of quantitative research methodology in laymen terms. At a minimum this would include: 1) basic coverage on how validation studies operate and why they are important; 2) a discussion of reliability and validity and why they are important to practitioners; 3) a basic discussion of statistical significance; and

4) coverage of the evaluation study process.

Section three should discuss qualitative research methodology. Qualitative research often provides the context for quantitative research and reveals nuances that numeric data simply cannot. This section should describe basic qualitative research methodology. The focus of this section is on the techniques used in qualitative research, such as how to identify stakeholders and how to conduct focus groups for qualitative research. The section should also include information on how to evaluate qualitative research findings. With these types of guidelines, practitioners could be more competent consumers of research studies and their findings. This is assuming that they have simple access to such findings, however.

#### *Dissemination of Research and Evaluation*

A third way that academics can strengthen partnerships with practitioners is to assess the utility of current methods for information dissemination to practitioners. Academics tend to view publication in tier-one peer-reviewed journals as the primary goal of research. A consequence of this mentality is that often what drives research in corrections is not whether changes in practice are necessary for improvement but rather what research is publishable in a top journal. Academics must begin to view changes or improvements in practice as a primary goal of research, with publication as one step toward that goal (Walshe and Rundall, 2001).

The push for publication primarily in tier-one peer-reviewed journals and textbooks by academics also means that few practitioners are likely to have access to research findings. Walshe and Rundall (2001) discuss two primary modes of access to research findings: the “pull” method” and the “push” method. The “pull” method, most often used by academics, is reactive. Researchers wait until a clinician contacts them seeking information or assume that simply providing access through libraries, journals, and databases will be enough for their message to get out. Given agency budgetary constraints, the “pull” method is likely to be unsuccessful in disseminating information. In contrast, the “push” method is a proactive process whereby researchers directly deliver research findings to practitioners. Examples of “push” methods include sending copies of research reports directly to agencies, providing training within agencies, or attending practitioner conferences and presenting research findings. An examination of who attends practitioner-oriented conferences would most likely reveal that only a small number of academics attend and present on current research and practice topics. Thus, an important opportunity to improve programming in corrections is missed by most researchers.

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#### **Guidelines for Practitioners**

There is a clear continuum of quality (or lack thereof) in correctional treatment programs. On one end of the continuum are those programs that clearly are effective at reducing recidivism—those programs comprising the evidence for “what works”—and on the other end of the continuum are those programs that are clearly not effective and that willfully reject the “what works” literature—the correctional “quacks.” It is to those programs in between the two extremes that this paper is directed, for the authors are in agreement with Cohn (2004) and his assertion that many program administrators do see research as valuable; they are simply challenged with understanding and using it. This should not be a surprise, as this is typically not within their realm of expertise.

#### *Role of Research and Evaluation within Programs and Agencies*

Practitioners often view research language as foreign or at least difficult to understand. Equating steps in research methodology to similar steps in clinical practice could help to demystify the research process for staff (Raines, 2004). For example, practitioners are often quick to identify problems with a client’s functioning by assessing the client’s status and then comparing this to the client’s baseline data. This process is similar to the development of a problem statement for a research project (Raines, 2004). The comparison of these two processes places research

methodology, at least partially, in terms that are understandable to practitioners.

Even more familiar to most clinical staff is the idea of treatment planning and selection of appropriate interventions. A client's intervention plan can be compared to the quantitative or qualitative design of a research project. While a treatment plan outlines goals, objectives, and methods to be used for a specific client to achieve a desired outcome, research methodology outlines the goals, objectives, and methods to be used for a research project to achieve a desired outcome (Raines, 2004). Similarly, just as a treatment plan calls for specific interventions with a client (e.g., group counseling), so does an evaluation plan. The "intervention" phase of a research plan simply equates to the data collection activities involved in the evaluation (Raines, 2004). Finally, practitioners must evaluate and document whether the interventions that have been used with a client have been effective; this is done by assessing whether the client has shown progress on his or her treatment goals and is documented in the client's chart. Evaluators, on the other hand, demonstrate effectiveness through data analysis and document such in research reports or journal articles (Raines, 2004). Continual exploration by practitioners into the overlap between the role of a practitioner and the role of an evaluator can help to consistently chip away at barriers to understanding research.

### *Role of Continuous Quality Improvement*

While many agencies are not able to conduct regular evaluations of their programs, they can monitor the quality of their programs (Latessa et al., 2002). This is especially important in light of Lowenkamp and Latessa's (2002) finding that programs that monitor quality tend to have lower recidivism rates. Through utilization of continuous quality improvement (CQI) principles and strategies, programs can systematically use data to assess processes and treatment outcomes (Mabry, Sperber, and Atkins, 2003). To do this, however, program staff must first have an understanding of how CQI differs from traditional quality assurance (QA).

Many program staff are familiar with traditional quality assurance activities. QA approaches tend to be retrospective and merely emphasize compliance with standards and regulations (JCAHO, 1994). Often these standards are not directly related to the efficacy of programming, especially in terms of reducing recidivism. In the field of corrections in particular, standards and regulations are most often centered on facility sanitation and security. Programs are rarely audited for their adherence to evidence-based practices and the extent to which they address the criminogenic needs of their clients.

CQI, on the other hand, is a prospective process that emphasizes the systematic collection and use of data aimed at continually improving program processes and client outcomes (Mabry et al., 2003). While this sounds conceptually straightforward, correctional agencies often have little experience operationalizing a strong CQI program. First, CQI represents a cultural shift for many correctional agencies. Second, agency staff often do not know where to begin when searching for appropriate measures of program or client performance. Finally, program staff often do not know how to use the data once they have gathered it.

**Creating a Learning Culture.** As previously mentioned, many correctional agencies are used to operating under a traditional QA approach. Because the focus is primarily on compliance, agencies often end up engaging in hide and seek behaviors to avoid putting problems out in the open. Under a CQI culture, staff are expected to identify problems and to share that information with all necessary parties. This requires a safe environment with no fear of punishment from administration.

In order to create an environment where all staff feel safe disclosing problems, some minimum requirements need to be met. The most basic requirement is that the board of trustees and the administration fully support this process. This support then needs to be communicated to the line staff. The focus on quality and continual learning has to infuse all levels of the organization (Mabry et al., 2003).

**Choosing Appropriate Measures.** When choosing measures of program or client performance,



the agency should identify both process measures and outcome measures. Examples of process measures include such indicators as the number of case management contacts with clients, length of stay, and number of substance abuse groups attended. Examples of outcome indicators include such measures as changes in antisocial thinking, risk to re-offend, employment, and recidivism.

Tracking outcome indicators often involves the use of pre- and post-tests with clients. Practitioners typically have little training in choosing these instruments, however. Consequently, there are at least three criteria that should be met when choosing an instrument (Mabry et al., 2003). The first criterion is that staff should not create their own scales. They should instead seek out existing tools that have already been shown to be reliable and valid. The second criterion is that staff should seek out low-cost or no-cost instruments, given the limited resources agencies have to dedicate to data collection. The third criterion is that staff should attempt to locate short, self-report instruments. Again, this should help minimize the costs involved by limiting staff time involved in data collection efforts.

While these guidelines represent a good start for practitioners, we must acknowledge that they often lack the expertise to select instruments that best fit their services as well as their budgets (Mabry et al., 2003). One potential solution for this is to develop a resource manual for staff that explores various assessment tools. The manual should include a list of available instruments with corresponding reliability and validity data as well as cost data. The manual could also include a directory of online resources for assessment instruments and full-text research articles.

**Using Data for Action Planning.** With knowledge comes responsibility. This means that agencies should not collect data if they are not prepared to act upon the findings. Under a CQI model, programs are required to create a plan of corrective action (or an action plan) when they are not performing at the expected thresholds on certain measures (JCAHO, 1994). While the phrase “action plan” may be new for correctional staff, the task of creating action plans is not. To illustrate, action planning is simply a process for aligning goals with actions to achieve specified results. There are several examples of documents in agencies that meet this definition; these include client service plans, staff development plans, and agency strategic plans.

Regardless of the type of action plan to be created, the plan should meet five criteria. First, staff need to describe the actions to be taken in concrete terms. Second, they need to choose action steps that are feasible within the program structure and resources. Third, they need to establish a deadline for completion of the action plan. Fourth, the action steps need to be measurable. There needs to be a clear, objective method for determining whether the action steps were in fact accomplished. Finally, the staff with the most knowledge about the problem should be the ones guiding the action plan rather than choosing people based solely on title or role (e.g., the program manager). The result of this is an approach that empowers line staff to engage in problem-solving in a way that uses data to inform operational decision-making (Mabry et al., 2003).

### *Role of Staff Supervision*

The role of staff supervision is often neglected in discussions of monitoring adherence to the principles of effective interventions. To illustrate, the first response to challenges in implementation of a new or enhanced practice is to hire an external consultant (often an academic) to come in and train the staff. If implementation continues to falter, agencies will often opt for more training rather than examine whether the staff are being supervised appropriately. Given Sexton’s (2003) finding that staff competence is directly correlated with reductions in recidivism, correctional agencies have a responsibility to ensure the competence of their staff. This can be accomplished through use of a systematic approach to supervision.

When discussing the appropriate structure for staff supervision, the first issue to be addressed is to whom the supervision is directed. It is our experience that conversations about staff supervision often center on clinical staff only rather than on all direct service staff. This not only ignores a large sector of the staff—primarily security staff—it also demonstrates limited understanding of applying evidence-based practices. These practices are not only relevant to the

group and individual sessions conducted by the clinical staff; they are also relevant to general milieu management. The reality is that non-clinical staff spend significantly more time with clients than do the clinical staff. If the treatment approach does not infiltrate the milieu, the program has not fully implemented the treatment approach. It is for this reason that any discussions of staff supervision need to incorporate all direct service staff.

The second issue to be addressed is the type of data to be used in assessing staff competence. Staff evaluations have traditionally relied heavily on whether staff have completed the necessary tasks of their jobs. Examples of these tasks include documentation, head counts, monitoring medications, and checking facility safety. It is less common to assess staff on their ability to effectively utilize evidence-based techniques or practices. Examples of such behavioral skills might include treating clients with respect, avoiding power struggles with clients or other staff, modeling pro-social behavior, and helping clients to identify thinking errors and appropriate replacements.

The third issue to be addressed is the use of the evaluation data. For example, a common practice across agencies is to formally evaluate staff only on an annual basis. In between these formal evaluations, they may or may not receive feedback on their skills. A better approach is to continuously collect data on staff performance that can then be used in two ways. First, the data can be shared with individual staff members during formal supervision meetings to highlight their strengths and weaknesses. Staff who are not performing to expectations can then collaborate with their supervisors to create a staff development plan on how to improve. Once this plan has been implemented, data can be collected again to assess for improvement. If done within a culture of learning, this can be empowering for staff. Second, the data can be examined at the aggregate level to assess trends in skill strengths and deficiencies. The data can then be used to inform decisions about further training (rather than relying on training as a reflex).

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## **Conclusions**

Criticism from researchers aside, many correctional programs now exist in a political and fiscal environment that requires that programs demonstrate effectiveness to sustain their funding. This is creating challenges for program administrators who have limited fiscal and human resources to gather and interpret this proof. While this paradigm shift is often attributed to—or sometimes blamed on—the “what works” literature, it is this same literature that can help programs to survive the change and to improve the lives of their clients as well. This is only true, however, to the extent that academics and practitioners can come together in a mutually respectful and accountable partnership.

Many practitioners have an open mind regarding research, but they also require assistance. Academics must respond to these needs by assisting staff in understanding methodologies, selecting reliable and valid tools, and supporting the implementation of results even after the final report is written. Similarly, program administrators must assist in the implementation of evidence-based practice by not only using words such as “evidence-based” and “research,” but by incorporating these efforts into the culture of the programs. This includes research and evaluation, CQI, and effective staff supervision. The bottom line is that practitioners and researchers need to adopt a shared vision where both parties are responsible for expanding the knowledge base of “what works” and for transforming the field into one of evidence-based practice. It is time for action.

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**IN RECENT YEARS**, there has been increased awareness of the challenges faced by prisoners who are returning to their communities. This has undoubtedly been spurred by the growing number of prisoners being released and the high rate of recidivism reported by criminal justice officials. It is estimated that more than 630,000 men and women will be released from federal and state prisons in 2004, more than double the number leaving correctional facilities in 1988 (Office of Justice Programs, 2004). Research has shown that roughly two-thirds of former prisoners will re-offend within three years of their release, creating public safety problems in their communities, disrupting the lives of their fragile families, and imposing a tax burden upon their fellow citizens (Langan and Levin, 2002). As a consequence of this growing problem, criminal justice policy makers are seeking to identify correctional and post-release practices that minimize the likelihood of re-arrest and a return to prison.

Many interrelated factors affect recidivism rates including, but not limited to, employment, housing, substance abuse, family support, health and mental health problems, and peer pressure. Given that these factors are inextricably intertwined, most prisoners returning to their communities are faced with complex and enormous challenges. This article will examine what may be one of their biggest challenges: securing and maintaining employment with a living wage. The Bureau of Justice Statistics reported that 33 percent of inmates in State prisons in June 1991 were not employed during the month before their arrest (Bureau of Justice Statistics, 1993). The unemployment rate for the general population that year was 6.8 percent (Bureau of Labor Statistics, 2002).

While the exact relationship between employment and recidivism is complex and not fully understood, there can be no doubt that it is vitally important in the re-entry process.

A good job is likely to serve as a deterrent to illegal behavior by limiting opportunities for misconduct and providing social incentives for crime-free behavior. Since the vast majority of prisoners returning to their community need to support themselves and their families, it would be impossible for them to succeed without securing employment. The importance of steady employment is undoubtedly recognized by parole officers. In a survey that asked Missouri parole officers to identify the most important aspect of programs for improving parolees' chances for success, the activity most frequently cited (34 percent of respondents) was keeping the offender in steady or stable employment (Seiter, 2002).

Further evidence of the value of employment in the reentry process can be found in recent statistics gathered by the U.S. Probation and Pretrial Services System. In 2003, unemployed offenders under their supervision were revoked at a rate that was more than 500 percent higher than that for those who were employed (Burris et al., 2004). Eighty percent of the offenders who were revoked that year were unemployed.

This article will review and analyze the methods that are currently being used by parole agencies to assist former prisoners in their search for employment. Although many states have abolished discretionary release by parole boards, more than 753,000 men and women were under parole supervision on December 31, 2002, an increase of 2.8 percent from the prior year (Bureau of Justice Statistics, 2003). Parole agencies could, therefore, continue to play a critical role in the supervision of ex-prisoners and, ultimately, the reduction of recidivism rates. To determine the strategies used by these agencies to maximize the employment rate of parolees, a survey was mailed to parole agencies throughout the United States. This paper presents the findings of that survey, analyzing the data and making policy recommendations based on the information collected.

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### **The Challenges Faced by Ex-Prisoners Seeking Employment**

Most ex-prisoners face enormous barriers in their search for employment. One major obstacle is limited educational achievement. In 1997, roughly 38 percent of State and Federal inmates did not have a high school or general equivalency diploma, a rate more than twice that found in the general population (Bureau of Justice Statistics, 2000). Given the high positive correlation between educational achievement and wage earnings, the lack of educational skills can be a severe impediment to successful reentry. While parole officers can and should set educational objectives for the persons they supervise, it is far more practical to set these goals during incarceration and to provide prison-based educational services. There is significant evidence that prison educational programs can contribute to a reduction in recidivism rates (Steurer, Smith and Tracy, 2001; Harer, 1994; Piehl, 1994).

A second barrier faced by many ex-prisoners is a poor employment history and the lack of marketable work skills. Breaks in employment caused by incarceration and the stigma associated with a criminal record all contribute to the poor work record that is characteristic of many former prisoners. And while there are many examples of prison-based vocational programs that offer market-driven training, most are designed to meet the operational needs of correctional facilities, not the long-term employment needs of prisoners.

Mental health, substance abuse, and health problems also pose significant barriers for ex-prisoners seeking employment. It is estimated that 283,000 persons with mental illness are incarcerated in our country's jails and prisons (Ditton, 1999). More than 80 percent of State prisoners reported past drug use in 1997 and more than half indicated that their offense was committed under the influence of alcohol or drugs (Bureau of Justice Statistics, 1999). Despite the prevalence of substance abuse problems in this population, less than 10 percent of State

prisoners in 1997 reported being treated for drug abuse since admission (Bureau of Justice Statistics, 1999). Health care problems are also a significant factor. Compared to the U.S. population, the prisoners have an eight to nine times greater likelihood of having HIV infection and a nine to ten times greater likelihood of being infected with Hepatitis C (Rand Corporation, 2003). In many cases, health and mental health, and substance abuse problems are co-occurring, making treatment and case management a challenging task.

Ex-prisoners are further hindered by obstacles such as laws prohibiting ex-felons from certain occupations and the prejudice many employers have toward hiring them, the lack of identity documents, interview-appropriate clothing and transportation needed to secure work, the shortage of child care assistance, poor or nonexistent family support, and homelessness. They must also contend with internal obstacles such as a poor self-concept, negative beliefs and a general lack of knowledge about their own interests and capabilities.

Any effort intended to increase the employment rate of parolees must systematically take these internal and external barriers into consideration. Specifically, this requires an assessment of needs, the development of an action plan that is reviewed periodically and adjusted accordingly, and referrals to appropriate social service and health care agencies. The complexity of the barriers faced by most ex-prisoners makes it difficult for them to achieve success in securing legitimate work without ongoing assistance. Without guidance and support, the search for employment is likely to be a very frustrating journey with many dead-ends and short-lived jobs. Persons who feel trapped in poor paying jobs with little room for advancement are likely to feel that they have little to lose by engaging in criminal behavior.

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### **The Role of the Parole Officer**

Given the many obstacles faced by former offenders who are reentering the world of work, there is clearly a need for parole agencies to provide employment-related assistance. Parole officers can have an enormous positive impact upon the employment rate of the persons they supervise. They can use their assessment and planning skills to help parolees make appropriate career decisions and develop a realistic career plan. Because they are familiar with employers who hire persons with criminal records, they can use this knowledge to provide parolees with practical guidance in their search for employment. They can also provide parolees with the guidance they need to remain employed. The parole officer can prevent job loss by watching for indicators of relapse and providing timely, structured interventions. When necessary, they can require ongoing drug-testing of those under their supervision, thus encouraging parolees to remain abstinent from drugs and increasing the comfort level of employers who hire them.

Conversely, parole officers can have a negative impact upon the employment prospects of the people they supervise. This may happen, for example, if they schedule supervision meetings that conflict with the parolee's work schedule or if they make site visits that are disruptive to the employer's business. Additionally, if they are not trained to provide employment-related services or do not have access to current labor-market information, their guidance may actually lengthen the job search process.

Even if they are trained and have information resources at their disposal, parole officers typically have large caseloads and multiple responsibilities, limiting their ability to provide employment-related guidance. It would be unreasonable to expect parole officers to serve as job developers, a function that requires extensive and constant outreach to potential employers, or to serve as workforce development specialists, a role that requires extensive training and appropriate supervision. These tasks are better performed by specially designated staff or outside agencies through contracts or letters of agreement. It also makes sense to address some employment issues prior to an inmate's release to the community. For example, parole officers are frequently called upon to help persons under supervision acquire the identity documents needed to secure employment: i.e., birth certificate and social security card. This task should be performed prior to release, allowing the parole officer to focus on supervision issues and permitting the ex-prisoner

to secure employment as quickly as possible. The same case can be made for other workforce development activities, such as job readiness instruction or resume preparation.

Ideally, correction and parole officials should work together to ensure that prisoners are ready for employment upon release and that workforce development services are not wastefully duplicated. Parole officials also need to ensure that staff is provided with the training and tools needed to assist ex-prisoners in their search for employment. They must build working relationships with the one-stop career centers funded by the U.S. Department of Labor. While these centers are mandated to work with job seekers from all walks of life, their capacity to serve former prisoners and their sensitivity to their special needs varies considerably. Parole agencies, therefore, need to be proactive in building relationships with one-stop center personnel. To that end, it may be useful for them to explore the Offender Workforce Development Training offered by the National Institute of Corrections. This training provides three weeks of instruction to teams of service providers, bringing together criminal justice and one-stop personnel from regions throughout the United States and encouraging the development of strong interagency ties.

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### **Strategies Used by Parole Agencies to Increase the Employability of Persons under their Supervision**

To determine and evaluate the strategies used by state parole authorities to increase the employment rate of persons under their supervision, a two-page survey with a pre-addressed stamped envelope was mailed to the agency heads of every state parole agency on March 31, 2004. A follow-up letter, survey form, and return envelope were mailed to non-respondents on May 10, 2004. The remaining non-respondents were sent e-mails on June 29, 2004 and called the following month. Thirty-two parole agencies completed the survey.

The survey examined the delivery of employment-related services and determined if this assistance was provided in-house, by referral, or under contract with other agencies. It did not determine the percentage of parolees who receive these services, because that information was not generally available. Therefore, the information gathered shows trends in the method of service delivery, rather than the extent to which these services are provided.

The survey also determined, where available, the employment rate of persons under supervision and the extent to which these rates are used to measure the performance of their personnel. In addition, surveyed agencies were asked to estimate the number of ex-prisoners who did not possess the documents needed for employment: e.g., social security cards and birth certificates.

[Table 1](#) presents the methods of service delivery used by agencies that responded to the survey. Since most agencies rely on multiple methods for service delivery, the percentages may total greater than 100 percent. The table is followed by a description of each service, the role each plays in meeting the employment needs of ex-prisoners, and a brief analysis of how these methods are being used and can be improved upon.

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### **Vocational Assessment and Career Guidance**

A vocational assessment and the development of an individual action plan are the cornerstones of successful job placement and retention efforts. This is especially true for individuals who have not developed a career plan and have a spotty work record. The vocational assessment process helps a job seeker understand his or her interests, work values and skills as well as any barriers that stand in the way of achieving career goals, including housing, substance abuse and health problems, and educational deficits. It includes the development of an action plan that will guide the individual's participation in treatment, educational, and vocational programs and, ultimately, job seeking activities.

Ideally, the assessment process should begin in the correctional facility and continue upon

release, permitting the ex-prisoner to “hit the ground running.” One-stop career centers and community-based employment and training agencies invariably offer this service and most parole agencies rely on outside agencies for vocational assessments. Neither the extent to which these assessments are included in the parole record, nor the availability of assessments conducted before release was examined by the survey. In-as-much-as it is important to conserve resources by avoiding duplication of effort, it is essential that assessments conducted in prison be made available to organizations providing employment services outside of prison. These practices would promote the efficient use of resources and should be considered by agencies involved in the reentry process.

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### **Job Readiness and Pre-employment Instruction**

Another important strategy for increasing the employability of persons under supervision is the delivery of instruction that provides the soft skills needed to find and maintain employment. This includes learning how to conduct a job search, problem-solving skills, oral communication skills, personal qualities and work ethics, and interpersonal and teamwork skills. In addition, it is useful and necessary to provide trainees with information and resources related to employment.

As is the case with vocational assessment, job readiness and pre-employment instruction should be initiated before release from prison. This would decrease the amount of time it takes to secure work following release, thus reducing any risks associated with periods of unemployment. While many prisons offer this type of instruction, parole agencies apparently see a need for providing it upon release, either directly or through another agency. Forty percent of responding agencies offered this instruction to their parolees and 40 percent had contracts with outside agencies for this service. The need to provide this service may be based on a perceived lack of preparedness demonstrated by released prisoners and may indicate a lack of confidence in the efficacy of prison-based vocational programs.

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### **Assistance in Securing Documents Needed for Employment**

As mentioned earlier, parole officers are frequently called upon to help persons under their supervision secure identity documents needed for employment. More than 62 percent of responding agencies reported providing this service in-house, making it the employment-related service that is most frequently delivered directly by parole agencies. When asked to estimate the percentage of parolees who needed these documents, the average percentage reported by 19 agencies was 36.53 percent. Six agencies reported that more than 50 percent of the persons under their supervision left prison without these documents. On a more positive note, two agencies report that less than 1 percent did not have these documents. Given the extent to which parole agencies directly provide this service, it is clearly a barrier that is recognized as needing attention. Since it may take a considerable period of time and effort to secure these documents, every effort should be made to do so before release. It would not be unreasonable to require those men and women seeking parole to obtain these documents as part of the application process. Failure to have these documents before release delays the job search process and adds an unnecessary barrier to employment. It also places a burden on the parole officer that would be more efficiently handled by the correctional system.

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### **Job Placement Assistance**

Job placement assistance is a service that connects job seekers to employment opportunities related to their skill level and interests. The service is usually provided by individuals who specialize in identifying job vacancies and meeting the recruitment needs of employers. Typically, the placement service is offered at no cost to employers and marketed to them as a way of identifying suitable job candidates for hard-to-fill jobs. The service may also provide the



job seeker with access to current labor market information, job postings, the Internet, fax machines, and telephones, all for the purpose of expediting the job search process.

The need for providing these services is generally recognized by parole agencies. More than 40 percent of the respondents indicated that they provided job placement services in-house. Twenty-four percent provided this service via a contract and more than 65 percent indicated that they provided it through referral. Only two of the respondents indicated that they did not provide the service either directly or through referral.

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### **Fidelity Bonding**

The Federal Bonding Program is sponsored by the U.S. Department of Labor and is intended to alleviate many of the concerns employers have in hiring ex-offenders and other high-risk persons. The program provides fidelity bonds ranging from \$5,000 to \$25,000 that protect employers from work theft or dishonesty. Because most commercial policies do not cover “at-risk” persons such as ex-offenders, the Federal Bonding program gives employers insurance coverage that might not otherwise be available and helps alleviate any concerns they may have about hiring ex-offenders.

In 34 states and the District of Columbia, the bonds are purchased by government agencies, one-stop career centers, or non-profit agencies and provided to employers at no cost. The survey results indicated that this tool is not likely to be employed by parole agencies. Only 6 percent reported that they provided this service directly and 37 percent reported that they did not provide the service at all. In comparison with other services, this tool appears to be underutilized.

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### **Work Opportunity Tax Credit**

The Work Opportunity Tax Credit (WOTC) provides employers with financial incentives for hiring targeted groups of job seekers, reducing income tax liability by as much as \$2,400 for every qualified new worker. Ex-felons belonging to low-income families qualify for the credit.

The WOTC is a powerful tool for securing the attention of employers who are reluctant to hire former prisoners because of concerns of trustworthiness. It can be used as a marketing tool or employed directly by the job seeker during the hiring process. As with the Federal Bonding Program, the WOTC is not likely to be used directly by parole agencies. Only 12.5 percent of responding agencies reported that they marketed the WOTC directly. More than 21 percent reported that this tool was used through contracts with vendors and 59.4 percent reported that it was used via referral to other agencies. Given its potential value in the job search process, it is advisable for all parole officers to become familiar with the Work Opportunity Tax Credit’s requirements and benefits. It is also advisable for parole officers to provide information and guidance about the tax credit to the persons under their supervision.

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### **Post Placement Guidance and Follow-up**

Practitioners have long recognized that helping ex-prisoners keep a job can be more challenging than helping them find a job. Providing follow-up guidance, helping offenders deal with crises, and maintaining a network of support are all critical elements of employment retention work. Despite its importance, many parole agencies do not provide this service. While 61 percent of the respondents reported providing retention services through referral, 34 percent indicated that this service was not offered at all, either directly or via referral to another agency. Thirty-four percent reported providing it directly.

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## **Tracking the Employment Rates of Parolees**

Given the importance of work in the reentry process, the rate of employment is a valuable indicator for measuring the effectiveness of post-release services and supervision. Only 21.8 percent of responding agencies reported that they tracked the employment rates of persons under their supervision. Where they were tracked, employment rates for 2003 ranged from a high of 97.5 percent to a low of 45 percent. The absence of a universally accepted definition for offender employment rate and the differences between local economies makes it impossible to compare parole agencies at this time.

Fewer than 16 percent of the responding agencies reported using the employment rates of persons under supervision to measure the performance of parole officers. One agency indicated that they were doing so on a pilot basis, presumably to determine its value.

It's surprising that employment rates are not universally tracked by parole agencies. More than 78 percent of the responding agencies had employment as a condition of parole, validating its importance in the reentry process. The agencies that do not track employment rates of the persons under their supervision may lack the data needed to make informed decisions about the effectiveness of their staff interventions and services. This indicator, when adjusted for local employment conditions, also gives parole managers an opportunity to measure their performance against agencies in other jurisdictions.

The value of tracking the employment rate of persons under criminal justice supervision and using a coordinated approach to the delivery of work-related services is considerable. Using this approach, the United States Pretrial Office for the Eastern District of Missouri decreased the unemployment rate of the persons under its supervision by 52 percent over the course of four years (Burriss et al., 2004). Missouri's Eastern District also reported that by the end of FY 2003, their revocation rate was 28 percent lower than the average for the federal system, despite a 54 percent increase in the number of persons under their supervision.

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## **Policy Recommendations**

Given the barriers to employment faced by most persons leaving prison and their pressing need to support themselves financially, criminal justice agencies must carefully consider all avenues for improving the employment prospects of the persons they supervise. No single branch of the criminal justice system can be expected to solve the problem of offender unemployment. This is a problem that must be addressed early in the criminal justice process, beginning in prison and continuing long after release. Nor can the criminal justice system be expected to successfully address this issue without the support of partners in the community. The need to use a "systems" approach has been recognized by the federal government in their Reentry Partnership Initiative, which is actively promoting collaborations in the planning and implementation process.

Based on the survey results, it can be concluded that parole agencies recognize the value of employment-related services and, to varying extents, have engaged community-based resources to increase the employment rate of persons under their supervision. However, the large number of persons leaving prison without the documents needed to secure employment and their lack of readiness for the job market are symptoms of a systemic problem and the failure to use community resources to the fullest extent possible. I offer four policy recommendations intended to address the unemployment problem in a systematic way.

1. Criminal justice agencies should provide a continuum of employment-related services to offenders from admission into prison through their release into the community.

The process of preparing a prisoner for employment upon release should begin early during his or her incarceration with a comprehensive vocational assessment. This assessment would guide the delivery of employment-related services, providing benchmarks against which progress can be measured. To ensure a continuity of services, the assessment should be made available to the

parole officer as well as the staff of community-based agencies providing employment-related services. This would ensure that services are provided according to a plan and reduce the likelihood of duplicated effort.

Clearly, some services should be provided before release. These include securing identity documents needed for employment, learning how to conduct a job search, and life skills instruction. Persons released into the community must be ready to conduct a job search within days of their release, not weeks or months later. Parole agencies should focus their efforts upon job placement and retention. This may involve working closely with a Department of Labor-funded One-Stop Career Center or a community-based agency serving the needs of the hard-to-employ. Special attention should be given to the deployment of strategies that promote the employment of offenders, including fidelity bonding and the Work Opportunity Tax Credit. Parole officers should be knowledgeable about these strategies and be able to ensure that they are used whenever necessary.

To ensure that services are integrated, policies and procedures related to employment services should be developed jointly by correctional, parole, and community-based agencies. The vocational assessment, for example, should be approved by all agencies engaged in providing services and supervision. Prison-based vocational and pre-employment services should be designed with input from parole and community-based agencies to ensure that this training adequately meets post-release needs. All too often, prisoners are trained for jobs that do not exist in the community, making the job search process a very frustrating task.

2. Parole agencies should measure the employment rate of persons under their supervision and report these rates on a quarterly basis.

It has often been said that what gets measured gets done. Any efforts intended to improve the employment rate of ex-prisoners must have measurable objectives. At the present time, most parole agencies do not have a yardstick against which they can measure the effectiveness of their employment interventions. Nor do they have any way of comparing the efficacy of their methods with those of other states. Measuring and reporting employment rates not only provide this benchmark, they send an important signal to supervisory and line staff about the importance of providing employment-related services where needed.

To ensure consistency between reporting agencies, the term “employment rate” needs to be defined and common methods for measuring the employment status of parolees need to be adopted. It is recommended that parole agencies use the definitions and systems developed by the U.S. Department of Labor to measure the efficacy of welfare-to-work programs. These definitions and systems have been developed and refined over the course of many years and provide a nationally accepted benchmark for parole agencies to use. The rate should be adjusted according to local employment conditions and regularly reported to the public via the Internet or other methods.

3. State agencies should use the employment rates of the persons under their supervision as an indicator for measuring the performance of parole officers.

The use of employment rates as a factor for measuring the performance of parole officers sends two powerful messages to line staff. First, it underlines the importance of ensuring that parolees under their supervision find and maintain employment. Second, it conveys the expectation that parole officers will be proactive in matters related to employment.

Before employment rates can be used as a factor in performance evaluations, a base-rate for a state-wide or local segment of the parole population needs to be established. For example, if the state-wide employment rate of parolees is 55 percent, the performance of parole officers will be measured against this benchmark. This assumes that caseloads are assigned on a random basis. If officers are designated to work with special populations, e.g., ex-prisoners with mental health disorders, a separate benchmark would have to be established.

4. A universally accepted definition of recidivism should be adopted by state criminal justice agencies and used to benchmark the effectiveness of their efforts. The executive and legislative branches of government should set goals for the reduction of recidivism and hold agency heads accountable for achieving those objectives.

The ultimate goal of criminal justice agencies is to promote public safety in a way that is just, fair, and efficient. While measuring and increasing the employment rate of ex-prisoners will contribute to that goal, we know that employment alone does not preclude criminal behavior. There is, therefore, a need for a broader metric and objective. Specifically, we need to measure the re-arrest and re-imprisonment rates of former prisoners and set goals for reducing recidivism.

Holding criminal justice officials accountable for the reduction of recidivism will promote the use of evidence-based strategies described in this paper. It will also discourage the use of practices that are counter-productive, such as revocation, when less restrictive and costly sanctions would suffice.

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## **Conclusions**

There is considerable evidence that prisoners are often ill-prepared to obtain employment upon release, frequently lacking the basic identity documents and skills needed to secure work. Parole agencies generally recognize the challenges faced by ex-prisoners in their search for employment and offer a wide range of employment-related assistance either directly or through agreements with other agencies. However, many parole agencies do not track the employment rates of persons under their supervision, making it difficult to determine the effectiveness of the measures that are being employed.

If we are to determine what works best and for whom, common definitions and databases related to employment rates must be developed and used to measure the effectiveness of the interventions used by parole agencies. Additionally, policy makers must set goals for the employment rate of those under parole supervision, holding agency staff accountable for achieving these objectives. Related goals should also be set for the other branches of the criminal justice system. To that end, interagency planning is needed to ensure that the offenders receive the appropriate employment interventions at the appropriate time. This planning must take into account the rapidly changing nature of employment opportunities in this country, making adjustments as required.

These recommendations will undoubtedly require an investment of resources into pre- and post-release employment strategies. However, they will also give government officials an opportunity to determine the most effective strategies to employ and to reduce duplication where it exists. Ultimately, the reduction in criminal justice and other costs associated with recidivism should offset the investments made. Given the public's desire to reduce the cost of government and see further declines in the crime rate, the time has come to make these investments.

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## **Acknowledgements**

The author would like to gratefully acknowledge Dr. Jess Maghan, Director of the Forum for Comparative Correction, for his contributions to the survey design and his review of the manuscript. He also thanks Scott Anders, Jake Horowitz, Elliot Louan, Shelly Morelock, Ronald Rubin, Eric Seleznow, and Professor Bruce Western for their thoughtful comments, suggestions and assistance.

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**Table 1: Methods Of Service Delivery Used By Parole Agencies**

	Service Provided by			
	Agency	Vendor	Referral	Not Provided
Vocational Assessment and Career Guidance	43.75%	28.13%	65.63%	3.13%
Job Readiness and Pre-employment Instruction	40.63%	40.63%	62.50%	3.13%
Assistance in Securing Documents for Employment	62.50%	21.21%	3.13%	9.38%
Job Placement Assistance	40.63%	27.27%	65.63%	3.13%
Surety Bonding	6.25%	15.63%	43.75%	37.50%
Work Opportunity Tax Credit	12.50%	21.21%	59.38%	15.63%
Employer Career Fairs	18.75%	6.25%	46.88%	34.38%
Post Placement Guidance and Follow-up	34.38%	24.24%	37.50%	21.88%

## Court Management in an Environment of Scarcity\*

\* A version of this speech was given at the National [Probation and Pretrial Services] Chiefs Conference in Atlanta in June 2004.

*Michael Eric Siegel, Ph.D.*

*Senior Training Specialist, Federal Judicial Center*

**WE ARE IN** a time of unprecedented change, substantial risks and challenges, and remarkable possibilities. We are in a world marked by fundamental dislocation and uncertainty, and closer to home by an environment of true scarcity, austere budget pictures, multiplying challenges, perhaps offset by technological wonders that court leaders of yesteryear could not even have imagined.

It's time for new mental models and new leadership approaches. We do not come to these transformative concepts easily. In James Clavell's novel, *Shogun*, a Japanese woman tells her British lover, who is perplexed by the strange world of 17th century Japan into which he has fallen, "It's all so simple, Anjinsan. Just change your concept of the world." Indeed!!

When those of you in the federal court system signed up for the job of chief of Probation or Pretrial Services, you probably did not expect to have to deal with the kind of severe budgetary challenges we face today leading, in some cases, to downsizing and employee layoffs or furloughs. I doubt you imagined yourself putting together contingency plans for the continuity of operations of your court, or supervising building evacuation exercises to prepare for possible terrorist attacks. You may have looked out on a court system that seemed well organized and functioning smoothly in that complement of court units quaintly described by many as the "court family." And you never imagined, in your wildest dreams, how much time and energy you would spend on resolving difficult personnel issues. Whether we imagined it or not, this is the world we have. As a very wise person once said, "The future isn't what it used to be."

And yet, in tough times, in times of turbulence or what management scholar Peter Vail calls "permanent whitewater," leadership is more important than ever. In their recently published book, *The Price of Government: Getting the Results We Need in an Age of Permanent Fiscal Crisis*, authors David Osborne and Peter Hutchinson describe Hutchinson's visit to a grade class in Minneapolis. (He was the former superintendent of schools in Minnesota.) Mr. Hutchinson asked the class the following question: "Does anyone know what a leader is?" The teacher called on a girl in the back of the room who was waving her hand with such ferocity that Hutchinson was afraid it might become detached from her body. She stood straight and tall and said, "A leader is someone who goes out and changes things and makes things better."

Now I've read many definitions and explanations of leadership, but I have to say this fourth-grader has gotten to the core of great leadership—someone who goes out and makes things better. But how?

How can court managers go out and make things better in these difficult times? First, by maintaining a focus on the big picture, on the "core" of what we do. As Collins and Porras

discuss in their excellent book, *Built to Last*, great organizations have core values, a core ideology that remains constant even in a world of continual change. These organizations may change their tactics and even their strategies, but they do not waiver on what they stand for.

We work for the greatest justice system in the world, where we embrace what Justice Sandra Day O’Conner calls “the majesty of the law.” In her book with that same title, Justice O’Conner states that, “What is quite remarkable in my view is that each and every petition for review, whether provided by a sophisticated lawyer in a high-rise or handwritten by a prison inmate or private citizen in her home, is reviewed with care by each Justice.” Or, as an applicant to the Federal Judicial Center’s Probation and Pretrial Services Leadership Development Program put it, “If Proctor and Gamble can brag about a new detergent and McDonald’s can celebrate low cholesterol French fries, can’t the U.S. Probation Officer be proud of the Constitution?”

We are part of a strong and independent judiciary, whose essence was perhaps best captured by President Truman when he said, “Packing the Supreme Court can’t be done. I’ve tried it and it won’t work. When you put a man on the Supreme Court, he ceases to be your friend.” Instead he or she becomes the friend of those in need of protection—against the ravages of discrimination or the denial of the equal protection of the law.

I vividly recall an event that took place shortly after 9/11, when we returned to work at the Thurgood Marshall Judiciary Building. It is a rare occurrence for anyone to use the public address system in our building, but on that day Director Mecham took to the airwaves as it were and what he said has stayed with me ever since, because it spoke to the core values of which I am speaking now. He said, as accurately as I can remember, “I know that many of you are upset and frightened, and perhaps others are frustrated wondering what you can do to help our nation’s recovery from this tragedy. One of the best things we can do is to continue our work on behalf of the ‘rule of law’ in this country.” Yes, the rule of law, or as Churchill described it the “sovereignty of law” is what the judiciary is all about.

Writing recently in the *Los Angeles Times*, former Senator Gary Hart said, “For more nations will follow us because of the power of our ideas than the might of all our weapons.”

The nobility of our cause should uplift our spirits, even in tough times. And it should give us the courage to advocate for ourselves, to lobby for the resources necessary to secure this great enterprise called the judiciary. As Lyndon Johnson once said, “Nothing convinces like conviction.” But it’s not enough to have a noble cause when things get really tough and when we operate in an environment of waiting for the other shoe to drop, an atmosphere of scarcity and fear. What else can leaders do to go out and make things better?

Allow me to suggest some things we can do. First, I suggest that leaders avoid the panic mode. There is nothing more debilitating to employees than seeing their leaders fall victim to a panic mode when dealing with tough issues. Panic spreads quickly and creates an atmosphere of toxicity, as described by Professor Peter Frost of the University of British Columbia in a fine article titled, “Handling Toxic Emotions: New Challenges for Leaders and Their Organizations” (*Organizational Dynamics* Volume 33, 2004). In her unforgettable eulogy for the late President Ronald Reagan, Margaret Thatcher recalled how Reagan always maintained a sense of calm as a leader, no matter what came at him. After all, he was even calm when he walked into George Washington Hospital after being almost fatally wounded and said to the doctors about to operate, “I hope you’re all Republicans!”

In the article I alluded to earlier, Professor Frost shares the insights of David Marsing, a senior manager at Intel, who said in an interview:

I try, to the greatest extent possible, to maintain a level of calmness in the face of frantic issues. I try to be as objective as possible in discussions, and if I’m in a face-to-face meeting with someone who has a short fuse, I’ll sit right next to that person to make sure the fuse is never lit. I do that by being calm, even overly calm. When things get heated, I even change my voice. I will consciously take a



deeper breath, or two breaths, in front of everybody to get them to calm down a little bit and talk about the specifics, about solutions.

It's also a good idea to avoid the syndrome of "learned helplessness" as described by psychologist Martin Seligman. This posture tells us, "I can't do it, and the forces are stacked against me. I cannot provide any help to my staff because I too am paralyzed by fear, and anger, and my own impotence."

Indeed, Seligman has spawned a whole movement called positive psychology. This approach redirects focus away from an almost singular emphasis on healing mental illnesses and pathologies, and toward psychology's two forgotten missions: making people's lives more productive and worthwhile, and actualizing human potential. Seligman's pioneering work has led to the development of a school called positive organizational behavior or POB, which applies positively oriented human resource strengths to organizations; these strengths include self-efficacy/confidence, hope, optimism, and resiliency. The totality of these characteristics amounts to positive psychological capital.

People respond better to optimists than to pessimists, even when the only optimism possible is a brutal one, like Winston Churchill who told the British people, "I have nothing to offer you but blood, sweat and tears...but in the end I know we'll prevail."

In tough times, you can and should reach out to others. Our system has an amazing reservoir of good will, of people willing to help their colleagues. In the words of Oscar Stephenson, a chief probation officer in Alabama, "Anyone in our system can visit any courthouse in the nation with a full measure of confidence that she will be treated with a warm courtesy and an attitude of helpfulness and support." People are willing to share computer programs, expert knowledge, and even solutions to problems. In short, I recommend to you the following: don't go it alone!!

In a July 1993 article in the *Harvard Business Review*, authors Robert Kelley and Janet Kaplan sought out an explanation for how the superstars at Bell Laboratories achieved that elevated status. These are the 10 to 15 percent of scientists and engineers who stood out among their co-workers as stars. Managers explained the ascendancy of the stars by their IQ, or their competitive spirit, or other innate characteristics. Kelley and Kaplan, on the other hand, found the real keys to becoming a superstar included taking initiative and asking for help when needed.

In a recent article in the "Health" section of *The Washington Post*, a physician explained how reaching out to others helped him in his personal struggle against prostate cancer. By consulting friends, experts, and colleagues, this doctor learned that he did not have to take the most extreme advice proposed by one of his own doctors, but could try out less invasive, promising measures and then if needed go to the extreme.

A new study by psychologist Patrick Laughlin and his colleagues at The University of Illinois demonstrates that the approaches and outcomes of cooperating groups are not just better than those of the average member of the group, but are also better than the group's best problem-solver acting alone. I guess this research conclusion seems at odds with the famous quip of President John F. Kennedy, who proclaimed to a group of Nobel laureates seated for a meal at The White House, "There are almost as many brains assembled here as there were when Jefferson dined alone!"

Don't go it alone. Why? Because the lone problem-solver cannot match the diversity, knowledge, and perspectives of a group. We at the Federal Judicial Center broadcast an FJTN program related to the "Twelve Angry Men," noting that the jury in that famous movie reached a better decision because of its diversity—and because one of the jury members took the time to survey perspectives and entertain dissenting voices.

The problem-solver who goes it alone loses a considerable advantage—the power of parallel processing. In a cooperating group, specific parts of a decision can be parceled out to members for research, while the lone operator must process each piece sequentially. This can be a

fatiguing exercise when performed solo, because the decision requires information, analysis, integration, and judgment.

Whether it's about the best way to absorb budgetary shortfalls, to implement a new wave of the latest technology, or to coordinate the plethora of decisions and actions around moving into a new building, the leader will benefit from the wisdom of the team.

Finally, you must use compassion in turbulent times. You may think there is little you can do, but according to another article in the *Harvard Business Review*, there actually exists a compassion lab that measures the compassion levels of organizations. According to Professor Peter Frost, "Leaders of people in pain listen. They listen with attention and compassion to someone else's pain providing a moment of human connection." In the words of an executive interviewed by Frost, "I didn't say much, but I would look them in the eye and do a lot of nodding."

You can take small actions that have a big impact. During the 1995 government furlough—when Bill Clinton and Newt Gingrich could not agree on a budget for the federal government—the Secretary of Health and Human Services, Donna Shalala, wondered out loud what she could do to show compassion to her staff, who would lose pay and benefits during the holiday season. She explained her actions to *The Journal of Leadership Studies* in 2002:

I had to find a way to keep their morale up during a pretty devastating time for them, and we did lots of different things. Including the fact that we only had half the money for their paychecks just before Christmas, we figured out that we did not have to take all of the deductions out—Medicare and other tax deductions. As a result, our employees actually got their full checks before Christmas. They were shocked because all their friends and neighbors were getting \$7.00 checks and \$20.00 checks. It just took an extra effort for us to do this for our employees. We also communicated very clearly with them about what was going on. Even when we did not know what was going on, we sent them a letter saying, "We love you, hang in there." I remember my staff saying to me "We don't have anything to tell them." I said, "I don't care, just draft me a letter signed by me that says, hang in there, we're fighting for you."

In closing, I wish to emphasize, again, my personal recognition that you are leading your probation and pretrial services offices in a difficult time, and that there really is no playbook to guide your actions. You will have to have courage, defined by Senator John McCain as "that rare moment of unity between conscience, fear, and action, when something deep within us strikes the flint of love, of honor, of duty to make the spark that fires our resolve. Courage is the highest quality of life attainable by human beings." You will have to try and remember the grandiosity of the judiciary's mission, the need to face adversity squarely and not resort to learned helplessness, the imperative to reach out to others, and to use your teams to help you.

Take up a new form of leadership, more akin to General Matthew Bunker Ridgway than to Douglas MacArthur. According to David Halberstam, writing in *Fast Company* (September 2004):

Ridgway was courageous, but he is also instructive to us as a reflection of a new kind of military leader. In retrospect, MacArthur, the man he would soon replace as commander in the Far East, seems like a leader from another century. He was always busily engaged in cultivating his own personal mystique as the great man, the Great MacArthur who was head and shoulders above all other generals. The idea was that because he was such a great general, those he led were also great and would now fight well because he was leading them.

Ridgway was very different, a leader for the new, modern era. His leadership was more of an egalitarian kind, premised on letting the men fighting under him find something within themselves that made them tough and combat ready. The point of his leadership was not that

they would think that he was a great general—although in time they did—but that they would fight well because they were now more confident about who they were and what their mission was, and confident, too that they were tough and well prepared. And in a stunningly short time, he turned the Eighth Army around and made it a remarkable fighting force, one that could stalemate the vastly superior number of Chinese.

That was leadership at its best: a truly great man rising to the heights during an unforeseen, desperate occasion, lifted by his talents and his instincts, and imposing the force of his will on so many disheartened others. It was as if he had prepared for this moment during his entire career—and maybe he had. You won't find the secrets of it in any of his books. He did what he did because to do anything less would have been less than who he was.

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## Mental Retardation and the Death Penalty: The Clinical and Legal Legacy

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**AN OBVIOUS CULTURAL** lag long existing between the United States and its European and North American allies surrounds the death penalty. The 2002 U.S. Supreme Court ruling, *Atkins v. Virginia*, finally outlawed the practice of “death qualifying” mentally retarded (MR) offenders, a practice long abandoned by other democracies. And, more recently, in March 2005, the high court banned the death penalty for juvenile offenders (*Roper v. Simmons*). While the death penalty is no longer an option within the European Union and it is not practiced in either of our border NAFTA neighbors (Mexico and Canada), executing the mentally retarded, the mentally ill, and youth is seen as especially uncharacteristic of civilized societies, especially in light of the current research on the neurophysiology and neuro-psychology of the central nervous system (CNS) and its relationship to the measure of adult-level competency—the very foundations of culpability. The advent of more advanced neuro-imaging techniques within the past 20 years has led to a better understanding of brain development, notably in children and youth. Generally speaking, hormonal infusion and rapid growth spurts during puberty, coupled with incomplete frontal lobe myelination (neuronal insulation), creates a likelihood of both increased subcortical impulses and insufficient frontal lobe control over these impulses. And while the process of frontal lobe myelination is usually complete at the time skeletal growth is completed (usually age 18 in Western societies) it takes another seven years for sufficient pathways to be etched in the Basal Ganglia (neuronal super highway). This phenomenon accounts for the higher incident of impulsive behaviors among youth and adults until age 25. This is the current argument against “death qualifying” youth (French & deOca, 2001). The mentally retarded, on the other hand, have diminished cognitive capacity due to birth defects or accidents and brain insults prior to the age of 18. Unlike adolescents, the mentally retarded are not likely to ever correct their status of diminished responsibility. This fact has long been recognized, leading to the well-intended but ill-fated sterilization laws enacted in much of the U.S. during the 20 th century.

Ironically, while clinical disciplines, including psychology, have made significant contributions to the current MR and juvenile offender cases before the high court, they have also contributed historically to the now questionable practices of eugenics, a foundation for the most severe societal sanction—the death penalty for mentally retarded offenders. Interestingly, the U.S. Supreme Court based its death penalty decisions not on international consensus but rather on “national consensus.” But once this means test was met, the Court used clinical evidence to support its ban on “death qualifying” the mentally retarded. The current foundation for the June 2002 U.S. Supreme Court decision (*Atkins v. Virginia*) is rooted in the new neurological research available within the past 15 years and represented by current clinical assessment tools, including

the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR).

The *Atkins* decision reads: “Execution of criminals who were mentally retarded held to constitute cruel and unusual punishment in violation of Federal Constitution’s Eighth Amendment.” Essentially the Court felt that the execution of the mentally retarded would not measurably contribute to either deterrence or retribution within the U.S. criminal justice system. The Court also noted that mentally retarded defendants face a greater risk of wrongful execution before the judicial system and therefore warrant special protection. In *Atkins*, the U.S. Supreme Court noted that the evolving standards of decency within the country now prohibit the execution of people who are mentally retarded. The scientific basis for this decision cites the standards set forth by both the American Association on Mental Retardation (AAMR) and the American Psychiatric Association that MR is basically defined as 1) significant subaverage general intellectual functioning, 2) concurrent with deficits in adaptive functioning, and 3) occurring before age 18.

Clearly the introduction of clinical elements in the death penalty argument is significant—but not new. Even then, jurisdictions such as Texas continue to defy *Atkins* by challenging the clinical definition of mental retardation, bringing to the forefront the marked, and often contravening, differences between the legal and mental health disciplines and their respective definitions of the situation. Contributing to this dilemma concerning a concise measure of mental retardation are the conflicting definitions offered by two separate organizations: the American Association on Mental Retardation (AAMR) and the American Psychiatric Association (APA). In *Atkins* the U.S. Supreme Court used the 1992 AAMR definition:

Mental retardation refers to substantial limitations in present functioning. It is characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work. Mental retardation manifests itself before age 18 (Luckasson, 1992:5).

The American Psychiatric Association definition that is listed in the DSM-IV-TR offers variable IQ ranges for each of the four categories, while also noting that MR has numerous etiologies (presented on Axis III) and: “may be seen as a final common pathway of various pathological processes that affect the functioning of the central nervous system (APA, 2000: 41-49).” Here, Mild Mental Retardation, one of five codes within the MR classification diagnosis, is listed as an IQ range of 50 to 55 to approximately 70. Accordingly, a seventy IQ reflects two standard deviations from the normative IQ of 100 or a statistically significant departure from the norm as stated in the *Atkins* decision. Texas continues to challenge the measurement of the IQ range requisite for a diagnosis of mental retardation in its attempt to continue to death qualify offenders with low-range intelligence.

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### **Clinical/Legal History of Assessing Legal Competence**

The role of psychology in the classification of intelligence, and hence legal competence, goes back to the origin of intelligence measurement itself—the Binet Simon developed in France in the early 1900s by psychologist Alfred Binet and physician Theodore Simon (Fancher, 1985). However, it was the U.S. version—the Stanford-Binet—that made dramatic claims relevant to its power to predict deviant and/or criminal behaviors, hence paving the way for legal sanctions directed toward those labeled “subaverage.” Terman stated in the original 1916 Stanford-Binet that:

It is safe to predict that in the near future intelligence tests will bring tens of thousands of these high-grade defectives under the surveillance and protection of society. This will ultimately result in curtailing the reproduction of feeble-mindedness and in the elimination of an enormous amount of crime, pauperism and industrial inefficiency.... One of the most important facts brought to light by

the intelligence test is the frequent association of delinquency and mental deficiency.... There is no investigator who denies the fearful role played by mental deficiency in the production of crime, vice and delinquency.... Not all criminals are feeble-minded, but all feeble-minded are at least potential criminals. That every feeble-minded woman is a potential prostitute would hardly be disputed by anyone.... Considering the tremendous cost of vice and crime it is evident that psychological testing has found here one of its richest applications (Terman, 1916:26).

Clearly, Terman was influenced by British psychologist Francis Galton, who was in fact his mentor. Galton, considered the father of scientific psychology and mentor to J.M. Cattell, Spearman, and Terman, played a significant role in setting the stage for the use of psychological tests to implement the dictates of Social Darwinism. These ideals were born in Galton's theory of eugenics (breeding for positive traits). Eugenics, implemented partly through involuntary sterilization, was seen as the means for achieving successful Social Darwinism in the United States. The purpose was simple—improvement of the human race through the elimination of what were considered to be defective gene pools. It was Terman, however, who provided the seemingly objective measure for determining who was unfit.

To Terman, general intelligence testing provided sufficient evidence to evaluate and label serious deviants in society. Included here was the implicit plan for social control, including the elimination of the mentally deficient through institutionalization and sterilization. Indeed, the influence of Galton's eugenics coupled with Terman's U.S. version of the Binet was so profound that by 1926, 23 states had enacted mental retardation sterilization laws, 18 of those providing for mandatory sterilization of those classified as being mentally deficient, including habitual criminals. In 1927, the U.S. Supreme Court upheld involuntary sterilization in *Buck v. Bell*. A recent study by faculty at Johns Hopkins University compares eugenic sterilization in both the United States and Germany from 1930 until 1945. While the numbers of U.S. forced sterilizations pale in comparison with the 360,000 to 375,000 affected by this practice during Nazi rule (this number not including those exterminated during the Holocaust), some 40,000 persons were involuntarily sterilized in America during this period (Sofair & Kaldjian, 2000). Involuntary sterilization ended in the United States, at both the state and federal levels, during the Civil Rights era of the 1960s, when it was realized that those most likely to be subjected to this practice were poor minorities, notably African Americans and Native Americans (French, 1994).

The race/class and IQ controversy continued into the 1970s and 1980s with the *Larry P. v. Riles* case. The *Larry P.* challenge, filed in 1971, was a class-action suit representing African-American children and youth labeled as being EMR (educable mentally retarded) by the San Francisco Public Schools and subsequently placed in special education classes. The suit claimed that flawed IQ assessments resulted in a disproportionate number of minority children being placed in "educable mentally retarded classes." The petitioners contended that this process violates Title IV of the 1964 Civil Rights Act, the 1973 Rehabilitation Act, and Public Law 94-142—the 1975 Education for All Handicapped Children Act (EAHCA of 1975). One of the petitioners, the Bay Area Association of Black Psychologists, sought a ban on IQ testing, especially single measure indicators of general intelligence. The Association argued that existing IQ tests were not adequately standardized to reflect minority subcultures in the United States, hence resulting in these students having a greater likelihood of being placed in stigmatizing special education curriculum that, in turn, led to a greater school drop-out rate and a marked disadvantage in the job market once they left school. French (1986a) noted that the mechanism of testing stigma is tantamount to *blaming the victim*, a self-fulfilling prophecy whereby minorities, including the mentally retarded, are blamed for their poor test results and therefore become labeled as deviant.

The *Larry P.* case worked its way through the California courts and into the federal appeals courts, ending with the Circuit Court of Appeals in 1984. The result was an agreement that no assessment of ability would rest on a single instrument. Equally compelling was the move to better norm subsequent versions of existing instruments as well as to include other measures of

mental retardation, such as medical etiologies, life histories and the like in order to rule out class, ethnic, and racial factors (French, 1986a, 1986b, 1986c).

Another factor leading to the execution of the mentally retarded was the movement toward deinstitutionalization that began in the 1960s with the advent of new psychotropic medications and the movement toward community mental health facilities. Interestingly, the deinstitutionalization process in the United States was initiated in the prisons (*Baxstrom v. Herold*, 1966; *Dixon v. Attorney General of the Commonwealth of Pennsylvania*, 1971) and only later involved facilities for the mentally retarded (*Wyatt v. Stickney*, 1972; *Halderman v. Pennhurst*, 1979). Two major U.S. Supreme Court cases occurred in the 1980s—*Youngberg v. Romeo*, 1982; and *City of Cleburne v. Cleburne Living Center*, 1985)—setting the stage for the current U.S. Supreme Court decision. Additionally, the *Larry P. v. Rile* case challenged the reliability and validity of intelligence testing, especially among minorities challenging Terman's faith in the ultimate power of IQ tests. Even then the Atkins ruling allows the state to determine how mentally retarded offenders are to be assessed and measured. Part of this dilemma can be traced to the fact that *Larry P. v. Riles* was not appealed to the U.S. Supreme Court.

In *Baxstrom v. Herold*, the high Court held that Baxstrom had been denied equal protection of the law by statutory procedures under which he was held at New York's Dannemora State Hospital for the criminally insane. Deemed mentally ill while serving a criminal sentence, Baxstrom was held beyond the expiration of his maximum sentence. The U.S. Supreme Court ruled that this action and corresponding statutory justification violated Baxstrom's civil rights, notably those guaranteed under the Fourteenth Amendment, as well as those of the entire class that his case represented. This case was significant in establishing three precedents for the rights of the incarcerated mentally ill: 1) it terminated the practice of extended institutionalization; 2) it established a critical precedent regarding both prisoners' and patients' rights; and 3) it forced the immediate transfer of nearly a thousand patients from penal to civil facilities (French, 1986d; Steadman & Keveles, 1972).

While *Baxstrom* initiated the decarceration process within forensic facilities, it was the Dixon case (*Dixon v. Attorney General of the Commonwealth of Pennsylvania*) that addressed the issue of dangerousness—the single most critical factor used in determining long-term institutionalization, whether in a prison forensic unit, psychiatric ward or state school. Here, Donald Dixon and others filed a class action suit challenging the constitutionality of their involuntary confinement at Pennsylvania's Farview State Hospital. In 1971, the Court ruled for the plaintiffs, ordering all members of the Dixon class either released outright or reevaluated for treatment in non-forensic mental health facilities. Similarly, the *Dixon* case required that sentence-expired mentally ill offenders must be released from penal forensic institutions to civil facilities or to the community (French, 1986d; Thornberry & Jacory, 1979).

The 1971 *Wyatt v. Stickney* case specifically addressed the rights of involuntarily confined mentally retarded clients. The federal Court in this case ruled for improved standards of institutional operations for the mentally retarded in Alabama. While this case did not call for the release of the institutionalized class of mentally retarded residents, it did specify the "quality of care" required for these involuntarily committed individuals, thereby setting the stage for eventual deinstitutionalization of this population. The conditions now required included: 1) a humane environment; 2) sufficient and qualified staff; 3) individualized treatment plans; and 4) residence in the least restrictive environment (Braddock, 1981).

In 1977, in *Halderman v. Pennhurst*, a federal Court ordered the first closing of a U.S. mental health facility. In its decision, the Court determined that confinement and isolation of retarded residents at the Pennhurst State School constituted segregation. Moreover, the Court cited the state school for not abiding to the minimal treatment standards set out in *Wyatt*. The state of Pennsylvania appealed the decision all the way to the U.S. Supreme Court, setting the stage for the 1982 *Youngberg* decision.

Both the *Youngberg* and *Cleburne* cases had unintended consequences that unwittingly fueled the mentally retarded death penalty controversy in addition to their manifest intent of improving the

lives of the mentally retarded population in the United States. The *Youngberg* case was significant in that the U.S. Supreme Court based this decision on lower court rulings and in contrast to its 1926 *Buck v. Bell* decision sanctioning eugenics via sterilization of the mentally retarded. The *Youngberg* case addressed the *Wyatt 71, 72, 74* standards relevant to the involuntary confinement of the mentally retarded. In *Youngberg* the U.S. Supreme Court nationalized these standards across the country.

Essentially the U.S. Supreme Court looked at the case of Nicholas Romeo, an involuntary resident of Pennhurst State School and Hospital, relevant to his Fourteenth Amendment rights. The Court held that involuntarily committed mentally retarded residents have a constitutional right to habilitation and training. Indeed, the U.S. Supreme Court explicitly stated that involuntarily committed persons afflicted with mental retardation have the same rights to due process as do prison inmates, including habeas corpus petitions: “If it is cruel and unusual punishment to hold convicted criminals in unsafe conditions, it must be unconstitutional to confine the involuntarily committed—who may not be punished at all—in unsafe conditions” (*Youngberg v. Romeo*: 1982).

The *Youngberg* decision states that mentally disabled people cannot be deprived of the following interests that are clearly recognized as constitutionally required for institutional care:

1. Reasonable care and safety.
2. Freedom from bodily restraints.
3. Adequate food, shelter, clothing, and medical care.
4. Those liberty interests to which convicted criminals are entitled.
5. Adequate training or habilitation to ensure the enjoyment of liberty.

The *Youngberg* ruling touched upon a number of critical clinical and legal areas affecting both institutional care (quality of care; habilitation and treatment; aftercare) and community placement (mainstreaming into public group homes). Many states found it too expensive to maintain their state schools and psychiatric hospitals under these conditions, resulting in the release of significant numbers of mentally retarded and mentally ill (MI) clients into communities that were ill-prepared for the intensity of their care. Ironically, prisons and jails now became the home of inadequately treated MR and dual diagnosed MR/MI individuals. The clinical safety net was not adequate at that time and still is deficient in many states, leading to long backlogs of never-treated mentally retarded individuals, making them all the more susceptible to criminal adjudication (French, 1983; 1986d).

Community resistance to group homes led to the second major U.S. Supreme Court decision regarding the care of the MR. In the 1985 *City of Cleburne v. Cleburne Living Center* case, the Court ruled that mental retardation in itself does not determine a quasi-suspect class and therefore does not warrant special legal rights beyond those afforded all citizens under the Equal Protection Clause of the Fourteenth Amendment. By the same token, the Court struck down zoning ordinances that may discriminate against group homes for mentally retarded clients. This ruling proved to be a mixed blessing for advocates of deinstitutionalization. While the ruling removed a serious obstacle to strategically located group homes for this population, it also denied these mainstreamed clients additional special considerations that may have been available if they were afforded “quasi-suspect” classification, such as is extended to the mentally ill. A major consequence of this ruling was the changing of mental retardation from an Axis I major clinical syndrome to Axis II, beginning with the 1987 Diagnostic and Statistical Manual (DSM-III-R) and in all subsequent versions.

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### **The DSM and the Criminal Adjudication Process**

Axis I disorders, with the exception of the v-codes, offer defendants substantial license regarding mitigating circumstances. This is especially critical in the two-phase adjudication process articulated in the U.S. Supreme Court’s reinstatement of the death penalty in 1976, following its



1972 *Furman v. Georgia* ruling on the death sentence as being unconstitutional as administered up to that time (*Gregg v. Georgia*; *Jurek v. Texas*; *Proffitt v. Florida*). The advent of the DSM-III in 1980 greatly aided forensic psychology and psychiatry by providing a scientific multi-axle model of clinical definitions based on the World Health Organization's International Classifications of Diseases (ICD). This provided for a more objective marriage between the clinical and legal disciplines in civil, criminal and juvenile court hearings with the generally accepted understanding that Axis I major clinical disorders and/or syndromes could be presented as mitigating circumstances in order to challenge aggravating circumstances. On the other hand, it was generally held that Axis II disorders were not to be considered significant factors that could override aggravating circumstances. At the time of the DSM-III, personality disorders were the only category in Axis II.

But following the U.S. Supreme Court's 1985 *Cleburne* decision that the mentally retarded did not share the same special protected class as the mentally ill, MR classifications were relegated to Axis II, beginning with the 1987 DSM-III-R. This shift in classification now made mentally retarded defendants "death qualified" even under the two-tier adjudication death qualifying system approved by the U.S. Supreme Court and used from 1976 until the present. It would be interesting to know how many, if any, MR defendants were spared being "death qualified" between 1976 and 1985. At any rate, the resulting separation of the MR class from the same legal protection held by the mentally ill (MI) class was seen by many as an unfortunate unintended consequence of the *Cleburne* decision.

Nonetheless, the 2002 *Atkins* ruling set the stage for the next death qualifying legal challenge, that of death qualifying youth offenders. All other *civilized* nations, including international organizations such as the United Nations and the European Union, were already against the execution of adolescents. The December 2003 issue of the *American Psychologist* addressed this issue as well. Laurence Steinberg and Elizabeth Scott, in their article, "Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty," presented many of the same clinical and neuro-physiological issues that were offered in the clinical defense against executing the MR—mainly that neither class should be held to the normal adult standard of *mens rea*, especially when considering the ultimate sanction—execution:

Under principles of criminal law, culpability is mitigated when the actor's decision-making capacity is diminished, when the criminal act was coerced, or when the act was out of character. The authors argue that juveniles should not be held to the same standards of criminal responsibility as adults, because adolescents' decision-making capacity is diminished, they are less able to resist coercive influence, and their character is still undergoing change. The uniqueness of immaturity as a mitigating condition argues for a commitment to a legal environment under which most youths are dealt with in a separate justice system and none eligible for capital punishment (Steinberg & Scott, 2003: 1009).

The American Psychological Association filed an amicus brief in the *Roper v. Simmons* case before the U.S. Supreme Court. The brief supported banning the death penalty for youth, presenting recent psychological research that indicates that youth are more impulsive and take more risks than adults, make more immature decisions, fail to resist peer influence and are more susceptible to coercion and false confessions: "The brief includes recent brain-imaging research on brain functioning that suggests an average brain continues to develop through the teen years, particularly in areas that control decision-making (Gilfoyle, 2005: 46)." Clearly, as the Supreme Court ultimately agreed in *Roper v. Simmons*, the arguments for diminished capacity also apply to the mentally retarded and youth. There is clear scientific evidence that these classes of individuals do not have the same mental resources and capacity as adults when it comes to full criminal responsibility—the standard which provides the basis for *mens rea* and hence the justification for society's ultimate sanction—death.

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## Electronic Monitoring: Positive Intervention Strategies

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**THE SUPERVISED RELEASE** of business executive Martha Stewart from Alderson Federal Prison Camp in March, 2005, brought unprecedented attention to the use of electronic monitoring. Ms. Stewart and other CEOs who have been electronically monitored (e.g., Diana Brooks of Sotheby's) are non-violent offenders who appear to present little threat to the community. Electronic monitoring in such cases is not a matter of public safety, nor is such monitoring required to facilitate the integration of these offenders into society. Rather, the monitoring serves as a socially expedient intermediate sanction that is more punitive than traditional probation, but less harsh than incarceration.

The punitive aspect of electronic monitoring (EM) is primarily a result of a more rigorously enforced compliance with the conditions of community supervision. Violations can be more easily documented with EM than with traditional procedures, and sanctions can then be applied. The intention of the designers of the original prototype system was not, however, to enhance compliance but to help offenders gain self-esteem and socially valued skills (Gable, 1986). The present paper is a brief critique of current and future uses of EM as a mobile communication technology.

In 1964, Ralph Schwitzgebel at Harvard University designed and patented (#3,478,344) with William S. Hurd a prototype electronic monitoring system in Cambridge, Massachusetts (*Harvard Law Review*, 1966; Schwitzgebel, Schwitzgebel, Pahnke and Hurd, 1964). <sup>[1]</sup> Juvenile offenders were monitored within prescribed geographical areas where repeater stations were located. When an individual's transceiver activated the repeater station, his location was indicated on a lighted map at the base station. A few years later, Ralph Schwitzgebel's twin brother (Robert Schwitzgebel), a professor at UCLA and later at Claremont Graduate University, licensed an FCC-experimental radio station that supported a modified prototype system capable of sending tactile signals and of permitting two-way coded communication (Schwitzgebel, 1969; Schwitzgebel & Bird, 1970). <sup>[2]</sup> Both of these radio-frequency transmitter/receiver systems were relatively expensive and electronically primitive by contemporary standards. As Mainprize (1996:6) noted, "Schwitzgebel's efforts to promote EM fell upon the shores of economic and technical impracticality."

In 1983, district court judge Jack Love, a former federal public defender, was thinking of a way to keep someone from going to jail and persuaded Michael Goss, a computer salesperson, to

develop a system to monitor five offenders in Albuquerque, New Mexico (Ford & Schmidt, 1985). A second system was implemented by Thomas Moody in Key Largo, Florida. By 1987, 21 states had reportedly begun EM programs, with more than 900 offenders being monitored (Schmidt, 1988).

In the following 15 years, the number of persons in the United States supervised outside jail facilities by EM had greatly increased, with estimates ranging from 12,000 to 75,000 (Cohn, 2003; Sourcebook, 2005). Roughly estimated, about 20 percent of community-based supervision in the United States now involves electronic monitoring, and equipment is provided by approximately 20 private companies. Similarly, in England and Wales, about 20 percent of 50,000 offenders who started pre- or post-release supervision in 2004 were electronically monitored (National Probation Service, 2005); in Sweden approximately 25 percent of 15,000 prisoners were placed on electronic monitoring in 1998 (Hofer, 2000).

Two changes are generally credited with the rapid growth of EM in the 1980s. The first change was the expansion of the prisoner population as a result of mandatory minimal prison terms, especially for low-level drug offenses. This led to prison overcrowding and subsequent judicial mandates to limit prison intake. The second change was expansion of a technological infrastructure for information processing. Analog telephone networks were replaced by digital networks; this replacement permitted easier integration with more powerful and lower-cost microprocessors. In terms of number of units presently deployed, EM can be judged a success. In terms of social benefit, the assessment is less certain.

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### **Evaluation of Program Effectiveness**

The efficacy of EM, as a form of intensive supervision, can be measured in many ways.

The most common outcome variables include recidivism, revocations, and recorded infractions. The appropriate use of any of these variables obviously depends on the reason that the offender originally entered the criminal justice system. EM is most commonly used with the following types of offenses (Lilly, Ball, Curry & McMullen, 1993; Connelly, 1999):

- Drug possession
- DUI
- Driving without a license or with a suspended license
- Assaults and battery involving domestic affairs
- Petty theft, or theft without injury
- Welfare or housing fraud
- Credit card fraud or embezzlement

Selection criteria have, in some studies, also limited EM participants to persons with positive attributes such as strong family support (Roy, 1997) or individuals who are employed or attend school and can pay an income-based fee for participation (e.g., San Mateo County, 2005).

Despite the common assertion that EM is primarily used with offenders who would otherwise be imprisoned, evidence suggests that there has been “net-widening” to include low-risk offenders who would not normally be incarcerated (Bonta, Wallace-Capretta and Rooney, 1999; Jackson, DeKeijser and Michon, 1995; John Howard Society, 2000). Thus, the low recidivism rate of some programs is not a result of the deterrent power of EM, but merely a reflection of the low-risk profile of the participants—a “Martha Stewart” effect.

Because the risk profiles of offender participants differ, as well as the variables measured and the nature of the supervision accompanying EM, no clear and consistent pattern of benefit has emerged. For example, a qualitative assessment of a home-confinement program in Florida concluded that, despite some technical problems, EM was “generally successful” as an alternative to incarceration (Papy and Nimer, 1991). A study of 126 monitored drug offenders in Los Angeles compared to a matched group of 200 drug offenders who were not monitored showed

significantly fewer major violations for the monitored group during monitoring as well as 90 days subsequent to monitoring (Glaser and Watts, 1992). A study of a home detention program in Indiana by Roy (1997) reported that about 75 percent of the offenders did not recidivate after one year.

In contrast, Finn and Muirhead-Steves (2002) found no significant difference in the number of rearrests after three years between electronically monitored offenders and a control group. No significant differences were observed in a one-year evaluation by Petersilia and Turner (1992) between probationers in an EM program and probationers in an intensive supervision program. Similarly, a two-year comparison of the reconviction rate of regular probationers in the U.K. with 261 offenders under electronic house arrest found no difference between the two groups (Sugg, Moore and Howard, 2001).

A carefully designed one-year follow-up study in Canada that compared 262 male offenders in EM programs with unmonitored inmates and probationers concluded that, after controlling for offender risk and needs, “EM does not have a post-program impact on criminal behaviour” (Bonta, Wallace-Capretta, and Rooney, 1999:25). A comprehensive meta-analysis of 381 articles and abstracts on the effectiveness of EM with moderate to high-risk offenders has been published by Renzema and Mayo-Wilson (2005). They found no convincing evidence that EM is more effective in reducing the rate of offending than other prison diversion programs. These reviewers concluded that:

It is hardly surprising that recidivism has not been reliably reduced by an intervention that is typically quite short, applied in a standard fashion, and applied to a diverse group of offenders for whom it may or may not have any relevance to their motives for offending. Extant EM programs seem akin to giving aspirin to a mixed group of hospital patients and then wondering why their underlying diseases have not been cured. (Renzema & Mayo-Wilson, 2005:[in press])

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### **Monitoring with Graduated Sanctions**

Electronic monitoring would appear, at least initially, to be a technology well suited for correctional interventions that apply sanctions of gradually increasing severity. Such graduated sanctions are typically administered as a structured, incremental response to non-compliant behavior of a parolee or probationer. As an integral part of this strategy, a comprehensive classification system was developed for assessing the probability of re-offending by adjudicated youth (Wilson and Howell, 1993). The classification system is accompanied by a conceptual matrix that guides agencies in making disposition decisions. Suggested sanctions include brief work assignments, daily attendance at self-help groups, curfew restrictions, more frequent drug testing, short jail stays, as well as home confinement with monitoring.

The sanctions are aversive events intended to punish and eliminate unwanted behavior. Behavioral scientists have carefully studied the effects of punishment for more than 35 years (e.g., Skinner, 1969), and the basic principles are firmly established. Laboratory experiments have demonstrated that the most effective aversive stimuli are certain, severe, and immediately related to the unwanted behavior. Community EM programs that are designed to maximize the specific deterrent effects of punishment generally attempt to follow these principles. However, two practical and persistent difficulties limit effectiveness:

**1) Technical constraints.** Technical problems with EM are inevitable, particularly in a commercial market where equipment suppliers try to get a competitive edge by equipment innovations. A possible violation in the form of an “alert” or “exception event” can be triggered by equipment malfunctions such as a telephone’s advanced calling features being activated by a family member, failure of a field monitoring unit to pick up a transmitter signal, or a computer crash. Other system glitches can occur when a backlog develops in the process of verifying exception events by the monitoring center, or when a staff member fails to enter into the

computer an approved change in an offender's schedule.

Receivers are sometimes placed in a residence in order to warn a potential crime victim (who is typically involved in a domestic violence situation) that an offender has come within a defined and prohibited geographical radius. Such false alarms are troublesome for potential victims as well as police and offenders. Erez and Ibarra (2004:18) noted that false alarms in an EM program initially caused unnecessary fear among potential victims. Later, when the alarms "became routine," irritation was expressed.

**2) Judgments made by program staff.** Even if EM technology were infallible, immediate and unequivocal sanctions could not be reasonably applied. Consider, for example, the very common situation of a parolee associating with ex-convicts. Will an immediate sanction actually be administered? Or, if an offender fails to show up for an appointment, will a severe sanction be automatically applied? Probably not, at least for the first few times, because we know that some degree of relapse is almost inevitable. Assuming that the program staff agrees on a grace period after an exception event, will the offender be told in advance or be left to guess and gossip about it? Issuing threats without follow-through sends a mixed message that mitigates the effectiveness of punishment routines.

On the other hand, a program that unerringly punishes offenders for technical violations cannot be expected to reduce recidivism rates because EM is likely to identify more violations than traditional supervision (Crowe et al., 2002). Imposing the punishment trilogy of "certainty," "severity," "immediacy" on the normal ebb and flow of human relationships is simply unrealistic and negates the common-sense judgment of program staff.

An essential tenet of learning theory is that *punishment does not change behavior; it temporarily suppresses it*. A person may conform to rules to avoid punishment, but once the threat of punishment is removed, the original behavior is likely to reoccur. Drivers typically slow down when they observe a police car behind them; they resume their previous speed when the police car turns onto a different road. Similarly, a higher rate of criminal activity has been observed when intensive supervision is ended (MacKenzie and De Li, 2002). Erwin (1990:72) reported that among probationers who completed the electronic monitoring program "there is a pattern of return to drugs and crime among a significant number of cases soon after they are transferred off the ISP [intensive supervision program] caseload to regular probation supervision." In a meta-analysis involving 66,500 offenders receiving intermediate sanctions (e.g., EM, fines, restitution), Smith, Goggin and Gendreau (2002) found no reduction in recidivism after completing a minimum of six months of supervision.

The process of applying increasingly severe sanctions, if empirically-established behavioral principles are followed, may also have undesirable side-effects. It prompts anger and resentment. When offenders are released from a correctional facility, they want "freedom," and typically view (perhaps unreasonably) parole conditions that include sanctions or mandatory treatment as more hoops, hurdles, and hassles to overcome. The degree of frustration and hostility expressed by offenders varies, but a visit from a probation officer is seldom a welcomed occasion. A first-hand account of the work of an EM officer in England (Jones, 2005:585) suggests that his job lacks the glamour that a corrections professional might want:

Getting a PID [personal identification device] to register can simply mean waiting outside the property from perhaps the relative safety of the vehicle. However, even this can have an element of risk, for instance, having personally had my car (a company vehicle) attacked on many occasions, including, urinated on from upstairs windows, youths surrounding the car on mass, tyres been let down, as well as even on numerous occasions being approached in my vehicle by local prostitutes touting for business.

Punishment *does* have a legitimate role in rehabilitation, but only as a *temporary* means of suppressing behavior that is dangerous to self or others. While the dangerous behavior is being suppressed, or immediately thereafter, desired behavior should be rewarded. Monitoring appears

to reduce recidivism only when it is paired with a treatment program (cf., Bonta, et al., 1999). Without a treatment-only control group, the possibility that the treatment itself might account for any observed improvement cannot be ruled out. Indeed, it could be that the coercive nature of EM with sanctions might actually reduce whatever treatment effectiveness existed. In summary, a substantial and creditable body of knowledge indicates that a program having *sanctions-only* will result in high compliance in the short term but does not improve compliance in the long term.

Few, if any, programs have used EM *primarily or exclusively* as a positive reinforcement tool. The following section of this paper outlines what we believe can be the effective use of electronic monitoring without (or with only minimal) negative sanctions.

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## **Positive Monitoring**

Electronic monitoring should place public safety as a priority. Because incapacitation and punishment are short-term solutions to a long-term problem, public safety will substantially improve if decision-makers devise policies based on non-incarceration strategies such as positive reinforcement. The 678-page report of the Re-Entry Policy Council (2004:398) recommended that “community supervision officials should develop a system of graduated positive reinforcements that help to imprint pro-social behaviors and attitudes.” Outlined below are a few well-established incentive-oriented principles that can be used with EM. *Reward small steps.* Offenders want and deserve recognition for improvements, even if their present behavior is only a small improvement and does not meet a normally expected standard. When a child is learning to walk, or an adult learning to play a musical instrument, he or she is given praise for what—by adult or professional standards—would be a very inadequate performance. As the behavior improves, the standard is raised. The reason for the reward should be made clear to the recipient, and it should occur relatively rapidly and frequently at the outset of the rehabilitation program.

*Vary the value of the incentives.* Positive consequences should vary in economic or symbolic value. Possible options include letters of commendation, verbal praise, reduction of fines, complimentary tickets to sports or music events, and sobriety anniversary celebrations. The more unexpected and specific the consequence is to the individual’s personal interests, the better. An inexpensive gift that shows that the offender was recognized as a human struggling to “make it” in a seemingly indifferent or hostile world is better than a group-oriented formality. One of the most dramatic surprises given to a probationer during the original EM project in Cambridge (MA) was being driven to his work (as a gas station attendant) for two days in a donated limousine. He was the “big man” of the neighborhood. Financial limitations and agency rules mean that correctional personnel must be creative in designing appropriate incentives. Tangible rewards might be distributed at a day reporting center where activities such as drug testing—clearly distinguished from any EM program—normally take place.

Behavioral contracts are not an effective way to shape or maintain behavior. There are at least two reasons to avoid contracts or promises as a type of incentive. First, contracts give the offender the option of breaking the contract, possibly in a moment of impulsive anger that everyone later regrets. Second, if the conditions of the contract cannot be fulfilled for legitimate reasons, the corrections agent must either ignore the violation or punish the offender. Neither of these reactions is satisfactory because it justifies the offender’s predisposition to view correctional authorities as malicious, arbitrary, duplicitous, or simply inept.

*Vary the timing of the incentives.* The element of surprise is helpful. Routines may be desirable in matters of maintenance (e.g., paychecks, dinner time), but fixed schedules are not the most effective way to motivate behavior. Consider the example of a virtually useless behavior-change gratuity—the Christmas bonus. Because Christmas bonuses are usually given during the same week every year, the gift is no longer a surprise. In fact, employees occasionally complain that they did not get as large a bonus as they expected. Employee motivation and goodwill would be better fostered if the same expenditure, in goods or money, were spent over the course of the

entire year, immediately contingent on desirable employee performance.

In terms of social learning theory (cf., Akers and Sellers, 2004), incentives should be given on a “variable ratio/variable ratio schedule” (differing amounts / differing times). The initial EM project used variable schedules of reinforcement to shape prompt attendance of delinquent youth at paid tape-recorded interviews. At the beginning, the youth would arrive as much as 3 hours late or 3 hours early, occasionally resulting in potential violence between gangs or ethnic groups. An interviewee might receive a \$5 bonus for being “only” 45 minutes late, then no bonus for being 5 minutes early, followed by a pair of highly-desired base-ball tickets when he was 10 minutes late but gave a good interview (Schwitzgebel, 1965). The timing, contingency, and value of the bonuses were unpredictable, but always given in a manner that would not diminish the self-respect of the recipient or make him feel obligated to accept.

The typical shelf-life of a positive EM intervention should be less than one year, excluding aftercare. This follows the general treatment guidelines of Cullen and Gendreau (1989), who recommended interventions of at least 100 hours over a 3- to 4-month period ending in one year. Frequent interaction at the beginning of supervision should be tapered off toward the end as the behavior becomes maintained by more natural, long-term incentives. A monitoring transmitter might be conceptualized as a “social prosthetic device” similar to a walker that is downgraded to a crutch, then to a cane, and finally abandoned.

*Develop two-way communication.* Mobile technologies have the capacity to allow program staff to give incentives based on real-time documented behavior such as attendance at a drug treatment class. The 1969 tactile EM system referenced previously allowed program staff to contact offenders unobtrusively while they were in a GED (general educational development) class. Some of the two-way signaling at that time was little more than high-tech frivolity, but it was enjoyed by both parties. Messages should be brief and sporadic as well as unpredictable.

Contemporary embodiments of communication technology, such as cell phones and laptops, have become very important to young adult friendships and social identity. These should be used as a medium for reinforcing behavior. A London-based educational project has used pocket PCs and cell phones with picture messaging to send reminders and instructions to at-risk youth (Attewell and Savill-Smith, 2004). When a communication tool becomes the source of unexpected rewards of sufficiently high perceived value, the device seldom gets inexplicably “lost.”

*Actively intervene.* Careful observation of an individual’s criminal pattern often reveals a unique sequence of preparatory behaviors. Intervening early in the sequence of intended criminal behavior (e.g., when an offender gets on the bus to go downtown) is more effective than later in the sequence (e.g., when the offender enters the game arcade). House detention can, of course, prevent the entire sequence of behavior, but it is overly restrictive and does not allow common social activities such as grocery shopping or going to a movie at night. If the offender has a bad feeling about what is going to happen, this is the time for the offender to contact program personnel or a sponsor. Twelve-step programs, for example, often encourage participants to contact their sponsors in advance of a potential setback.

Rewarding desired behavior *before* unwanted behavior occurs is critical to success. The probationer will not make contact if he or she will be punished. To the contrary, EM participants should be able to signal staff when they are doing something unusually “good.” Of course, these reports need to be checked for accuracy, but verifying positive reports or the “tall tales” of offenders is much more appealing to staff than checking-out violations.

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## **Conclusion**

The basic proposition of this paper is that electronic monitoring and other mobile technologies should be used to positively reinforce pro-social behavior. Unfortunately, during the past four decades electronic monitoring migrated into programs that are generally sanction-oriented and of



questionable long-term value. Missing from the formal structure of most electronic monitoring programs are concepts such as “networks of support,” “humor,” “affection,” and “hope.”

The past does not have to determine the future. Advances in context-aware technology (e.g., global positioning systems, sensor-enabled telephones) will certainly provide opportunities for increased surveillance and information acquisition. As program designers, we can drift toward a callous authoritarianism in which individuals are motivated by fear, or we can design cooperative groups that are motivated by surprisingly pleasant experiences. The criminal justice system may be the least likely place to develop an inspiring pro-social communication network. But it is also the place where unexpected generosity can most easily change lives.

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## Prison Chapel Volunteers

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**MEMBERS OF THE** clergy first became involved in prison programs in the 1700s and 1800s; their primary purpose was “to help offenders repent” (Coleman, 2003, p. 123). Since then, the role of the clergy has evolved and their responsibilities have increased. Today, prison chaplains provide an array of services, including “pastoral counseling, religious teaching and preaching, lead[ing] worship for their own faith, conduct[ing] funeral and/or memorial services and giv[ing] death notices” (Coleman, 2003, p. 125). Other duties include “facilitating [inmate] adjustment to prison, visiting prisoners in isolation, helping inmates make plans for their release, counseling and helping inmates’ families, [and] providing religious and general education” (Sundt and Cullen, 2002, p. 371). Often classified as a member of the treatment staff, prison chaplains are seen as important agents of social change, with a significant number of inmates attributing their post-release successes to these individuals (Sundt and Cullen, 2002; Glaser, 1964).

At mid-year 2003, there were more than 1.46 million prisoners under the jurisdiction of federal and state authorities in the United States (Harrison and Karberg, 2004). Of these, about 30 percent participate in religious programs and services (Sundt and Cullen, 2002). Although most American prisons have at least one full-time chaplain, without pastoral assistance many chaplains are ill equipped to meet the religious needs of inmates. To lighten their workload and to facilitate the provision of programs and services, correctional chaplains often must recruit, train, and coordinate religious volunteers (Coleman, 2003; Rogers, 2003). Yet, despite the important role these individuals play in rehabilitating criminal offenders, little is known about the men and women who volunteer in prison chapel programs.

This exploratory study adds to the sparse literature on correctional volunteers and prison ministry programs. The goal of the present article is to provide a profile of individuals involved in prison ministry programs, with foci on personal characteristics, tasks, training and means of recruitment, and an assessment of the experience from the perspective of the prison chaplain volunteer. The article also provides meaningful insights regarding ways correctional administrators may effectively recruit and manage chaplain volunteers.

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### Literature Review

There is a dearth of empirical literature examining the role and impact of chaplains and chaplain volunteers in today's prisons. In one of the few studies to touch on this issue, Sundt and Cullen (1998; 2002) conducted a national survey of 232 prison chaplains to determine their correctional orientation. The researchers concluded that although "chaplains support incapacitation as the primary goal of prisons, [they] also express high levels of support for rehabilitation" (2002, p. 369). The individual variables examined in the study were sex, race, level of education, age, and religious affiliation. The sample consisted primarily of Whites (84.2 percent), males (85.2 percent), and Protestants (69.4 percent). Approximately 25.7 percent of the chaplains were Catholics and the remainder were Jewish, Islamic, or some other religious affiliation. The mean age of the chaplains was 56.5. More than 92 percent had a bachelor's degree or higher and 60 percent had a master's degree (p. 375). A majority of the chaplains had an average of ten years experience in the institutions where they worked. When queried about the best way to rehabilitate inmates, well over one-half (60.2 percent) believed that changing an offender's values through religion was the preferred method of treatment. The second most popular response was helping inmates with their emotional problems. The least frequently selected response was providing inmates with a good education (Sundt and Cullen, 2002, p. 379).

There is some evidence that correctional volunteers share these chaplains' sentiments regarding the value of religious programming as an important form of treatment. Tewksbury and Dabney (2004) conducted one of the few studies to date that profiles correctional volunteers. The researchers surveyed all of the active volunteers at a medium security prison in the South and reported that a majority of the respondents were involved in the chapel program, while only 8.6 percent were involved in recreational programs and other activities. Two-thirds (65.5 percent) of the volunteers were men and a majority was white (71.7 percent). The mean age of the volunteers was 51. The volunteers were highly educated, with approximately 78 percent having some post-secondary education and 47 percent having a 4-year degree or more. The typical volunteer participated in the chaplain's program for just over five years, while more than one-half participated for three years or more. The volunteers were active participants in the program, "with the average volunteer being at the institution one day per week for 2.8 hours" (p. 175). Distance was not an impediment to volunteer participation. Two-thirds of the volunteers traveled at least 30 minutes to arrive at their destinations and 12 percent traveled more than one hour.

The volunteers in Tewksbury and Dabney's study gave diverse reasons for participating in the prison ministry program. Although 49.2 percent of the respondents said they had "a religious calling or desire to share religious beliefs/values with others," 26.2 percent expressed non-religious reasons, and 18 percent participated in the program because they were asked to do so or because they knew someone who was incarcerated (3 percent) (2004, p. 176). Many volunteers stated that the most rewarding aspect of their prison experience was the belief in their work and that they could make a difference (p. 177). Reflective of this, Tewksbury and Dabney (2004) reported that

Male volunteers were more likely than women (41.9 percent vs. 30.8 percent) to value feeling that they were helping to change/rehabilitate inmates, while women were more likely than men (23.1 percent vs. 3.2 percent) to value the opportunity to share a religious experience with others...[W]hite volunteers were more likely than non-whites (44.4 percent vs. 30.0 percent) to value helping change/rehabilitate inmates, and non-whites were more likely (20.0 percent vs. 8.3 percent) to value the opportunity to share a religious experience...[T]hose age 40 and younger were more likely (62.5 percent vs. 35.4 percent) to appreciate their volunteer experience because they believed they were agents of change/rehabilitation.... (p. 178).

The literature on prison ministry volunteers is sparse, with only the studies by Sundt and Cullen (1998; 2002) and Tewksbury and Dabney (2004) providing insights regarding this population. The present study seeks to add to this important, but clearly understudied, area.

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## Methods

Data for the present study were collected during summer 2003 via anonymous surveys distributed to prison ministry volunteers in three Kentucky prisons. Requests for participation were sent to chaplains in all 14 Kentucky prisons by both the first author and an administrator from the Department of Corrections' Central Office. Three chaplains chose to participate. The surveys were distributed either at mandatory quarterly volunteer trainings or to volunteers when they arrived at the prison to complete their volunteer activities. All surveys were accompanied by postage-paid return envelopes addressed to the first author at the prison where he served as Research Director. Despite requests from the researchers, prison chaplains did not maintain a count of the number of surveys distributed; however, a total of 80 survey containing 136 variables were provided to the three chaplains for distribution and 41 surveys were returned, making the response rate at least 51 percent.

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## Findings

Analysis of the demographics of the prison chapel volunteers revealed that a majority are middle-aged white females representing a wide range of religious faiths (see [Table 1](#)). When asked about their personal experiences with the criminal justice system and about both their own and their family members' experiences in prison ministries, one in six (17.5 percent) of the volunteers reported having a prior criminal conviction. Approximately 12.5 percent of the volunteers reported that they had been on probation and 12.5 percent had been in jail. Five percent of the volunteers had also served time in prison.

A significant number of volunteers reported that their family members are also active in the general ministry and in prison ministry programs. Indicative of this, 57.9 percent of the volunteers have at least one family member who is involved in the general ministry and almost one-half (45.9 percent) have a family member who is involved in prison ministry programs.

The volunteers in this study possessed lengthy careers as participants in correctional ministry programs. Reflective of this, two-thirds of the volunteers were previously involved with religious programming at a different prison, for an average tenure of more than nine years. Sixty percent of the volunteers reported prior experience in jail-based ministry programs, for an average tenure of nearly 8 years (94 months). Although not as common as their experiences in adult facilities, more than one-quarter (26.8 percent) of the volunteers reportedly had worked in some capacity in religious programming at a juvenile detention center, for an average of more than 4 years (50 months).

The prison ministry volunteers appear dedicated to their work at the current institution and remain involved for long periods. When asked about the length of time they had worked in the current program, the volunteers reported a mean tenure of 7 years and 4 months. As shown in [Table 2](#), more than one-half of these individuals reported being an active volunteer at the current prison for more than 5 years. Only one in fourteen (7.3 percent) reported that they had been a prison chapel volunteer for less than one year.

The fact that prison chapel volunteers have longevity with their programs is not surprising given that they report very high levels of satisfaction with their work. When asked, "How satisfied are you with your experience as a volunteer with the prison Chapel program?" the mean response was 8.75, with fully one in three participants in the sample expressing complete satisfaction (10 on a 10-point scale). Clearly, prison chapel volunteers enjoy their work and, as will be discussed below, feel that they reap numerous personal rewards from their efforts.

The path to becoming a prison chapel volunteer takes many forms. Administrators seeking to initiate or to enhance prison chapel programs may seek volunteers in multiple venues. [Table 3](#) shows that, not surprisingly, the most common sources of referral to prison ministry programs are individuals already involved in ministry work. Other viable sources of referral include the volunteers' spouses and friends.

Most volunteers in prison chapel programs come to their work with minimal formal training for the tasks they are expected to perform. Although two-thirds of the volunteers report that they have been ordained, a majority lacks a formal education to prepare them for their duties. As evidenced in [Table 4](#), only one-third of the volunteers have a university/seminary degree and slightly more than one-quarter (26.8 percent) have participated in a mentoring or apprenticeship program. Most common among these volunteers (82.9 percent) is the belief that they have learned to do their tasks through “many” years of experience in ministry work.

[Table 5](#) summarizes the many tasks and activities that prison ministry volunteers report performing. As shown here, almost all volunteers report that they engage in some form of teaching inmates. The most frequently reported “formal” activity that volunteers engage in is preaching at the prison; fully two-thirds (65.9 percent) of the volunteers report doing so. Interestingly, relatively few of the volunteers report that they engage in tasks not of a purely religious nature, such as counseling regarding personal problems, assisting with transition/re-entry to society, and providing companionship/friendship to inmates.

An examination of the tasks that prison chapel volunteers perform in light of their education and training revealed both expected and unexpected findings. Surprisingly, a comparison of self-reported tasks by volunteers who are ordained and those who are not shows little difference in their activities. The majority (81.5 percent) of ordained volunteers reported preaching at the prison; however, so, too, did one third (35.7 percent) of non-ordained volunteers. Additionally, ordained volunteers were more likely to counsel inmates regarding personal problems (44.4 percent vs. 21.4 percent) and spiritual issues (77.8 percent vs. 28.6 percent), and work to convert inmates to their faith (25.9 percent vs. 7.1 percent); non-ordained volunteers were more likely to work with inmates regarding society re-entry issues (28.6 percent vs. 11.1 percent).

When asked to explain why they chose to volunteer in a prison-based chapel program, the respondents’ open-ended responses fell into four general categories. Most common, 50 percent of all respondents reported feeling called by God to do the work. An additional 22 percent of respondents reported that they believed prison ministry volunteer work offered a viable opportunity to share their beliefs with others. Although probably included in the first two types of responses, 16 percent of the respondents stated they were seeking to provide some form of direct assistance to inmates. Finally, one in eight (12 percent) of the respondents reported that they began their prison ministry work simply because someone asked them to do so.

The reasons given by the volunteers for joining the prison ministry are directly related to the benefits they report receiving from their work. As shown in [Table 6](#), nearly all of the volunteers report feeling that they are serving God through their volunteer work, with two of every three saying that their efforts provide them with a sense of purpose. More interesting, however, is the data showing that 41.5 percent of the respondents experienced a sense of reward from engaging in a mentoring relationship with at least one inmate. Although such outcomes are not reported as a common reason for initially becoming involved with the prison ministry, they appear to be an unanticipated, positive consequence for both the volunteers and the inmates.

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## **Discussion**

This exploratory study seeks to add to the sparse literature on prison ministry programs and correctional volunteers. The implementation of rehabilitative programming in correctional environments is subject to two important but competing concerns. On the one hand, correctional administrators must provide high-quality programming for inmates that address their psychological, social, spiritual, and practical needs; on the other hand, they must manage their agencies’ ever-shrinking budgets. A possible reconciliation between these opposing responsibilities lies in the use of prison ministry volunteers. With appropriate training in prison security protocol and the tenets of diverse faiths, prison chapel volunteers are potentially capable of enhancing and expanding religious programming by providing quality services to inmates who benefit from their assistance while simultaneously facilitating the conservation of agencies’ fiscal

resources.

Demographically, the volunteers in this article are quite interesting. Unlike the correctional volunteers studied by Tewksbury and Dabney (2004), where most prison chapel volunteers were middle-aged white males, a majority of the prison chapel volunteers in this article are middle-aged white females. Similar to the earlier study, however, the volunteers represent a diversity of religious faiths, including Protestants, Evangelicals, Catholics, and Muslims. Some of the volunteers have prior criminal convictions and previously were incarcerated in jail or served time in prison. A significant number of volunteers have family members that are also active in general ministry and prison ministry programs. Although most volunteers gravitated to prison ministry programs because of referrals by persons actively working in the ministry, others volunteered at the suggestion of their spouses and friends.

Quite surprisingly, most volunteers receive little formal education or training to prepare them for the responsibilities they are entrusted with in prison ministry programs. Though a majority of volunteers report that they are ordained, only one-third have university or seminary degrees; even fewer have been trained by a mentor or received instruction in an apprenticeship program. Despite this, most volunteers believe they are well qualified to serve in prison chapel programs because their “many” years of experience in the ministry have prepared them to do the work.

With regard to the tasks they perform, there is little difference between ordained volunteers and non-ordained volunteers. Almost all volunteers report that they engage in teaching inmates, with the most frequent formal activity being preaching. Additionally, less than 20 percent of all volunteers report engaging in non-religious tasks such as counseling regarding personal problems, assisting with transition/re-entry to society, or providing companionship/friendship to inmates.

In general, the volunteers in this article are extremely dedicated to prison ministry work and remain involved for long periods. More than 56 percent report that they have been doing this type of volunteer work for more than 5 years. For most, the average tenure at their current institution is more than 7 years. Many volunteers also report having worked at a different prison for an average of more than nine years. Still others report long-term involvement with chaplain programs in jails and juvenile detention centers.

Perhaps a primary reason that volunteers have such long tenures with prison chapel programs is that they receive a high degree of satisfaction from their work. A majority of respondents surveyed rated their satisfaction level as 8.75 on a 10-point scale. This is probably reflective of the fact that many feel called by God to do the work. (For similar findings, see Tewksbury and Dabney, 2004.) Other volunteers are drawn to prison ministry programs because they view the work as an opportunity to share their beliefs and to provide direct assistance to inmates.

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## **Conclusion**

Most of the volunteers in this study were influenced to work in prison ministries by individuals already in the ministry; however, networking outside of traditional religious channels has hardly been exploited. This study’s results raise questions about how current knowledge of correctional volunteers can be used to enhance recruitment, selection, training, and retention of individuals to serve in prison chapel programs. Noteworthy among the study’s findings is the fact that at least one-third of the prison chapel volunteers have graduated from university and seminary programs. Thus, a reasonable strategy would entail recruiting religion students at selected institutions of higher learning and seminaries to serve as volunteers in prison chapel programs. Marketing materials containing testimonials from current volunteers who describe the benefits derived from participating in such programs may also be developed for distribution to potential applicants.

Prison administrators might also consider partnering with universities and seminaries to develop externship programs for students interested in embarking on a career as a correctional chaplain. The benefits from such programs are two-fold: the students receive hands-on experience working

with inmates in a correctional setting, and administrators receive qualified and much-needed assistance in providing religious programs to inmates.

Another strategy for developing a contingent of prison chapel volunteers involves capitalizing on the network of individuals related to and/or known by current prison staff and chapel volunteers. The current research indicates that almost two-thirds of the volunteers received assistance from ministers, priests, and others active in the ministry to become prison volunteers. Additionally, more than half of the volunteers have family members actively involved in the general ministry and almost half have family members involved in the prison ministry. Prison administrators who are willing to cultivate relations with staff and members of the community can use these connections to locate volunteers and foster interest in religious programming.

This study (and the prior research by Tewksbury and Dabney, 2004) provides a limited profile of individuals who volunteer to work in prison chapel programs. Further research is needed to determine the qualities and qualifications that make volunteers best suited to work in programs of this nature, as well as strategies that administrators may employ to effectively recruit and retain them. Research is also needed to document the nature and adequacy of training provided to volunteers by prison officials to minimize security breaches and lessen the risk of harm to volunteers, staff, and inmates.

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**Table 1: Demographics of Prison Ministry Volunteers**

<b>Demographic</b>	<b>Percent of Volunteers</b>
<b>Sex</b>	
Male	17.5 percent
Female	82.5 percent
<b>Race</b>	
White	85.0 percent
Black	15.0 percent
<b>Age</b>	
Mean	54.7
Median	53
Range	28—85
Ordination	65.9 percent
<b>Religious Faith*</b>	
Protestant	43.9 percent
Catholic	5.0 percent
Muslim	2.5 percent
Evangelical	35.0 percent
Nondenominational	22.5 percent

\* Total equals more than 100 percent due to some respondents claiming more than one category. Also reported are Jehovah's Witness, Independent and Pentecostal.



**Table 2: Length of Time as a Prison Chapel Volunteer**

<b>Time as prison chapel volunteer</b>	<b>Percent of Volunteers</b>
Less than one year	7.3 percent
More than 1, but less than 5 years	36.6 percent
More than 5, but less than 10 years	36.6 percent
More than 10 years	19.5 percent

**Table 3: Sources of Referral/Encouragement for Prison Chapel Volunteers**

<b>Who assisted to become prison volunteer</b>	<b>Percent of Volunteers</b>
Minister/priest/etc.	58.5 percent
Current prison chaplain	17.1 percent
Former prison chaplain	7.3 percent
Prison staff member	4.9 percent
Close family member	2.4 percent
Friend from church	39.0 percent
Friend not from church	9.8 percent
Coworker	2.4 percent

*\* Totals more than 100 percent as respondents were allowed more than one answer.*

**Table 4: Training for One's Tasks  
as a Prison Chapel Volunteer**

<b>Training</b>	<b>Percent of Volunteers</b>
Self Taught	29.3 percent
University/seminary degree	34.1 percent
University/seminary certificate	12.2 percent
Mentoring/apprenticeship program	26.8 percent
Many years of experience	82.9 percent
None	2.4 percent

**Table 5: Tasks & Activities Performed by  
Prison Chapel Volunteers**

<b>Current Activities as Volunteer</b>	<b>Percent of Volunteers</b>
Preach	65.9 percent
Teach	90.2 percent
Instrumental Music	10.0 percent
Vocal Music	25.0 percent
Counsel inmates on personal problems	36.6 percent
Counsel inmates on spiritual issues	61.0 percent
Religious text study	48.8 percent
Work with inmates for re-entry transition	17.1 percent
Find and assist converts to own faith	19.5 percent
Be a friend to inmates with no/few friends	19.5 percent

**Table 6: Chapel Volunteers' Reported Personal Rewards from Volunteer Work**

<b>Reward Experienced</b>	<b>Percent of Volunteers</b>
Feel a sense of purpose	65.9 percent
Feel am serving own God	92.7 percent
Meet new friends	12.2 percent
Meet new romantic partner	0
Help needy others	31.7 percent
Learn about different faiths	4.9 percent
Opportunity to practice/sharpen skills	22.0 percent
Chance to convert others to own faith	39.0 percent
Experiment with new opportunities	2.4 percent
Find opportunities for new experiences	22.0 percent
Mentor an inmate	41.5 percent

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## Families and Children\*

\* This article is Chapter Six of *But They All Come Back: Facing the Challenges of Prisoner Reentry*, by Jeremy Travis (Washington DC: The Urban Institute Press, 2005). Reprinted with permission.

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**AS THE NATION** debates the wisdom of a fourfold increase in our incarceration rate over the past generation, one fact is clear: Prisons separate prisoners from their families. Every individual sent to prison leaves behind a network of family relationships. Prisoners are the children, parents, siblings, and kin to untold numbers of relatives who are each affected differently by a family member’s arrest, incarceration, and ultimate homecoming.

Little is known about imprisonment’s impact on these family networks. Descriptive data about the children of incarcerated parents only begin to tell the story. During the 1990s, as the nation’s prison population increased by half, the number of children who had a parent in prison also increased by half—from 1 million to 1.5 million. By the end of 2002, 1 in 45 minor children had a parent in prison (Mumola 2004). <sup>1</sup> These children represent 2 percent of all minor children in America, and a sobering 7 percent of all African-American children (Mumola 2000). With little if any public debate, we have extended prison’s reach to include hundreds of thousands of young people who were not the prime target of the criminal justice policies that put their parents behind bars.

In the simplest human terms, prison places an indescribable burden on the relationships between these parents and their children. Incarcerated fathers and mothers must learn to cope with the loss of normal contact with their children, infrequent visits in inhospitable surroundings, and lost opportunities to contribute to their children’s development. Their children must come to terms with the reality of an absent parent, the stigma of parental imprisonment, and an altered support system that may include grandparents, foster care, or a new adult in the home. In addition, in those communities where incarceration rates are high, the experience of having a mother or father in prison is now quite commonplace, with untold consequences for foster care systems, multigenerational households, social services delivery, community norms, childhood development, and parenting patterns.

Imprisonment profoundly affects families in another, less tangible way. When young men and women are sent to prison, they are removed from the traditional rhythms of dating, courtship, marriage, and family formation. Because far more men than women are sent to prison each year,

our criminal justice policies have created a “gender imbalance” (Braman 2002), a disparity in the number of available single men and women in many communities. In neighborhoods where incarceration and reentry have hit hardest, the gender imbalance is particularly striking. Young women complain about the shortage of men who are suitable marriage prospects because so many of the young men cycle in and out of the criminal justice system. The results are an increase in female-headed households and narrowed roles for fathers in the lives of their children and men in the lives of women and families in general. As more young men grow up with fewer stable attachments to girlfriends, spouses, and intimate partners, the masculine identity is redefined. The family is often depicted as the bedrock of American society. Over the years, we have witnessed wave after wave of social policy initiatives designed to strengthen, reunite, or simply create families. Liberals and conservatives have accused each other of espousing policies that undermine “family values.” In recent years, policymakers, foundation officers, and opinion leaders have also decried the absence of fathers from the lives of their children. These concerns have translated into a variety of programs, governmental initiatives, and foundation strategies that constitute a “fatherhood movement.” Given the iconic stature of the family in our vision of American life and the widespread consensus that the absence of father figures harms future generations, our national experiment with mass incarceration seems, at the very least, incongruent with the rhetoric behind prevailing social policies. At worst, the imprisonment of millions of individuals and the disruption of their family relationships has significantly undermined the role that families could play in promoting our social well-being. The institution of family plays a particularly important role in the crime policy arena. Families are an integral part of the mechanisms of informal social control that constrain antisocial behavior. The quality of family life (e.g., the presence of supportive parent-child relationships) is significant in predicting criminal delinquency (Loeber and Farrington 1998, 2001). Thus, if families suffer adverse effects from our incarceration policies, we would expect these harmful effects to be felt in the next generation, as children grow up at greater risk of engaging in delinquent and criminal behavior. The institution of marriage is another important link in the mechanism of informal social control. Marriage reduces the likelihood that ex-offenders will associate with peers involved in crime, and generally inhibits a return to crime (Laub, Nagin, and Sampson 1998). In fact, marriage is a stronger predictor of desistance from criminal activity than simple cohabitation, and a “quality” marriage—one based on a strong mutual commitment—is an even stronger predictor (Horney, Osgood, and Marshall 1995). Thus, criminal justice policies that weaken marriage and inhibit spousal commitments are likely to undermine the natural processes of desistance, thereby causing more crime. In short, in developing crime policies, families matter. If our crime policies have harmful consequences for families, we risk undermining the role families can play in controlling criminal behavior.

This chapter examines the impact of incarceration and reentry on families. We begin by viewing the antecedents to the creation of families—the relationships between young men and young women—in communities where the rates of arrest, removal, incarceration, and reentry are particularly high. Then we discuss imprisonment’s impact on relationships between an incarcerated parent and his or her children. Next we examine the effects of parental incarceration on the early childhood and adolescent development of children left behind. We then observe the family’s role in reentry. We close with reflections on the impact of imprisonment on prisoners’ family life, ways to mitigate incarceration’s harmful effects, and ways to promote constructive connections between prisoners and their families.

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## **The “Gender Imbalance”**

To understand the magnitude of the criminal justice system’s impact on the establishment of intimate partner relationships, we draw upon the work of Donald Braman (2002, 2004), an anthropologist who conducted a three-year ethnographic study of incarceration’s impact on communities in Washington, D.C. In the District of Columbia, 7 percent of the adult African-American male population returns to the community from jail or prison each year. According to Braman’s estimates, more than 75 percent of African-American men in the District of Columbia can expect to be incarcerated at some point during their lifetime. One consequence of these high

rates of incarceration is what Braman calls a “gender imbalance,” meaning simply that there are fewer men than women in the hardest hit communities. Half of the women in the nation’s capital live in communities with low incarceration rates. In these communities, there are about 94 men for every 100 women. For the rest of the women in D.C.—whose neighborhoods have higher incarceration rates—the ratio is about 80 men for every 100 women. Furthermore, 10 percent of the District’s women live in neighborhoods with the highest incarceration rates, where more than 12 percent of men are behind bars. In these neighborhoods, there are fewer than 62 men for every 100 women.

This gender imbalance translates into large numbers of fatherless families in communities with high rates of incarceration. In neighborhoods with a 2 percent male incarceration rate, Braman (2002) found that fathers were absent from more than one-half of the families. But in the communities with the highest male incarceration rates—about 12 percent—more than three-quarters of the families had a father absent. This phenomenon is not unique to Washington, D.C., however. In a national study, Sabol and Lynch (1998) also found larger numbers of female-headed families in counties receiving large numbers of returning prisoners.

Clearly, mass incarceration results in the substantial depletion in the sheer numbers of men in communities with high rates of imprisonment. For those men who are arrested, removed, and sent to prison, life in prison has profound and long-lasting consequences for their roles as intimate partners, spouses, and fathers. In the following sections, we will document those effects. Viewing this issue from a community perspective, however, reminds us that incarceration also alters the relationships between the men and women who are not incarcerated. In her research on the marriage patterns of low-income mothers, Edin (2000) found that the decision to marry (or remarry) depends, in part, on the economic prospects, social respectability, and reliability of potential husbands—attributes that are adversely affected by imprisonment. Low marriage rates, in turn, affect the life courses of men who have been imprisoned, reducing their likelihood of desistance from criminal activity. Thus, the communities with the highest rates of incarceration are caught in what Western, Lopoo, and McLanahan (2004, 21) call the “high-crime/low-marriage equilibrium.” In these communities, women “will be understandably averse to marriage because their potential partners bring few social or economic benefits to the table. Men, who remain unmarried or unattached to stable households, are likely to continue their criminal involvement.” Braman quotes two of his community informants to illustrate these ripple effects of the gender imbalance. “David” described how the shortage of men affected dating patterns: Oh, yeah, everybody is aware of [the male shortage]. . . . And the fact that [men] know the ratio, and they feel that the ratio allows them to take advantage of just that statistic. ‘Well, this woman I don’t want to deal with, really because there are six to seven women to every man.’ (2002, 166) The former wife of a prisoner commented that women were less discerning in their choices of partners because there were so few men: Women will settle for whatever it is that their man [wants], even though you know that man probably has about two or three women. Just to be wanted, or just to be held, or just to go out and have a date makes her feel good, so she’s willing to accept. I think now women accept a lot of things—the fact that he might have another woman or the fact that they can’t clearly get as much time as they want to. The person doesn’t spend as much time as you would [like] him to spend. The little bit of time that you get you cherish. (2002, 167)

The reach of our incarceration policies thus extends deep into community life. Even those men and women who are never arrested pay a price. As they are looking for potential partners in marriage and parenting, they find that the simple rituals of dating are darkened by the long shadow of imprisonment.

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## **The Impact of Incarceration on Parent-Child Relationships**

### *The Family Profile of the Prisoner Population*

Before turning to a closer examination of the effects of imprisonment on the relationships



between incarcerated parents and their children, we should first describe the family circumstances of the nation's prisoners. In 1997, about half (47 percent) of state prisoners reported they had never been married. Only 23 percent reported they were married at the time of their incarceration, while 28 percent said they were divorced or separated ([Figure 1](#)). Yet most prisoners are parents. More than half (55 percent) of all state prisoners reported having at least one minor child. Because the overwhelming majority of state prisoners are men, incarcerated parents are predominantly male (93 percent). The number of incarcerated mothers, however, has grown dramatically in the past decade. Between 1991 and 2000, the number of incarcerated mothers increased by 87 percent, compared with a 60 percent increase in the number of incarcerated fathers. Of the men in state prison, 55 percent have children—a total of about 1.2 million—under the age of 18. About 65 percent of women in state prison are mothers to children younger than 18; their children number about 115,500 (Mumola 2000).

A mother's incarceration has a different impact on living arrangements than does that of a father. Close to two-thirds (64 percent) of mothers reported living with their children before incarceration, compared with slightly less than half (44 percent) of fathers in 1997. Therefore, as the percentage of women in prison increases, more children experience a more substantial disruption. We should not conclude, however, that the imprisonment of a nonresident father has little impact on his children. Research has shown that nonresident fathers can make considerable contributions to the development and well-being of their children (Amato and Rivera 1999; Furstenberg 1993). They contribute to their children's financial support, care, and social support even when they are not living in the children's home (Edin and Lein 1997; Hairston 1998; Western and McLanahan 2000). Therefore, a depiction of families' living arrangements only begins to describe the nature of the parenting roles played by fathers before they were sent to prison.

The national data on incarcerated parents also fail to capture the diversity of parent-child relationships. According to research conducted by Denise Johnston (2001) at the Center for Children of Incarcerated Parents, it is not uncommon for both incarcerated fathers and mothers to have children by more than one partner. Furthermore, these parents may have lived with some but not all of their children prior to their incarceration. This perspective leads to another conclusion: Individuals who are incarcerated may also have served as parent figures to children not their own—as stepparents or surrogate parents in families that blend children into one household.

We know little about the nature of these parent-child relationships. As was noted above, even absent fathers can provide emotional and financial support prior to their incarceration. However, the profiles of incarcerated parents also point to indicia of stress and dysfunction within these families. More than three-quarters of parents in state prison reported a prior conviction and, of those, more than half had been previously incarcerated. During the time leading up to their most current arrest and incarceration, nearly half were out of prison on some type of conditional release, such as probation or parole, in 1997. Nearly half (46 percent) of incarcerated fathers were imprisoned for a violent crime, as were one-quarter (26 percent) of the mothers. Mothers in prison were much more likely than fathers to be serving time for drug offenses (35 percent versus 23 percent). Nearly one-third of the mothers reported committing their crime to get either drugs or money for drugs, compared with 19 percent of fathers. More than half of all parents in prison reported using drugs in the month before they were arrested, and more than a third were under the influence of alcohol when they committed the crime. Nearly a quarter of incarcerated mothers (23 percent) and about a tenth (13 percent) of incarcerated fathers reported a history of mental illness (Mumola 2000). Clearly, these individuals were struggling with multiple stressors that, at a minimum, complicated their role as parents.

The portrait of prisoners' extended family networks is also sobering. According to findings from the Urban Institute's *Returning Home* (Visher, La Vigne, and Travis 2004) study in Maryland, these networks exhibit high rates of criminal involvement, substance abuse, and family violence (La Vigne, Kachnowski, et al. 2003). In interviews conducted with a sample of men and women just prior to their release from prison and return to homes in Baltimore, the Institute's researchers found that about 40 percent of the prisoners reported having at least one relative currently

serving a prison sentence. Nine percent of the women said they had been threatened, harassed, or physically hurt by their husband, and 65 percent of those who reported domestic violence also reported being victimized by a non-spouse intimate partner. No male respondents reported this kind of abuse. The women reported that, other than their partners, the highest level of abuse came from other women in their families—their mothers, stepmothers, or aunts. Nearly two-thirds of inmates (62 percent) reported at least one family member with a substance abuse or alcohol problem and more than 16 percent listed four or more family members with histories of substance abuse. These characteristics highlight the high levels of risks and challenges in the families prisoners leave behind.

### *The Strain of Incarceration on Families*

We turn next to a discussion of the impact of parental incarceration on the families left behind. One obvious consequence is that the families have fewer financial resources. According to the Bureau of Justice Statistics, in 1997 most parents in state prison (71 percent) reported either full-time or part-time employment in the month preceding their current arrest (Mumola 2002). Wages or salary was the most common source of income among incarcerated fathers before imprisonment, 60 percent of whom reported having a full-time job. Mothers, on the other hand, were less likely to have a full-time job (39 percent). For them, the most common sources of income were wages (44 percent) or public assistance (42 percent). Very few mothers reported receiving formal child support payments (6 percent) (Mumola 2000). During incarceration, the flow of financial support from the incarcerated parent's job stops, leaving the family to either make do with less or make up the difference, thereby placing added strains on the new caregivers. Eligibility for welfare payments under the TANF (Temporary Assistance for Needy Families) program ceases as soon as an individual is no longer a custodial parent—i.e., upon incarceration. In some cases, a caregiver may continue to receive TANF payments when the incarcerated parent loses eligibility, but because these benefits are now “child-only,” they are lower than full TANF benefits. Food stamps are also unavailable to incarcerated individuals.

New caregivers often struggle to make ends meet during the period of parental incarceration. Bloom and Steinhart (1993) found that in 1992 nearly half (44 percent) of families caring for the children of an incarcerated parent were receiving welfare payments under TANF's predecessor program, AFDC (Aid to Families with Dependent Children). Under the recent welfare reform laws, however, TANF support is more limited than in the past, as lifetime eligibility has been capped at 60 months, work requirements have been implemented, and restrictions have been placed on TANF funds for those who have violated probation or parole, or have been convicted of certain drug crimes (Phillips and Bloom 1998). Even under the old AFDC program, most caregivers reported that they did not have sufficient resources to meet basic needs (Bloom and Steinhart 1993). Moreover, these economic strains affect more than the family's budget. According to several studies, financial stress can produce negative consequences for caretakers' behavior, including harsh and inconsistent parenting patterns, which, in turn, cause emotional and behavioral problems for the children (McLoyd 1998).

Other adjustments are required as well. Because most prisoners are men, and 55 percent of them are fathers, the first wave of impact is felt by the mothers of their children. Some mothers struggle to maintain contact with the absent father, on behalf of their children as well as themselves. Others decide that the incarceration of their children's father is a turning point, enabling them to start a new life and cut off ties with the father. More fundamentally, Furstenberg (1995) found that a partner left behind often becomes more independent and self-sufficient during the period of incarceration, changes that may ultimately benefit the family unit or lead to the dissolution of the relationship. At a minimum, however, these changes augur a significant adjustment in roles when the incarcerated partner eventually returns home.

In some cases, the incarceration period can have another, longer-lasting effect on the legal relationships between parents and children. In 1997, Congress enacted the Adoption and Safe Families Act (ASFA) to improve the safety and well-being of children in the foster care system as well as to remove barriers to the permanent placement, particularly adoption, of these children. <sup>2</sup> The ASFA stipulates that “permanency” decisions (determinations about a child's

ultimate placement) should be made within 12 months of the initial removal of the child from the home. With limited exceptions, foster care placements can last no longer than 15 months, and if a child has been in foster care for 15 out of the previous 22 months, petitions must be filed in court to terminate parental rights. At least half the states now include incarceration as a reason to terminate parental rights (Genty 2001).

This new legislation has far-reaching consequences for the children of incarcerated parents. According to BJS, 10 percent of mothers in prison, and 2 percent of fathers, have at least one child in foster care (Mumola 2000). Because the average length of time served for prisoners released in 1997 was 28 months (Sabol and Lynch 2001), the short timelines set forth in ASFA establish a legal predicate that could lead to increases in the termination of parental rights for parents in prison (Lynch and Sabol 2001). Philip Genty (2001), a professor at Columbia University Law School, made some rough calculations of ASFA's impact. Looking only at reported cases discoverable through a Lexis search, he found, in the five years following ASFA's enactment, a 250 percent increase in cases terminating parental rights due to parental incarceration, from 260 to 909 cases.

In addition to those legal burdens placed on incarcerated parents, the new family care-givers face challenges in forging relationships with the children left behind. Some of these new caregivers may not have had much contact with the children before the parent's incarceration, so they must establish themselves as de facto parents and develop relationships with the children. Contributing to the trauma of this changing family structure, prisoners' children are sometimes separated from their siblings during incarceration because the new network of caregivers cannot care for the entire sibling group (Hairston 1995).

In short, when the prison gates close and parents are separated from their children, the network of care undergoes a profound realignment. Even two-parent families experience the strain of lost income, feel the remaining parent's sudden sole responsibility for the children and the household, and suffer the stigma associated with imprisonment. However, prisoners' family structures rarely conform to the two-parent model and are more often characterized by nonresident fathers, children living with different parents, and female-headed households. In these circumstances, the ripple effects of a mother or father going to prison reach much farther, and grandparents, aunts and uncles, and the foster care system must step into the breach. In addition, these extended networks feel the financial, emotional, and familial weight of their new responsibilities.

Incarceration has yet one more effect on the structure of prisoners' families. One of the important functions that families perform is to create assets that are passed along to the next generation. These assets are sometimes quite tangible: Money is saved, real estate appreciates in value, and businesses are built. These tangible assets can typically be transferred to one's children. Sometimes the assets are intangible: Social status is achieved, professional networks are cultivated, and educational milestones are reached. These intangible assets can also translate into economic advantage by opening doors for the next generation. Braman asks whether the minimal intergenerational transfer of wealth in black families is related to the high rates of incarceration among black men. Taking a historical view, he concludes:

The disproportionate incarceration of black men...helps to explain why black families are less able to save money and why each successive generation inherits less wealth than their white counterparts. Incarceration acts like a hidden tax, one that is visited disproportionately on poor and minority families; and while its costs are most directly felt by the adults closest to the incarcerated family member, the full effect is eventually felt by the next generation as well. (2004, 156)

The ripple effects of incarceration on the family are far-reaching. The gender imbalance disturbs the development of intimate relationships that might support healthy families. Families' financial resources and relationship capabilities are strained at the same time they are scrambling for more assets to support their incarcerated loved one. Yet, despite the hardships of incarceration, families can play an important role in improving outcomes for prisoners and prisoners' children. Several

studies have shown that the “quality of care children receive following separation and their ongoing relationships with parents” are “instrumental forces in shaping outcomes for children” (Hairston 1999, 205). According to one study (Sack 1977), the behavioral problems displayed by children of incarcerated fathers diminished once the children got to spend time with their fathers.

On the other hand, in a small percentage of cases, continued parental involvement may not be in the child’s best interests. For example, BJS (Greenfeld et al. 1998) reports that 7 percent of prisoners convicted of violent crimes were convicted of intimate partner violence. Even more disturbing are those cases involving child abuse and neglect, where the child’s best interests argue against parental involvement. According to BJS, among inmates who were in prison for a sex crime against a child, the child was the prisoner’s own child or stepchild in a third of the cases (Langan, Schmitt, and Durose 2003). Yet there has been very little research on the nexus between this form of family violence, incarceration, and reentry.

Discussion of prisoners convicted of violence within the family only raises larger questions—questions not answered by current research—about whether some parent-child relationships are so troubled and so characterized by the patterns of parental substance abuse, criminal involvement, mental illness, and the intrusions of criminal justice supervision that parental removal is a net benefit for the child. It is undoubtedly true that removing a parent involved in certain types of child abuse is better for the child. But we know little about the critical characteristics of the pre-prison relationships between children and their incarcerated parents, especially as to what kind of parents they were, and how their removal affects their children.

Even without a deeper understanding of the parenting roles played by America’s prisoners, we still must face several incontrovertible, troubling facts. First, expanding the use of prison to respond to crime has put more parents in prison. Between 1991 and 1999, a short eight-year period, the number of parents in state and federal prisons increased by 60 percent, from 452,500 to 721,500 (Mumola 2000). By the end of 2002, 3.7 million parents were under some form of correctional supervision (Mumola 2004). Second, many children are left behind when parents are incarcerated. By 1999, 2 percent of all minor children in the United States—about 1.5 million—had a parent in state or federal prison. (If we include parents who are in jail, on probation or parole, or recently released from prison, the estimate of children with a parent involved in the criminal justice system reaches 7 million, or nearly 10 percent of all minor children in America [Mumola 2000].) Third, the racial disparities in America’s prison population translate into substantial, disturbing racial inequities in the population of children affected by our current levels of imprisonment. About 7 percent of all African-American minor children and nearly 3 percent of all Hispanic minor children in America have a parent in prison. In comparison, barely 1 percent of all Caucasian minor children have a parent in prison (Mumola 2000). Finally, most of the children left behind are quite young. Sixty percent are under age 10, while the average child left behind is 8 years old.

In this era of mass incarceration, our criminal justice system casts a wide net that has altered the lives of millions of children, disrupting their relationships with their parents, altering the networks of familial support, and placing new burdens on such governmental services as schools, foster care, adoption agencies, and youth-serving organizations. As Phillips and Bloom succinctly concluded, “by getting tough on crime, the United States has gotten tough on children” (1998, 539). These costs are rarely included in our calculations of the costs of justice.

### *Parent-Child Relationships during Imprisonment*

When a parent is arrested and later incarcerated, the child’s world undergoes significant, sometimes traumatic, disruption. Most children are not present at the time of their parent’s arrest, and arrested parents typically do not tell the police that they have minor children (ABA 1993). Family members are often reluctant to tell the children that their parent has been incarcerated because of social stigma (Braman 2003). Therefore, the immediate impact of an arrest can be quite traumatizing—a child is abruptly separated from his or her parent, with little information about what happened, why it happened, or what to expect.

The arrest and subsequent imprisonment of a parent frequently results in a significant realignment of the family's arrangements for caring for the child, depicted in [Figure 2](#). Not surprisingly, the nature of the new living arrangements depends heavily on which parent is sent to prison. Recall that about two-thirds of incarcerated mothers in state prison lived with their children before they were imprisoned. Following the mother's incarceration, about a quarter (28 percent) of their children remain with their fathers. Most children of incarcerated mothers, however, are cared for by an extended family that is suddenly responsible for another mouth to feed and child to raise. More than half of these children (53 percent) will live with a grandparent, adding burdens to a generation that supposedly has already completed its child-rearing responsibilities. Another quarter of these children (26 percent) will live with another relative, placing new duties on the extended family. Some children have no familial safety net: almost 10 percent of incarcerated mothers reported that their child was placed in foster care (Mumola 2000). <sup>3</sup>

The story for incarcerated fathers is quite different. Less than half (44 percent) lived with their children before prison; once they are sent to prison, most of their children (85 percent) will live with the children's mother. Grandparents (16 percent) and other relatives (6 percent) play a much smaller role in assuming child care responsibilities when a father is incarcerated. Only 2 percent of the children of incarcerated men enter the foster care system. In sum, a child whose father is sent to prison is significantly less likely to experience a life disruption, such as moving in with another family member or placement in a foster home.

The nation's foster care system has become a child care system of last resort for many children with parents in prison. Research by the Center for Children of Incarcerated Parents (Johnston 1999) found that, at any given time, 10 percent of children in foster care currently have a mother—and 33 percent have a father—behind bars. Even more striking, 70 percent of foster children have had a parent incarcerated at one time or another during their time in foster care.

When a parent goes to prison, the separation between parent and child is experienced at many levels. First, there is the simple fact of distance. The majority of state prisoners (62 percent) are held in facilities located more than 100 miles from their homes (Mumola 2000). Because prison facilities for women are scarce, mothers are incarcerated an average of 160 miles away from their children (Hagan and Coleman 2001). The distance between prisoners and their families is most pronounced for District of Columbia residents. As a result of the federal takeover of the District's prison system, defendants sentenced to serve felony time are now housed in facilities that are part of the far-flung network of federal prisons. In 2000, 12 percent of the District's inmates were held in federal prisons more than 500 miles from Washington. By 2002, that proportion had risen to 30 percent. Nineteen percent are in prisons as far away as Texas and California (Santana 2003). Not surprisingly, in an analysis of BJS data, Hairston and Rollin (2003, 68) found a relationship between this distance and family visits: "The distance prisoners were from their homes influenced the extent to which they saw families and friends. The farther prisoners were from their homes, the higher the percentage of prisoners who had no visitors in the month preceding the survey....Those whose homes were closest to the prison had the most visits."

Geographic distance inhibits families from making visits and, for those who make the effort, imposes an additional financial burden on already strained family budgets. Donald Braman tells the story of Lilly, a District resident whose son Anthony is incarcerated in Ohio (Braman 2002). When Anthony was held in Lorton, a prison in Virginia that formerly housed prisoners from the District, she visited him once a week. Since the federal takeover, she manages to make only monthly visits, bringing her daughter, Anthony's sister. For each two-day trip, she spends between \$150 and \$200 for car rental, food, and a motel. Added to these costs are her money orders to supplement his inmate account and the care packages that she is allowed to send twice a year. She also pays about \$100 a month for the collect calls he places. She lives on a fixed income of \$530 a month.

Given these realities, the extent of parent-child contact during incarceration is noteworthy. Mothers in prison stay in closer contact with their children than do fathers. According to BJS,

nearly 80 percent of mothers have monthly contact and 60 percent have at least weekly contact. Roughly 60 percent of fathers, by contrast, have monthly contact, and 40 percent have weekly contact with their children (Mumola 2000). These contacts take the form of letters, phone calls, and prison visits. Yet, a large percentage of prisoners serve their entire prison sentence without ever seeing their children. More than half of all mothers, and 57 percent of all fathers, never receive a personal visit from their children while in prison.

Particularly disturbing is Lynch and Sabol's finding (2001) that the frequency of contact decreases as prison terms get longer. Between 1991 and 1997, as the length of prison sentences increased, the level of contact of all kinds—calls, letters, and visits—decreased (Figure 3). This is especially troubling in light of research showing that the average length of prison sentences is increasing in America, reflecting more stringent sentencing policies. Thus, prisoners coming home in the future are likely to have had fewer interactions with their children, a situation that further weakens family ties and makes family reunification even more difficult.

In addition to the significant burden imposed by the great distances between prisoners and their families, corrections policies often hamper efforts to maintain family ties across the prison walls. The Women's Prison Association (1996) has identified several obstacles to constructive family contacts, some of which could easily be solved. The association found that it is difficult to get simple information on visiting procedures, and correctional administrators provide little help in making visiting arrangements. The visiting procedures themselves are often uncomfortable or humiliating. Furthermore, little attention is paid to mitigating the impact on the children of visiting a parent in prison.

Elizabeth Gaynes, director of the Osborne Association in New York City, tells a story that captures the emotional and psychological impact of a particular correctional policy upon a young girl who had come to visit her father. Because inmates were not allowed to handle money, the prison had drawn a yellow line three feet in front of the soda vending machines. Only visitors could cross that line. The father could not perform the simple act of getting his daughter a soda. If he wanted one, he had to ask his daughter to get it. According to Ms. Gaynes, this interaction represented an unnecessary and damaging role transformation; the child had become the provider, the parent had become the child. <sup>4</sup>

#### *Family Contact during Imprisonment: Obstacles and Opportunities*

For a number of reasons, it is difficult to maintain parent-child contact during a period of incarceration. For one thing, many prisons narrowly define the family members who are granted visiting privileges. The State of Michigan's corrections department, for example, promulgated regulations in 1995 restricting the categories of individuals who are allowed to visit a prisoner. The approved visiting list may include minor children under the age of 18, but only if they are the prisoner's children, stepchildren, grandchildren, or siblings. Prisoners who are neither the biological parents nor legal stepparents of the children they were raising do not have this privilege. Finally, a child authorized to visit must be accompanied by either an adult who is an immediate family member of the child or of the inmate, or who is the child's legal guardian. <sup>5</sup> Many prisoners' extended family networks, including girlfriends and boyfriends who are raising prisoners' children, are not recognized in these narrow definitions of "family." <sup>6</sup> Limitations on visiting privileges are commonly justified on security or management grounds, but fail to recognize the complexity of the prisoner's familial networks. Rather than allowing the prisoner to define the "family" relationships that matter most, the arbitrary distinctions of biology or legal status are superimposed on the reality of familial networks, limiting meaningful contact that could make a difference to both prisoner and child.

Telephone contact is also burdened by prison regulations and by controversial relationships between phone companies and corrections departments. Prisoners are typically limited in the number of calls they can make. Their calls can also be monitored. The California Department of Corrections interrupts each call every 20 seconds with a recorded message: "This is a call from a California prison inmate." Most prisons allow prisoners to make only collect calls, and those calls typically cost between \$1 and \$3 per minute, even though most phone companies now

charge less than 10 cents per minute for phone calls in the free society (Petersilia 2003). Telephone companies also charge between \$1.50 and \$4 just to place the collect call, while a fee is not charged for collect calls outside of prison.

The high price of collect calls reflects sweetheart arrangements between the phone companies and corrections agencies, under which the prisons receive kickbacks for every collect call, about 40 to 60 cents of every dollar. This arrangement translates into a substantial revenue source for corrections budgets. In 2001, for example, California garnered \$35 million, based on \$85 million of total revenue generated from prison calls. Some states require, by statute or policy, that these revenues pay for programs for inmates. Most states simply deposit this money into the general budget for their department of corrections.

Yet who bears these additional costs for maintaining phone contact with prisoners? The families of prisoners do, of course. In a study conducted by the Florida House of Representatives Corrections Committee (1998), family members reported spending an average amount of \$69.19 per month accepting collect phone calls. According to this report, “Several family members surveyed stated that, although they wanted to continue to maintain contact with the inmate, they were forced to remove their names from the inmate’s approved calling list because they simply could not afford to accept the calls” (1998, 23).

This monopolistic arrangement between phone companies and prisons makes families the unwitting funders of the prisons holding their loved ones. In essence, the states have off-loaded upwards of hundreds of millions of dollars of prison costs on to prisoners’ families. Subsequently, families are placed in the unacceptable position of either agreeing to accept the calls, thereby making contributions to prison budgets, or ceasing phone contact with their loved ones. Of course, there are other, deeper costs attached to this practice. If a family chooses to limit (or stop) these phone calls, then familial ties are weakened and the support system that could sustain the prisoner’s reintegration is damaged. If the family chooses to pay the phone charges, then those financial resources are not available for other purposes, thereby adding to the strain the household experiences. In recent years, efforts to reform prison telephone policies have been successful in several states. <sup>7</sup> Yet, while these reform efforts are under way, tens of thousands of families are setting aside large portions of their budgets to pay inflated phone bills to stay in touch with their imprisoned family members.

Fortunately, a number of communities have implemented programs designed to overcome the barriers of distance, cost, and correctional practices that reduce contact between prisoners and their families. For example, Hope House, an organization in Washington, D.C., that connects incarcerated fathers with their children in the District, hosts summer camps at federal prisons in North Carolina and Maryland where children spend several hours a day for a week visiting with their fathers in prison. Hope House has also created a teleconference hookup with federal prisons in North Carolina, Ohio, and New Mexico so that children can go to a neighborhood site to talk to their fathers in prison. In another instance, a Florida program called “Reading and Family Ties—Face to Face” also uses technology to overcome distance. Incarcerated mothers and their children transmit live video recordings via the Internet. These sessions occur each week, last an hour, and are available at no cost to the families. In addition, the U.S. Department of Justice in 1992 initiated the Girl Scouts Beyond Bars program, the first mother-daughter visitation program of its kind. Twice a month, more than 500 girls across the country, much like other girls their age, participate in Girl Scout programs, but in this program these Girl Scouts meet their mothers in prison. Finally, in Washington State, the McNeil Island Correction Center has launched a program that teaches incarcerated fathers the skills of active and involved parenting, encourages them to provide financial support for their children, and facilitates events to bring prisoners together with their families.

These programs—and many others like them—demonstrate that, with a little creativity and a fair amount of commitment, corrections agencies can find ways to foster ongoing, constructive relationships between incarcerated parents and their children. It seems particularly appropriate, in an era when technology has overcome geographical boundaries, to harness the Internet to bridge the divide between prisons and families. Yet the precondition for undertaking such initiatives is

the recognition that corrections agencies must acknowledge responsibility for maintaining their prisoners' familial relationships. If these agencies embraced this challenge for all inmates—and were held accountable to the public and elected officials for the results of these efforts—the quality of family life for prisoners and their extended family networks would be demonstrably improved.

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## **Impact of Parental Incarceration on Childhood Development**

### *Limits of Existing Research*

Having examined the impact of incarceration on the institution of family and the relationships of incarcerated parents with their children, we turn next to an assessment of incarceration's impact on the children involved. Given the current state of research, it is very difficult to measure the consequences for children when a mother or father is arrested, convicted, sent to prison, and returned home. Very few studies have been conducted that directly examine the lives of the children of incarcerated parents. Most of these studies suffer from methodological limitations in that they examine only a small sample of children or fail to use appropriate comparison groups. Few studies use standardized assessment tools to measure the emotional and psychological well-being of these children. Few researchers talk to the children themselves, relying instead on parental or caregiver opinions to construct a picture of the child's changing world. Ideally, we could draw upon one or more longitudinal studies that assessed the children's well-being, the nature of the parent-child relationships, and the changing family environment beginning at the parent's arrest and continuing through the trial (when the parent may be in jail or may be released on bond), to the point of sentencing, throughout the period of incarceration (including the moment of the parent's release from prison), ending with the dynamics of post-prison adjustment. Unfortunately, no such study exists.

The extant sparse research literature only underscores the importance of more research in this area. These studies suggest that children of incarcerated parents are more likely to exhibit low self-esteem, depression, emotional withdrawal from friends and family, and inappropriate or disruptive behavior at home and in school. Two studies, each with a very small sample size, suggested that children of incarcerated parents may be more likely than their counterparts to enter the criminal justice system (Johnston 1991, 1993). <sup>8</sup>

One way of assessing the impact of incarceration on children is to draw connections between other research and our general understanding of the collateral costs of imprisonment. For example, several studies have found that children of young and unmarried parents experience behavioral problems, unstable family relationships, and diminished economic support (Amato and Rivera 1999; Hagan and Dinovitzer 1999; Kandel, Rosenbaum, and Chen 1994; McLanahan and Sandefur 1994; Michael and Tuma 1985; Thornberry, Smith, and Howard 1997; Wu and Martinson 1993). Similarly, economic strain can lead to harsh and inconsistent parenting, which can lead to behavioral problems in the children in the household (McLoyd 1998). Reduced financial resources can also lead to increased exposure to abuse in the family (International Society for Traumatic Stress Studies 2003). <sup>9</sup> Finally, children in single-parent households, particularly those born to single mothers, have higher rates of incarceration as they grow up. Indeed, as Harper and McLanahan (1999) have found, children growing up with stepparents have still higher rates of incarceration. So, to the extent that incarceration increases economic strain, the number of single-parent households, and absent fathers, then our imprisonment policies are likely to result in more developmental challenges and criminal justice involvement for the children left behind.

### *Understanding Parental Loss*

We can also draw upon the general literature exploring how parental loss affects child development to create some hypotheses about the impact of parental incarceration. According to this literature, children always experience the loss of a parent as a traumatic event. Whether the



loss is due to death, divorce, moving away, or incarceration, this event has negative consequences, including attachment difficulties, anger, depression, regression, and other antisocial behaviors. Similarly, a traumatic event in a child's life diverts energy from the developmental work that child is normally performing. When life becomes overwhelming for a child, emotional survival may take precedence over developmental tasks, resulting in delayed development, regression, or other maladaptive coping strategies (Wright and Seymour 2000). Given these general principles of child development, parental incarceration should be viewed as a traumatic event, limiting the child's emotional growth, producing stress and anger, and isolating the child from needed social supports.

It is also well documented in the child development literature that children have difficulty coping with uncertainty. The criminal justice process is filled with uncertainty. A child might have to live with such questions as, "Will Mom be arrested again?" "Will Dad be convicted and, if so, sent to prison? If so, how long will he be there?" "Will Mom get released on parole? If so, will she be sent back to prison if she uses drugs again, or if she is in the wrong place at the wrong time?" This uncertainty, which is inherent in the workings of our criminal justice system, is often compounded by the family's reluctance to tell children exactly what is happening to their parents. In his ethnographic study in Washington, D.C., Braman (2002) found that most family members rarely discuss their relative's incarceration at all outside the immediate family, even in neighborhoods where incarceration rates are high. Most family members explained that their silence stemmed from concerns about the stigma associated with incarceration. Although well-intentioned as a protective response, withholding basic information about a parent's status may only heighten children's feelings of stress and uncertainty.

Finally, the children themselves must deal with the issue of stigma. When a mother or father is imprisoned, a child may experience the disapproval of his or her peers, teachers, or other family members, resulting in feelings of shame and low self-esteem. Perhaps in neighborhoods of a high concentration of incarceration among the adults, losing one's parent to prison is so common that the social stigma is diminished, but the experience still requires the child to work through a complex set of feelings about the actions of the parent in prison. In addition, even those children who are coping well with parental incarceration may have the added challenge of overcoming the stereotype that they are destined for a life of behavioral problems and failure.

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### **Impact by Children's Age Group**

The child development literature also provides a framework for assessing the differential impact of parental incarceration on children of various ages. The chart developed by Gabel and Johnston (1995) clarifies the intersection between developmental markers and the removal of a parent to prison ([Table 1](#)). For example, among infants (0–2 years), parental incarceration's major effect is likely a disruption of parental bonding, with the potential for later attachment difficulties. Research on this age group also shows, however, that infants can recover quickly from the loss of a parent if they experience a new, nurturing, care-giving relationship (Shonkoff and Phillips 2000). During the early childhood years (2–6 years), children have a greater ability to perceive events around them, but have not yet developed the skills to process traumatic occurrences. Children at this age have not yet completely separated themselves from their parents, so they tend to perceive threats or harm to their parents or caregivers as directed at themselves. Several studies suggest that traumatic stress at this age may have profound long-term effects, particularly if there is no intervention to help the child sort through those experiences (Furman 1983).

In the middle childhood years (7–10 years), when children are developing their social skills and a sense of independence, separation from a parent creates a sense of loss because a role model is taken away. If a child has poor coping skills to begin with, and particularly if he or she moves from home to home following the parent's departure, such disruptions may accelerate a spiral of strain in the child's life. Johnston and Carlin (1996) use the term "enduring trauma" to describe a situation where a child experiences several traumatic events with no time to recover and where the cumulative effect may overwhelm the child's ability to cope. A child experiencing this level

of trauma may display aggression, hypervigilance, anxiety, concentration problems, and withdrawal.

The impact of incarceration on adolescents (11 to 18 years) is likely quite different. Adolescence is a time when young people test boundaries, begin to navigate the world of romantic relationships, exercise more independence, explore the adult world of work, and develop a sense of self. The arrest and incarceration of an adolescent's parent can derail those transitions to adulthood. These children may question the authority of the incarcerated parent and doubt the parent's concern for them. They may take on new roles as parent figures to fill the void left by the incarcerated parent. Some studies have shown an increase in dependence and developmental regression among adolescents of incarcerated parents (Johnston 1992).

About 1.5 million minor children have a parent in prison, most frequently a father. In many ways, these children are no different from others of their age group, but they are experiencing a distinctive disruption in their lives. They have the same emotional needs to bond with a parent or other caregiver, to establish themselves as unique individuals in a social context, and to test their independence from the adults in their lives. All these development processes are made more complicated by the loss of a parent to prison, and more complicated still if the parent was arrested for behavior involving harm to the family or child.

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### **Reconnecting with Family at the Time of Reentry**

In this section, we shift our focus from an inquiry into the impact of incarceration on parent-child relationships and child development to ask what role prisoners expect their families to play in the reentry process, what role families actually play, and what consequences befall families during this critical period.

When prisoners return home, they face multiple hurdles, many of which relate directly to the functioning of their families. They need to find housing, which may be with their relatives or immediate families. They need to find employment, which could add income to family budgets. Some have health concerns and may need to receive care for an HIV infection, secure medication for mental illness, or find substance abuse treatment to reduce the risk of relapse, all of which, if successful, would avert additional burdens and risks for their families. Many will owe the state child support payments, which, according to an extensive analysis in Colorado and Massachusetts, averaged more than \$16,000 (Thoennes 2003). <sup>[10]</sup> Most prisoners will be under legal supervision, bringing a state parole agency into their homes and lives.

#### *The Returning Home Study*

In its *Returning Home* study in Maryland, the Urban Institute provides the first empirical look at the complex issues of family support for returning prisoners (La Vigne, Kachnowski, et al. 2003). The research team constructed a "Family Relationship Quality Scale" to assess the quality of familial connections. <sup>[11]</sup> This scale was repeated four times over the continuum of the project—twice in the pre-release interview (first regarding family relationships before prison and again regarding prisoners' expectations for these relationships after release) and once in each of the two post-release interviews conducted about one and four months after release. *The Returning Home* study reveals interesting dynamics in the prisoners' perceptions, expectations, and experiences of family support. Prisoners characterized their family relationships as more close than distant. This conclusion is based on respondents' scores on the scale, with mean values that range from one to four, one representing distant family relationships and four representing close family relationships (Visher et al. 2004, 110). During every stage of data collection, respondents provided mean scores that exceeded three, indicating that these family relationships were considered close. They were also optimistic about renewing those relationships after their release; more than three-quarters expected this would be "very easy" or "pretty easy" to do. Interestingly, the prisoners expected their families to be more supportive after their release from prison than they had been before their incarceration. This finding is subject to a number of possible

interpretations. Perhaps these families were undergoing strain at the time of the arrest. Perhaps there had been an improvement in family support during the prison sentence. More likely, the prisoners—all of whom were near release at the time of the interview—were projecting their hopes that their families would be supportive during the reentry phase.

The returning prisoners had very concrete expectations of the kinds of support their families would provide. Half of the women and 39 percent of the men expected their families would provide financial support. Well over half of the women (61 percent) and about half of the men (52 percent) planned on talking to a relative about getting a job. At least two-thirds of them (75 percent of women, 63 percent of men) expected to live with family members after their release from prison, including about one-third with their mothers or stepmothers, and less than a quarter with an intimate partner. Importantly, they viewed family support as more than just providing money, jobs, or housing: Half of the inmates surveyed said that this support would be an important factor in keeping them out of prison.

These expectations were generally realized. Nearly half of the released prisoners slept at a family member's home the first night they were back in the community. Nearly half sought assistance from relatives in finding a job. As a general matter, more than 80 percent of the sample interviewed about a month after release "strongly agreed" or "agreed" that their families had been supportive. In fact, when these ex-prisoners were interviewed again a few months later, these percentages increased to about 90 percent. Furthermore, the share that believed family support was important to staying out of prison also increased. It seems plausible that, as other challenges to successful reentry proved more difficult to overcome, the relative value of family support was enhanced.

These findings from *Returning Home* underscore the importance of family in the reentry process. When facing the prospects of succeeding in the outside world, prisoners place a high value on the support that their families will provide. Moreover, families generally keep their end of the bargain, becoming even more important with the passage of time. Future analysis of the *Returning Home* project will shed even more light on the dynamics of these familial relationships.

### *La Bodega de la Familia*

Other research suggests that, as critical as family support may be to successful reentry, it often comes with a price. The most insightful research on this issue comes from *La Bodega de la Familia*, a demonstration project launched on New York City's Lower East Side in 1996 by the Vera Institute of Justice (Sullivan et al. 2002). *La Bodega's* mission was to test the proposition that support provided to families of offenders with histories of drug abuse could reduce their drug use and their criminal activity. The intervention was called "family case management," a novel approach to the problems of drug use and crime that utilizes the strengths of families to influence the behavior of a family member who is under criminal justice supervision. Although the overarching goal was to reduce the drug use and criminal activity of the family member under supervision, the immediate goal was to strengthen families so they could, in turn, support the drug user during treatment (Sullivan et al. 2002).

In *La Bodega*, the case manager spends considerable time with the offender's family. Together, they construct an "ecomap," which illustrates the public and community agencies on which the family relies, in order to find ways to coordinate existing services in the family's best interest. They construct a "genogram," a map of the family network that allows the drug offender to identify potential sources of support within the family. With these two analyses in hand, the family case manager, the offender, and the probation or parole officer construct a "family action plan," which might include drug treatment for the offender, a support group for the family members, or counseling for a child in the family who faces difficulties in school. Based on this plan, *La Bodega* staff members become advocates for the family in approaching social service agencies and provide 24-hour crisis interventions when an arrest, relapse, or potential eviction occurs.

An evaluation of La Bodega found that the program did result in improvements in family members' lives: they were receiving more medical and social services and their health had improved. The evaluation also found that drug use in the target population declined, just as the program designers had hoped. While 86 percent of the participants had used at least one substance during the month prior to joining the program, this proportion declined to 50 percent after six months in the program—a statistically significant reduction greater than that found in a comparison group. The participants' overall physical health also improved. Finally, program participants were also about half as likely to be arrested and convicted for a new offense than members of the comparison group, but the numbers were too small to draw statistically sound conclusions.

There were two surprises in the evaluation, however. First, there had been no increase in the proportion of La Bodega participants who received drug treatment, nor in the amount of time spent in treatment. So, these impressive declines in drug use came about without greater reliance on traditional treatment programs. Family support apparently can make a difference in and of itself. But the research also found that, notwithstanding improvements in their services, support networks, and health status, the families participating in the La Bodega program reported higher rates of emotional problems and stress than at the beginning of the program, and higher than in the comparison group. The evaluator suggested a possible explanation: "Perhaps as a consequence of having the issues surrounding drug abuse out on the table and having to deal with them openly, the La Bodega users and their family members experienced increased conflict in their relationships" (Sullivan 1993, 51). For program participants, the average overall "support index"—the measure of family support as experienced by the drug-using member—actually dropped during the six-month study, while it increased in the comparison group. As the evaluation concluded, "These unexpected results may point to the emotional burdens that La Bodega placed on the families and drug users with whom it worked" (Sullivan 1993, 51).

The story of La Bodega carries two important lessons pertaining to families' role at the point of reentry. First, families matter. They provide the innermost concentric circle of support for returning prisoners.<sup>12</sup> Providing support for families can translate into behavioral changes for the individual coming out of prison. Drug use can be reduced without increased reliance on traditional treatment, an important reminder in these times of fiscal constraints. Second, this is hard work for families. Even with a dedicated family case manager, a crisis intervention team available around the clock, and improvements in service coordination and health care, the family still feels the stress of helping a family member in need. If we are to design policies that support families, we must remember to pay attention to the family's emotional needs. The experience of La Bodega, now incorporated into the work of a new national nonprofit called Family Justice, points the way toward a new form of service delivery for returning prisoners that strengthens the ability of families to provide support.

In sum, this recent research from Maryland and New York City underscores the centrality of family in the reentry process. Prisoners have high expectations of family support that are often met. However, when families play a more active role in supporting the ex-offender's transformation toward pro-social behavior—particularly moving away from substance abuse—they pay a price. Our challenge is to work with prisoners and their families to maximize the support they can provide to each other, giving families the tools necessary for the hard work of family interventions, and providing the family network with external sources of emotional and other sustenance. This research suggests that, if done properly, this form of intervention might effectively ease the transition from prison, reduce substance abuse, and reduce crime.

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## **Looking Forward**

Imprisonment causes ripple effects that are felt throughout a prisoner's family network. The policies that have resulted in the imprisonment of well over a million people have magnified those effects in a strong undercurrent that is eroding the familial infrastructure of America's poorest communities. Virtually every social institution that deals with children—including

families, schools, child welfare agencies, foster care, and kinship care systems—is touched by the high rates of parental imprisonment. At the center of these community institutions are children—1.5 million of them—who are buffeted about between prison visits, time with foster parents, and life with grandparents and other new adults in their lives. These children are likely to grow up in families that have been weakened, increasing the challenges they face in staying out of the criminal justice system and leading productive lives. As they reach early adulthood, they will find that their choices of life partners are more limited than a generation ago, and their family structures will be quite different.

In view of the negative effects stemming from current imprisonment policies, we must ask whether society has an obligation to mitigate these harms. The research literature provides some limited guidance as we consider the efficacy of policies that would reflect such a social commitment. Keeping families strong would reduce future criminality, enhance child development, reduce child and family trauma and stress, and increase the likelihood that the children left behind would lead productive lives. Beyond these calculations of preventable harm, the next question pertains to who would be responsible for carrying out policies that would produce these results. Certainly there is much more that corrections agencies could do, but they would first have to see family strengthening as part of their mission. This, in turn, would require governors and state legislatures to lead efforts to expand both the mission statements and the financial support of state departments of corrections. With this support, corrections agencies could improve their visitation policies, encourage rather than discourage phone calls, provide video links between prisons and community centers, find secure means for Internet communications between prisoners and families, bring families to their prisons, create family advocate positions within their organizations, eliminate the imposition of child support payments during the incarceration period, offer classes in parenting skills, and assist prisoners in asserting their rights in custody proceedings. We have no shortage of ideas, just a lack of mandate and the needed resources to carry out the new mandate.

Yet even if corrections agencies were provided adequate resources to implement a new mission to support families, they would need substantial assistance from the community. The existing network of agencies that serve children would need to recognize that these children need special attention when their parents go to prison. If communities embraced a mandate to support the families of incarcerated community members, a broad consortium of agencies would be called upon to meet the mandate. Schools would need to offer counseling to children at critical stages in the criminal justice process. Foster care agencies would have to ascertain whether a parent in prison would serve as a suitable parent upon release before moving for the termination of parental rights. Youth-serving organizations would need to help young people with family members in the justice system work through their feelings of shame, anger, confusion, and denial. Government would have to fund a network of nonprofit agencies, such as Hope House, to provide the supportive environment where children could talk to their parents over video links or Internet connections. In addition, at the point of reentry, organizations similar to La Bodega de la Familia would need to be deployed to support the family networks that struggle to absorb the reality of a family member's return. Organizing this effort would require a community-wide coalition, with strong support from local government, and partnerships with a state corrections agency committed to the same goals—to recognize the important role that families can play in successful reintegration, to minimize harm experienced by the children of incarcerated parents, and to promote strong and healthy families for each prisoner.

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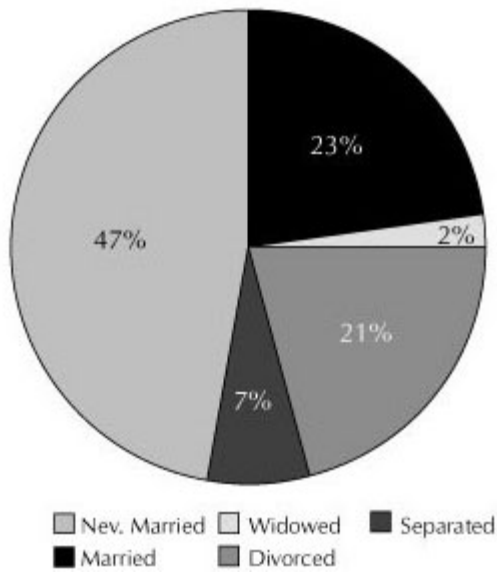
## [Endnotes](#)



**Figure 1**

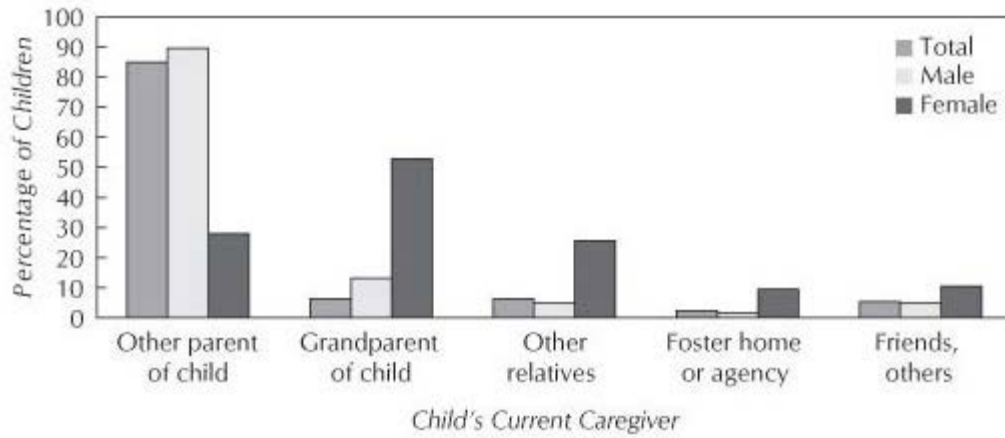
*Marital Status of Parents in State Prison, 1997*

(Source: Mumola, 2000)



**Figure 2**

*Living Arrangements of Minor Children of State Inmates Prior to Incarceration*



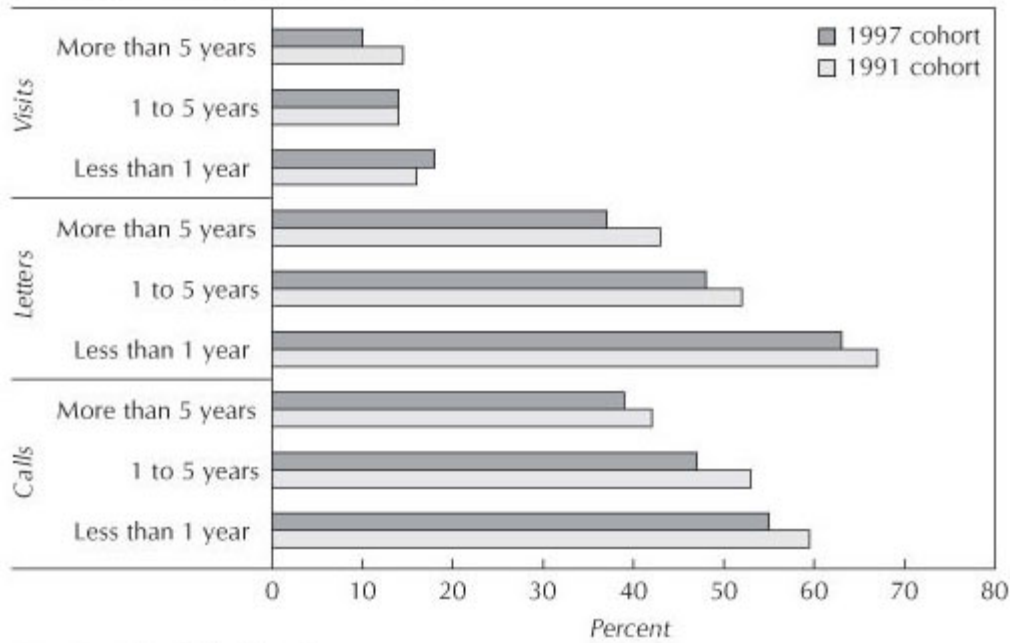
Source: Mumola (2000).

Note: Figures do not total 100 percent because some prisoners had children living with multiple caregivers.



**Figure 3**

*Level of Prisoners' Weekly Contact with Children, by Method and Length of Stay, 1991 and 1997*



Source: Lynch and Sabol (2001).

Note: Prisoners to be released in the next 12 months.

## Table 1: Possible Effects of Parental Arrest and Incarceration on Young Children's Development

Developmental state	Developmental characteristics	Developmental tasks	Influencing factors	Effects of separation
<b>Infancy (0-2 years)</b>	<ul style="list-style-type: none"> <li>• Limited perception, mobility</li> <li>• Total dependency</li> </ul>	<ul style="list-style-type: none"> <li>• Development of trust and attachment</li> </ul>	<ul style="list-style-type: none"> <li>• Parent-child separation</li> </ul>	<ul style="list-style-type: none"> <li>• Impaired parent-child bonding</li> </ul>
<b>Early childhood (2-6 years)</b>	<ul style="list-style-type: none"> <li>• Increased perception, mobility, &amp; improved memory</li> <li>• Greater exposure to environment. Ability to imagine</li> </ul>	<ul style="list-style-type: none"> <li>• Development of sense of autonomy, independence, and initiative</li> </ul>	<ul style="list-style-type: none"> <li>• Parent-child separation</li> <li>• Trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Inappropriate separation anxiety</li> <li>• Impaired socio-emotional development</li> <li>• Acute traumatic stress reactions &amp; survivor guilt</li> </ul>
<b>Middle childhood (7-10 years)</b>	<ul style="list-style-type: none"> <li>• Increased independence from caregivers and ability to reason</li> <li>• Peers become important</li> </ul>	<ul style="list-style-type: none"> <li>• Sense of industry</li> <li>• Ability to work productively</li> </ul>	<ul style="list-style-type: none"> <li>• Parent-child separation</li> <li>• Trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Developmental regressions</li> <li>• Poor self-concept</li> <li>• Acute traumatic stress reactions</li> <li>• Impaired ability to over-come future trauma</li> </ul>
<b>Early adolescence (11-14 years)</b>	<ul style="list-style-type: none"> <li>• Organization of behavior in pursuit of goals</li> <li>• Increased abstract thinking</li> <li>• Puberty</li> <li>• Increased aggression</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to work productively</li> <li>• Controlled expression of emotions</li> </ul>	<ul style="list-style-type: none"> <li>• Parent-child separation</li> <li>• Enduring trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Rejection of limits on behavior</li> <li>• Trauma-reactive behaviors</li> </ul>
<b>Late adolescence (15-18 years)</b>	<ul style="list-style-type: none"> <li>• Emotional crisis and confusion</li> <li>• Adult sexual development and sexuality</li> <li>• Formal abstract thinking</li> <li>• Increased independence</li> </ul>	<ul style="list-style-type: none"> <li>• Development of cohesive identity</li> <li>• Resolution of conflicts with family &amp; society</li> <li>• Ability to engage in adult work and relationships</li> </ul>	<ul style="list-style-type: none"> <li>• Parent-child separation</li> <li>• Enduring trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Premature termination of dependency relationship with parent</li> <li>• Intergenerational crime and incarceration</li> </ul>

## DEPARTMENT JUVENILE FOCUS

BY ALVIN W. COHN, D. CRIM  
*President, Administration of Justice Services, Inc.*

### **OJJDP Newsletter**

The bi-monthly OJJDP newsletter, *News at a Glance*, will be available for dissemination online only. To subscribe to the electronic version, go to the OJJDP Web site's home page under "Get Information." Subscribe at <http://www.ojp.usdoj.gov/ojjdp>.

### **NCJRS Catalog**

The NCJRS Catalog will be replaced by an online quarterly publication and will be called *The Justice Resource Update*. It will continue to highlight significant initiatives, priorities, products, and Web sites of NCJRS sponsor agencies as well as announcing grant opportunities. See <http://www.ncjrs.org/pdffiles1/pr000001.pdf>.

### **College Student Poll**

U.S. college students who are strongly religious differ markedly from the least religious students on political identification and moral issues, according to a survey conducted by the Higher Education Research Institute at the University of California, Los Angeles. The poll was based on responses from 3,680 juniors on 46 campuses nationwide. The survey found that about one-fifth of the collegians were "highly religious" and that another one-fifth ranked very low on religious activities, such as attending worship services and reading sacred texts. Women were significantly more religious than men. Other findings include:

- Among those who called themselves politically conservative, 50 percent showed high levels of religious commitment; 18 percent of political liberals showed high commitment levels.
- Capital punishment was opposed by 38 percent of the highly religious and by 23 percent of the least religious.
- Just seven percent of the highly religious thought it was alright for people who have known each other "a very short time" to have sex; 80 percent of the least religious said it was all right.
- Of the highly religious, 24 percent wanted abortion to remain legal, compared with 79 percent of the least religious.
- Of the highly religious, 38 percent said they would support "laws prohibiting homosexual relationships," compared with 17 percent of the least religious.
- Of the highly religious, 17 percent wanted marijuana legalized, compared with 64 percent of the least religious.

### **States Support Education Law**

Many educators dislike the federal No Child Left Behind Act, but states are complying. The number of states on track to:

- Identify dangerous schools*—47 percent
- Report achievement by income and racial groups*—33 percent
- Identify which schools need improvement*—27 percent
- Offer schools research-based curricula*—23 percent
- Demonstrate that new teachers are competent*—11 percent

A look at the number of states in compliance with some of the Act's requirements include:

- Reading standards established*—40
- Math standards established*—38
- Annual assessment in reading, language arts*—30
- Annual assessment in math*—29
- Report cards*—19
- Highly qualified teacher definition*—23
- Subject-matter competence*—11
- Tests for new elementary teachers*—43
- Highly qualified teachers in every classroom*—0
- High-quality professional development*—0

### **New Data on U.S. Children**

America's children are less likely to commit a violent crime or become a victim of one, but more of them are living in poverty, according to a report by the Federal Interagency Forum on Child and Family Statistics. Additionally, the report states that the teen birth rate has declined steadily since 1991, hitting a record low in 2002. However, teenagers who gave birth are less likely to finish high school; and infants born to teenage mothers are more likely to be of low birth weight, increasing their chances for blindness, deafness, mental retardation, mental illness, and cerebral palsy. And the death rate has gone down for young people. However, children are more likely to be overweight than they were before, and child poverty has inched up after several years of decline.

### **Teachers' Salaries**

The typical public school teacher's salary barely kept pace with inflation in the 2002-2003 school year, according to the U.S. Department of Labor and the American Federation of Teachers. At \$45,771, the average salary was up 3.3 percent from the previous year. The typical beginning teacher earned \$29,564, up 3.2 percent. In the same period, health insurance premiums rose 13 percent on average. Average teacher salaries by states include:

#### **FIVE HIGHEST:**

- California - \$55,693
- Michigan - \$54,020
- Connecticut - \$53,962
- New Jersey - \$53,872
- D.C. - \$53,194

#### **FIVE LOWEST:**

- South Dakota - \$32,414
- Oklahoma - \$33,277
- North Dakota - \$33,869
- Mississippi - \$35,135
- Montana - \$35,754

### **Next-Generation Scientists**

The U.S. Department of Energy recently announced an initiative to promote “science literacy” and boost the number of American students interested in becoming scientists and engineers. The program will award scholarships at national laboratories for math and science teachers. It also will require the 17 labs to host 1,000 fifth-graders and 1,000 eighth-graders for at least one day each year. The Department will also sponsor an annual science expo, “science appreciate days” and career days in which scientists will visit public schools. According to an international study completed in 1999, U.S. fourth-graders ranked among the world’s best in math and science. By eighth grade, they fell below the international average. By 12th, they trailed students in nearly every other industrialized country.

### **Children and Memory Study**

Researchers reported recently that a five-year-old could beat most adults on a recognition memory test, at least under specific conditions, due to the fact that adults “know too much.” The study conducted at the Center for Cognitive Science at Ohio State University showed 77 young children and 71 college students pictures of cats, bears, and birds. The children were accurate 31 percent of the time in identifying pictures of animals they had seen earlier, while the adults were accurate seven percent of the time. Researchers believe the reason for the difference is that children used a form of reasoning called similarity-based induction which means that when they were shown subsequent pictures, they looked carefully to see if the animal looked similar to the original. Adults used category-based-induction—once they determined what the animal picture was, they paid no more attention.

### **National CASA Evaluation**

Some of the findings include:

- Judges tend to assign CASA (Court Appointed Special Advocates) volunteers to the most difficult cases—i.e., children who tend to have multiple risk factors, previous involvement in the child protection system, and to be at severe risk for future abuse.
- Children with CASA volunteers were in the system about as long as the non-CASA cases.
- CASA volunteers are “highly effective” at making recommendations to the courts.
- CASA volunteers are engaged in a variety of activities, but much of their time is spent in contact with the child.
- Children with CASA volunteers—as well as the children’s parents—received more services such as health care or substance abuse treatment.
- Parents of CSA children ranked the volunteers positively on every measure, including their helpfulness to the parents themselves.

### **Vaccine Safety**

Two British studies appear to refute concerns that a mercury-based preservative in vaccines may increase the risk of autism. In fact, the studies found that the preservative thimerosal may have a protective effect. One study followed nearly 13,000 children, and the other looked at more than 107,000. Findings show reduced risk of behavioral and developmental problems in children who get thimerosal-containing vaccines in infants.

### **Office of National Drug Control Policy**

ONDCP announces the release of two new publications aimed at curbing substance abuse among students, including *What You Need to Know About Starting A Student Drug Testing Program*, which reviews the steps that parents and school administrators need to take when implementing a student drug testing program, including the kinds of tests that can be utilized; and *The Challenge in Higher Education: Confronting and Reducing Substance Abuse on Campus*, which gives higher education administrators a basic understanding of illegal drug use among the college population and how to create a drug-free environment. It also includes sidebars explaining innovative programs at several universities and colleges. The documents are available online at: [http://www.whitehousedrugpolicy.gov/publications/student\\_drug\\_testing/](http://www.whitehousedrugpolicy.gov/publications/student_drug_testing/)

### **Expensive Public Universities**

Based on 2004-2005 tuition for in-state students, *USA TODAY* reports the following are the most expensive universities:

Pennsylvania State University	\$10,856
Rutgers University	\$10,460
University of Vermont	\$10,226
University of New Hampshire	\$9,226
University of Massachusetts	\$9,008
Ohio State University	\$8,854
University of Minnesota	\$8,255
University of Michigan	\$8,201
University of Illinois	\$7,922
Ohio University	\$7,920

### **U.S. Teens' Hopes and Skills**

The academic skills of the typical U.S. 15-year-old are average compared with most of the industrialized world, but a larger proportion of American teens see themselves holding top-paying jobs in the future, according to a study by the Paris-based Organization for Economic Co-operation and Development (OECD). The study finds, as in past years, U.S. students' reading performance sits around the middle of a 27 nation pack, just five points higher than average; math performance is five points lower than average. U.S. students also rank below average in high school graduation rates and just about average in school "engagement," or how much they participate and feel a sense of belonging. But when asked what kind of job they expect to hold by the time they are 30, 80.5 percent of U.S. students said they would have a white collar, high-skilled job, far exceeding the average of 62.2 percent. U.S. girls had even higher expectations of themselves, with 85.8 percent expecting a top job by age 30. Among all nations, only students in Mexico had higher expectations. Along with the U.S. and Mexico, the nations with the highest aspiring 15-year-olds include Canada, Greece, South Korea, and Portugal. Among students in Russia and Hong Kong, only 58.6 percent had the same high expectations.

### **Poll Looks at Teens**

Teenagers are far more likely to seek out friends for help with ethical decisions than to ask a member of the clergy, a poll by Harris Interactive reports. Among teenagers polled, 83 percent said they would turn to friends for help in making such choices, followed by their parents (68 percent), teachers (27 percent), the Internet (24 percent), and clergy (14 percent). The poll showed that almost one-third of teenagers surveyed think they have to "bend the rules to succeed." Twenty percent gave that answer in a similar poll last year. The survey of 624 students was drawn from a larger Harris Interactive poll that was conducted via e-mail and weighted demographically to represent the nation.

### **Drug Courts**

OJJDP announces that it has been charged with the management of all juvenile and family drug court programs under the U.S. Department of Justice's Office of Justice Programs. Over the next few months, OJJDP will assume responsibility for all grants currently administered by OJP's Bureau of Justice Assistance and will be announcing solicitations for fiscal year '05 grant funds.

## **NIJ Research**

The National Institute of Justice quarterly prepares the Research Review, which contains short summaries of significant research findings from recently funded reports and lists titles of other recently completed projects. Web addresses are provided for easy electronic access to the full abstract of each report. The report is available online at <http://www.ojp.usdoj.gov/nij/rr/index.html>.

## **Household Victimization**

The percentage of U.S. households victimized by violent crime or thefts during 2003 remained at the lowest levels since the Bureau of Justice Statistics reintroduced this crime indicator in 1994. Victimization fell from 25 percent of all households in 1994 to 15 percent of all households in 2003. “*Crime and the Nation’s Households, 2003*” can be found at <http://www.ojp.usdoj.gov/bjs/abstract/cnh03.htm>.

## **Mentally Ill Juvenile Offenders**

Nearly 2,000 children awaiting mental health treatment are incarcerated on any given night in juvenile detention facilities across the U.S., where many attempt suicide or attack others, according to a report prepared for Congress. Problems include a failure by federal and state officials in social service, criminal justice, and educational agencies to communicate and agree on how to treat any given child. In addition, the cost of treatment often prevents parents from seeking services. The General Accounting Office found in 2001 that parents surrendered 12,700 children to the government for Medicaid treatment because the families could not afford mental health care on their own. The report surveyed 500 juvenile detention administrators in 49 states. It included about three-fourths of all facilities and covered the first half of 2003. More than 1,900 juveniles were incarcerated on any night while waiting for mental health services. Two-thirds of the facilities reported that youths either attempted suicide or attacked others.

## **NIC Mental Health Online**

The National Institute of Corrections (NIC) recently made new prison mental health guidelines available online, providing standards for procedures, planning, methods, budget development, monitoring, and evaluation. *Effective Prison Mental Health Services: Guidelines to Expand and Improve Treatment* presents historical, legal, and ethical issues dealing with mental illness in corrections. Contents incorporate observations and recommendations from mental health professionals and information gathered from written surveys, literature searches, and site visits. See [www.nic.org](http://www.nic.org).

## **Suicide Surge**

A suicide takes place somewhere around the world every 40 seconds, or nearly one million a year, and the rate looks to surge over the next two decades, reports international health experts. Although men in their sixties—retirement age—are by far the most likely to die at their own hands, the numbers among younger men between 15 and 19 are rising, largely because of the availability of guns. Suicide accounts for 1.5 percent of the total cost of disease to world society, reports the U.N. World Health Organization. Former communist states—Lithuania, Estonia, Russia, Latvia, and Hungary—had the highest rates. The next five were Sri Lanka, ex-Soviet Kazakhstan and Belarus, Slovenia, and Finland, according to figures for 2000.

## **Adoptions in the U.S.**

1.6 million—Number of adopted children (under 18) of “householders.” These children comprise 2.5 percent of all children of householders.

16—Percentage of adopted children under 18 who are black. Seven percent are Asian and two percent are American Indian and Alaska native.

17—Percentage of adopted children under 18 who are of a different race from the householder. This compares with 11 percent of stepchildren and seven percent of biological children.

3.9—Percentage of children under 18 in Alaska who are adopted, the highest of any state.

21,616—Number of immigrant visas issued to orphans coming to the U.S. for adoption in 2003, up from 7,377 a decade earlier. The leading sources of these orphans are China and Russia.

43—Average age of householders with adopted children, which is about five years older than householders with biological children or stepchildren.

\$56,000—Median income for households with adopted children under 18, higher than those with biological children (\$48,000) and stepchildren (\$51,000).

### **Government Publications Available**

*Juvenile Arrests 2002* at: <http://www.ojjdp.ncjrs.org/publications/PubAbstract.asp?pubi=11822>

*Trends in the Murder of Juveniles: 1980-2000* at:  
<http://ojjdp.ncjrs.org/publications/PubAbstract.asp?pubi=11831>

*Disproportionate Minority Confinement: 2002 Update* at:  
<http://www.ojjdp.ncjrs.org/Publications/PubAbstract.asp?pubi=11816>

*Youth Gangs and Urban Gangs* at: <http://www.ojp.usdoj.gov/nij/pubs-sum/jr000251.htm>

*Alive at 25: Reducing Youth Violence Through Monitoring and Support* at:  
[http://www.ppv.org/ppv/publications/assets/174\\_publication.pdf](http://www.ppv.org/ppv/publications/assets/174_publication.pdf)

*Selected Topics on Youth Courts: A Monograph* at:  
<http://www.youthcourt.net/publications/monograph.pdf>

*Compendium of Federal Justice Statistics, 2002* at:  
<http://www.ojp.usdoj.gov/bjs/abstract/cfjs02.htm>

*FBI's Crime in the United States, 2003* at: <http://www.fbi.gov/ucr/ucr.htm#cius>

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## YOUR BOOKSHELF ON REVIEW

### Effective Interviewing Techniques—The Key to Quality Supervision

*Interviewing: Theories, Techniques, and Practices.* (Edition). By Robert A. Shearer. Upper Saddle River, New Jersey: Pearson Prentice Hall, 2005. 347 pp. (paper), \$46.67.

REVIEWED BY TODD JERMSTAD  
BELTON, TEXAS

It seems so axiomatic that effective interviewing in the criminal justice context is the key to quality supervision and programming that it is surprising that this subject is often discounted or ignored when discussing ways to improve the supervision of offenders or delivery of services. Perhaps because the topic of interviewing naturally entails examining the effectiveness of staff, thus shifting the focus from innovative programs, policy-makers, academicians, and practitioners in the field of criminal justice appear to overlook this essential component to deterring criminal behavior and rehabilitating offenders. However, in *Interviewing: Theories, Techniques, and Practices*, Dr. Robert A. Shearer, a professor at the College of Criminal Justice, Sam Houston State University in Huntsville, Texas rectifies this matter and draws attention to the need for competent interviewing in all facets of the criminal justice system.

Several matters should be noted at the onset of this review. First, as Dr. Shearer explains, his book is about interviewing and not interrogation. Second, the title clearly reflects that the subject matter is not just effective interviewing techniques, but also the theoretical basis for applying these techniques, along with useful exercises for the reader to reinforce what has been presented in the text. Finally, Dr. Shearer emphasizes that being a skillful interviewer is not an innate gift; one can gain a proficiency in interviewing through instruction and practice.

Dr. Shearer observes that whereas interrogation is a predominantly one-way process and is highly controlled by the questioner, an interview is a conversation between two people with a purpose. Moreover, there are several purposes to interviewing. One is to gather information, another is to detect deception; however, Dr. Shearer further states that an additional purpose is to establish trust between the parties. Finally, the author explains that he has written this book mainly for the criminal justice professional who has not necessarily had any formal or specialized training in the craft of interviewing but who encounters people as part of the person's job. Thus police officers, correctional officers, probation and parole officers, counselors and social workers will all greatly benefit from reading this book.

This book consists of twelve chapters and a preface. The first three chapters introduce the reader to the basic concepts of interviewing in the criminal justice environment. Chapter four offers a detailed description of the model for interviewing that provides the basic framework for learning in this book. Then, chapters five through eleven focus on specific interviewing skills. Finally, chapter twelve draws together all of the skills and techniques discussed in the book and offers further insights on the future of interviewing. Each chapter ends with a summary, study

questions, and assessments that enable the reader to perform a self-evaluation of his or her grasp of the concepts discussed in each chapter.

It should be noted that the emphasis in this book is on verbal communication. Thus, while the author recognizes that certain nonverbal communication, such as body language, is important in gathering and evaluating communicated information, it is the information garnered through oral exchanges that will advance the objectives of the interview. Moreover, Dr. Shearer stresses that the varying degree of motivation that an offender has for revealing information and certain cultural, psychological, or environmental barriers may require the utilization of different techniques to elicit the needed information. Finally, this book propounds that the objective of any interview in the criminal justice setting is not just to gather and process information but also to influence the behavior or actions of the offender being interviewed.

The late British poet Robert Graves once said, “Before one can break the rules of grammar, he must first learn to master them.” This statement, which was made to challenge aspiring *avant garde* poets to first learn the basics of good writing, can be applied to any endeavor that requires the acquisition of certain skills, techniques, and knowledge. Effective interviewing is no different. Although Dr. Shearer notes that there are any number of “exotic” interview techniques, ranging from hypnosis to nonverbal interviewing, nothing is more effective than learning the fundamentals of interviewing and applying the acquired skills and understanding in both an educational setting and in actual practice. Dr. Robert Shearer has succeeded in not just making the goals and principles of effective interviewing clear and comprehensible but also showing that effective interviewing is a competence that can be readily grasped by any diligent practitioner in the field of criminal justice.

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## REVIEWS OF PROFESSIONAL PERIODICALS

[The Prison Journal](#)  
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### **The Prison Journal**

REVIEWED BY SAM TORRES

*“The Electronic Monitoring of Offenders Released from Jail or Prison: Safety, Control, and Comparisons to the Incarceration Experience”* by Brian K. Payne and Randy R. Gainey (December 2004)

House arrest with electronic monitoring (EM) was implemented in 1984 and has been used at various stages of the criminal justice process. Although some jurisdictions use electronic monitoring at the pretrial stage, most employ it as a sanction to supervise and control offenders in the community after conviction. EM may be used as a sanction in and of itself, or along with other sanctions in cases where the offender may be required to serve a short custody sentence. When used with a period of imprisonment, EM is imposed as a special condition of probation upon release from custody. Payne and Gainey focus their research on this type of offender and consider how they experience house arrest with electronic monitoring.

A number of concerns immediately surfaced with the use of EM, such as the possible invasion of privacy, either by the government or by private agencies. Using technological advancements to control and punish has been described by some as overly intrusive and barbaric. Other critics state that EM is not really an alternative to incarceration but simply a new type of sentencing alternative. Consistent with the principle of net widening, critics also claim that many offenders sentenced to electronic monitoring would in the past have been informally diverted. Another criticism of EM was that offenders remained in the community and could easily escape from this type of supervision. Finally, critics claim that EM turns the home into a prison. This study attempts to partially investigate this criticism by asking offenders whether their homes were “prisonized” during their participation on EM.

Paine and Gainey’s major finding was that offenders who spent part of their time in jail followed by EM experienced the sanction, for the most part, in a way that can be characterized as controlling and rehabilitative. The EM offenders did experience some problems, and certainly felt the sanction was a controlling mechanism, but they generally preferred EM to imprisonment.

The study presents three general policy recommendations. First, EM offenders, especially those released to EM following a period of confinement, should be clearly informed about what to expect beforehand in order to minimize potential problems. Offenders must be told that the sanction is controlling and may take a toll on other resident family members. The potential for family problems is high if the offender and family members are not informed beforehand about the possibility of discord.

A second policy recommendation is that other groups should also be educated about this type of sanction. The general public, policymakers, and the media tend to have serious misconceptions regarding EM. Policymakers and the public tend to favor punitive approaches toward the handling of criminals, and EM is generally perceived as a lenient, slap on the wrist punishment. However, most offenders experienced EM as far from lenient. Although the sanction is seen as preferable to jail, as long as it is reserved for less serious, nonviolent offenders, there should be little concern about public safety, and the public needs to know this.

The final policy implication is that community-based sanctions can be effectively combined with other traditional sanctions. The authors conclude that the combination of sanctions meets the demand of the public, which generally wants judges to incarcerate first, and then rehabilitate. When applied after incarceration, EM achieves the public's desire for punishment and rehabilitation.

This study also has two major implications for correctional theory. First, comments from the offenders lend credence to assumptions underlying social control theory, which posits that crime occurs when individuals' bonds to society are weakened. The key to addressing crime is to assure that offenders remain connected to the community such that they feel that they have too much to lose by violating their conditions. Thus, EM allows offenders to maintain family ties and "connectedness." Offenders in this study seemed to realize that they had too much to lose by violating their EM conditions, and they appreciated the opportunity to maintain family and employment bonds. Some participants admitted that the controlling nature of EM helped to keep them in line. A second finding with theoretical implications for self-control theory is that many of the offenders in the study admitted that the sanction had taught them self-control.

The authors were unable to determine whether offenders believed that EM turned the home into a prison. About half agreed that it does, and about half disagreed. This would seem to suggest that EM affects offenders and their families differently. Future research on EM should examine this question. In addition, future research, according to the authors, should broaden the way success is operationalized. All too often researchers defined success exclusively in terms of recidivism; however, success might also be defined in terms of public support, offender's response to EM, whether the sanction is humane, cost-effective, and how the sanction affects others.

This study also attempts to demonstrate that offenders can serve as a source of information about the usefulness of the sanction, and the authors encourage others to explore how offenders in the community experience their sanction. In this regard most offenders on EM agreed that it would be easy to escape but that the potential consequences kept them from even contemplating this option.

Offenders also recognized that they would get into significant trouble if they tampered with the monitoring equipment. The comments from offenders show that they see their ties with their families and jobs as being too important to risk. When discussing the severity of the EM sanction, offenders generally agreed that EM does in fact control their lives in much the same way that incarceration controls inmates' lives. However, the loss of freedom is a relative experience, and the experience of this loss does vary from offender to offender. Clearly, the sanction is experienced both as a loss of freedom and as a punishment. When asked to compare the sanction with their time in jail, most offenders saw EM in a positive light. The majority of offenders had spent at least some time in jail, and all of them preferred EM to jail.

When questioned about why jail was worse than EM, offenders generally pointed to four different areas: differences in the amount of control, the ability to maintain family ties, the ability to maintain employment, and the availability of time for reflection. While most offenders enjoyed the opportunity to be with their families, some commented that family problems arose as a result of the sanction.

The primary purpose of the study is to demonstrate that offenders can serve as a major source of information about a sanction. In this respect it appears that EM, as perceived by offenders,

achieves both punitive and rehabilitative objectives, and thus should satisfy the public's desires. Electronic monitoring does indeed provide a controlling mechanism that restricts the offender, while allowing him/her to maintain family ties and employment. Furthermore, the sanction is cost-effective and reintegrative, and there is some indication that EM helps maintain social control by strengthening the offender's bonds to the community and thus enhancing self-control. However like most community-based sanctions, EM must be assigned with care, and it should generally be restricted to non-violent offenders. The article succeeds in demonstrating that offenders' perceptions of particular sanctions are worthy of examination, and also succeeds secondarily in demonstrating that EM remains a viable alternative to incarceration. In order to garner increased support for EM, however, policymakers and the public must be informed of the punitive and rehabilitative aspects of this cost-effective sanction.

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## **Crime and Delinquency**

REVIEWED BY CHRISTINE J. SUTTON

*"Criminalizing Attractions: Perceptions of Stalking and the Stalker,"* by Patrick Kinkade, Ronald Burns, and Angel Ibarraza Fuentes (2004)

In 1998, Rebecca Schaeffer, a young actress, was shot to death by an obsessed fan, outside of her apartment in California. Her murder drew national attention to the issue of criminal stalking.

In 1990, California became the first state to enact anti-stalking laws. Within three years, 47 other states followed. In another three years, the federal judicial system also developed stalking legislation. Research authors Patrick Kinkade, Ronald Burns and Angel Ibarraza Fuentes concurred with others that an adequate definition of stalking still needs to be established. In their study, they set out to develop a better definition of the stalking problem from the public's perspective. It was their premise that the definition of a stalking event may reflect an evaluator's subjective interpretation of the behavior and characteristics of both the victim and the offender, as well as the situational factors surrounding stalking-related incidents.

A review of the findings of prior studies and literature by the authors found that more than one million females and more than 370,00 males are stalked annually. Other findings concluded stalkers most often use a telephone as the medium of communication and 48 percent of the stalkers sent unsolicited gifts to the victims. Findings disclosed stalkers admitted to waiting for their target of love in a variety of places; including outside of classrooms, schools, homes, or places of work. Taking photographs of the target person was another stalking characteristic. Lastly, stalkers often had a psychological disorder, more so than non-stalkers.

The authors' research also found that a larger number of stalkers and their victims are engaged in a relationship prior to the stalking incident. This is different from the "star stalkers," celebrities captured in the media. Stalking victims, on average, were 28 years older when the stalking began. The stalkers are slightly older than most criminals at the onset of criminal activity. Stalkers typically are unemployed or underemployed men, while their victims are found across the socioeconomic continuum.

In 2003, the authors conducted a study of a medium-sized southwestern liberal arts university, comprised of 6,851 undergraduate students. The study sample consisted of 356 students, 33.7 percent male and 65.7 percent female.

The measurement instrument used was a set of questionnaires with 40 different scenarios. Each scenario was written to describe an ambiguous situation between two people that may or may not constitute stalking in the respondent's mind.

Each respondent was given only seven scenarios and asked to identify on a ten point scale how he/she believed the scenario actions were definitely stalking or not stalking. Respondents also described what it meant to be a crime victim and/or if they had personally experienced stalking.

Two sets of analyses were conducted to determine if a particular variable would affect the student's perceptions. The first set focused on the variable manipulation within any given scenario. The second tested for potential differences among respondent characteristics or demographics in relation to their perceptions of stalking.

The resulting analyses showed that stalking was most likely ascribed to situations where the accused had given gifts to the complainant, or where the accused had gathered personal information on the complainant. The interaction was more likely to be identified as stalking if the accused and the complainant were perceived as members of a lower socioeconomic class, than if the pairing's socioeconomic class remained unidentified. The authors concluded that the results showed an insignificance of personal factors in the interpretation of scenario events as stalking. Additionally, there were no differences in the perceptions of respondents who had been a victim of a crime from those who had not, or with regard to their gender, race, television-viewing practices, or political or religious views. This was an unexpected finding. However, the authors recognized the limited applicability of the study's findings, as it was based solely on the perceptions of college students in one part of the country, rather than general public.

The authors concluded that the study shed more light on understanding how behaviors are ascribed to stalking and how individuals are regarded as stalkers. It also confirmed the findings of Tijaden and Thoennes in 1998 that stalking should be treated as a significant societal problem, which is increasing in frequency, as well as the impact and influence of the criminal labeling process. Despite their initial premise that a clearer definition could be developed, their final conclusion was that stalking is a complex crime that cannot easily be defined.

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# Federal PROBATION

*a journal of correctional  
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## **PUBLISHED BY**

The Administrative Office of the United States Court

**Leonidas Ralph Mecham**, Director

**John M. Hughes**, Assistant Director  
Office of Probation and Pretrial Services

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

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

Subscriptions to Federal Probation are available from the Superintendent of Documents at an annual rate of \$16.00 (\$22.40 foreign). Please see the subscription order form on the last page of this issue for more information.

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#### **Electronic Monitoring: Positive Intervention Strategies**

- <sup>1</sup> Family name, “Schwitzgebel,” legally changed to “Gable” in 1982.
- <sup>2</sup> The licensed radio system (KA2XYS-Los Angeles) had two 12-watt base stations operating at a frequency of 165.395 MHz and four 1-watt belt units operating at 164.980 MHz. A 6x3x2-inch transceiver was housed in a leather belt that also contained an antenna and a 3.4-inch vibrating coil.

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#### **Families and Children**

An earlier version of sections of this chapter appeared in the introductory essay of Travis and Waul (2003).

- <sup>1</sup> This is a single-day prevalence and does not take into account minor children whose parents were previously incarcerated; it accounts only for those who are currently incarcerated in state and federal prisons in 2002.
- <sup>2</sup> Public Law 105-89.
- <sup>3</sup> Figures do not total 100 percent because some prisoners had children living with multiple care-givers.
- <sup>4</sup> Elizabeth Gaynes, conversation with the author, June 22, 2004. Cited with permission.
- <sup>5</sup> The Michigan restrictions were challenged in court as unconstitutional because they violated the Fourteenth Amendment’s guarantee of due process, the First Amendment’s guarantee of free association, and the Eighth Amendment’s prohibition against cruel and unusual punishment. The Supreme Court upheld the regulations, finding that the restrictions “bear a rational relation to the [department of correction’s] valid interests in maintaining internal security and protecting child visitors from exposure to sexual or other misconduct or from accidental injury.... To reduce the number of child visitors, a line must be drawn, and the categories set out by these regulations are reasonable” (Overton v. Bazzetta, 539 U.S. 94 [2003]).
- <sup>6</sup> The definition of who can visit or take children to visit is an even bigger problem in light of cultural traditions, i.e., the extended family network and fictive kin arrangements that exist in many African-American families. Family duties and responsibilities are shared among a group of

individuals; e.g., a young uncle may be expected to take on the father's role and do things such as take the child to a game or on a prison visit while the grand-mother provides day-to-day care and an aunt with a "good" job provides financial subsidies. Apparently this perspective was either not presented or ignored as unimportant in the Michigan case (Personal communication with Creasia Finney Hairston, January 6, 2004).

<sup>7</sup> Missouri has announced that its next contract with prison telephone systems will not include a commission for the state. The Ohio prison system entered into a contract that will reduce the cost of prison phone calls by 15 percent. California will reduce most prisoner phone calls by 25 percent. In 2001, the Georgia Public Service Commission ordered telephone providers to reduce the rates for prisoner calls from a \$3.95 connection fee and a rate of \$0.69 per minute to a \$2.20 connection fee and a rate of \$0.35 per minute. The new telephone contract for the Pennsylvania Department of Corrections will reduce the average cost of a 15-minute telephone call by 30 percent. And litigation has been initiated in a number of states—including Illinois, Indiana, Kentucky, Ohio, New Hampshire, New Mexico, New York, South Dakota, Washington, Wisconsin, and the District of Columbia—to reduce the cost of prison phone calls and kick-backs to the state (eTc Campaign 2003).

<sup>8</sup> The Children of Offenders study and the Jailed Mothers study both had small sample sizes and were not randomized, making it difficult to conclude a causal link between parental incarceration and children's involvement in the criminal justice system. In the Children of Offenders study (Johnston 1992, 1993), the sample ( N = 56, N = 202) target-ed children of offenders who already demonstrated disciplinary problems in school or delinquent behaviors, presenting the highest likelihood of second-generation incarceration ( Johnston 1995). In the Jailed Mothers study, Johnston (1991) relied on self-reported data from the surveys of 100 jailed mothers on their children's living arrangements, risk factors, and problem behaviors.

<sup>9</sup> The report indicates that "generally, persons with fewer economic, tangible, social, physical and other personal resources may be more vulnerable to the threat of violence or abuse posed by an intimate partner."

<sup>10</sup> This figure represents both pre-prison and during-prison nonpayment. Depending on the law of the state, prisoners may continue to accrue child support arrears while incarcerated. According to Thoennes (2003), Massachusetts prisoners accrued on average \$5,000 in arrears while behind bars.

<sup>11</sup> The study defined "family member" as "a blood or legal relative, someone with whom the prisoner has a child in common, or a significant other or guardian our respondent lived with prior to his or her incarceration or plans to live with after he or she is released from prison" (Visher et al. 2004, 31).

<sup>12</sup> See chapter 10 of the book this selection is taken from, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, for a discussion of the concept of concentric circles of support.

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