Federal PROBATION

a journal of correctional philosophy and practice

Volume 75 Number 3

Federal
PROBATION
a journal of correctional philosophy and practice

Juvenile Probation Officers: How the Perception of Roles Affects Training Experiences for Evidence-Based Practice Implementation[1]

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CURRENTLY, THERE ARE OVER 800,000 youth involved in the U.S. juvenile justice system. Within this system, probation is the primary tool for managing delinquent youth in various phases: diversion from formal prosecution, community sanction, and aftercare. As a fundamental part of this process, probation officers (POs) serve as the supervisory link between punishment/custody and rehabilitation/freedom for America's delinquent youth, with primary management responsibilities for addressing the unmet needs of a myriad of justice-involved juvenile offenders. Despite the pivotal role of probation and POs, meta-analysis has found that juvenile probation has a small (yet significant) impact on youth outcomes (Lipsey & Wilson, 1998). Likewise, research suggests that enhancements such as police partnerships (Giblin, 2002), job preparation, and outdoor adventure (Minor & Elrod, 1990, 1994) or family group changes (Minor & Elrod 1994; Quinn & Van Dyke, 2004) offer little improvement over standard probation. This provokes the question: how can probation practices improve youth outcomes?

Unlike adult probation, the juvenile justice system has traditionally operated under a "child saving" premise, where attention focuses on the prevention of delinquency by intervening in the lives of the youth (Applegate, Davis, & Cullen, 2009). An example of a model that falls under this idea is The Reclaiming Futures model. This model has three goals for youth: (1) more treatment (improve the identification of those who need treatment, assessment of individual needs, and connecting youth to treatment), (2) better treatment (ensure that youth receive treatment that has been proven to work through scientific evidence), and (3) beyond treatment (improve youth connections to pro-social activities, community partnerships, and adult mentors) (Reclaiming Futures, 2011). Researchers find significant improvement in the quality of juvenile

justice and substance abuse treatment services in communities using the Reclaiming Futures model. This success has spurred additional implementation of the model across the U.S. (Binard and Prichard, 2008) while supporting the current push toward evidence-based practices (EBPs). Yet, regardless of research supporting the Reclaiming Futures model as an evidence-based practice, probation's emphasis in the last two decades has shifted away from child saving and toward safety and community control (Chiancone, 2010; Snyder & Sickmund, 2006; Young, Dembo, & Henderson, 2007; Taxman, Perdoni, & Harrison, 2007).

With conflicting or changing emphases and goals, juvenile POs often experience role conflict or tensions between rehabilitation and punishment goals (some of which are inherent in the criminal justice system) (Day, 1983; Mulvey & Iselin, 2008; Ward & Kupchik, 2010). Presently, we do not know how POs navigate child-saving goals in conjunction with the current push toward security and law enforcement and the even greater push towards holding youth responsible for their actions. We also do not know whether POs with certain role orientations have a different understanding and perception of the EBP training they receive. This study aims to fill this gap in our present knowledge and highlight some of the challenges juvenile probation agencies face when implementing EBPs with POs.

Literature Review

Probation Officer Roles

Punishment and rehabilitation are two very distinct goals of the criminal justice system that coexist as objectives of juvenile social control (Feld, 1999; Kupchik, 2005; Morris & McIssac, 1978). Within criminal justice settings, juvenile POs are the most likely justice actors to experience tensions between these goals as they experience conflict between rehabilitating youthful offenders and ensuring community safety (Day, 1983; Mulvey & Iselin, 2008; Ward & Kupchik, 2010). That is, POs must balance their work position with their personal/professional role orientation when dealing with the youth offenders they supervise.

Referred to as "the working philosophy of the probation officer" (Klockars, 1972, p. 550), the role of the PO is self-determined and often used as the reasoning and justification for behaviors. Prior literature defines a role as "a collection of patterns of behavior which are thought to constitute a meaningful unit and deemed appropriate to a person occupying a particular status" (Turner, 1956, p. 316). To this end, research has widely cited the existence of differing roles and strategies associated with probation. The most prominent PO roles discussed in this literature include law enforcement, social service, and resource broker (Abadinsky, 2006; Carlson & Parks, 1979; Clear & Latessa, 1993; Cuniff & Bergsmann, 1990; Dell'Apa, Adams, Jorgenson, & Sigurdson, 1976; Klockars, 1972; Lawrence, 1991; Sluder & Reddington, 1993; Steiner, Purkiss, Kifer, Roberts, & Hemmens, 2004). First, most unlike the other two roles, the law enforcement orientation involves placing importance on the legal authority and enforcement aspects of the supervisory duties associated with probation (Clear & Latessa, 1993; Klockars, 1972; Lawrence, 1991). Law enforcement-oriented POs are primarily concerned with controlling the probationer in order to protect the community, often placing focus on compliance and punishment (Abadinsky, 2006).

Second, the social service role (often referred to as case manager or a therapeutic agent) emphasizes client needs and treatment, motivation, support, and guidance in dealing with and solving problems, and emotion management (e.g., how to work through ambivalent feelings) to assist offenders to successfully adjust to the community (Abadinsky, 2006; Clear & Latessa, 1993; Klockars, 1972). Goals of this approach include changing the offender into a law-abiding citizen through rehabilitative means by using community resources, programs, and services (Lawrence, 1991). Finally, the resource broker's primary goal is to assess the tangible needs of the probationer and arrange for appropriate services to address those needs, rather than attempting to change the actual behavior of the probationer directly (Abadinsky, 2006). Resource brokers' main functions include assessing the needs of offenders and then linking or referring them to suitable programs, resources and services to address those needs (Abadinsky, 2006; Carlson and Parks, 1979; Cunniff & Bergsmann, 1990; Dell'Apa et al., 1976).

In an examination of these differing roles, Sluder, Shearer, and Potts (1991) created scales

measuring POs' support for casework, resource brokerage, and law enforcement orientations. Mean scores from the scales demonstrated that officers most often enacted the resource broker role (mean=36.35), closely followed by social service (mean=36.03), with law enforcement (mean=32.76) the least-embraced orientation amongst their sample of 159 POs. Similarly, Whitehead and Lindquist (1985) surveyed 108 probation and parole officers on a variety of measures such as professional orientation, participation in decision-making, and role conflict. Findings revealed that probation and parole officers mostly emphasized rehabilitation while deemphasizing punishment. Less than ten percent of their sample felt counseling and rehabilitation services were unimportant parts of probation and parole officer responsibilities, while a majority of the sample (68 to 95 percent) disagreed with all four survey questions related to increasing punitiveness in response to crime (Whitehead and Lindquist, 1985).

Prior scholarship also finds that juvenile POs embrace social service roles more than POs with adult caseloads (Sluder & Reddington, 1993). For example, Sluder and Reddington's (1993) survey of 206 POs examines the work ideologies of both juvenile and adult POs and considers differences in their support of the social service, resource broker, and law enforcement orientations. They find significant differences between juvenile POs and adult POs. In their study, juvenile POs were much more likely to support a social service orientation than were adult POs. Additionally, in Shearer's (2002) survey of 158 juvenile and adult POs, they find that adult PO trainees display more support towards law enforcement as a caseload management strategy (m=11.22) than do juvenile PO trainees (m=10.31). There was no significant difference between juvenile and adult PO trainees' support of social service and resource broker management strategies (Shearer, 2002).

Research also links role orientation to a variety of other factors, such as PO age, race/ethnicity, and individual case specifics. When examining their survey data for individual status characteristics, Ward and Kupchik (2010) found that younger POs were more likely to be punishment orientated, whereas those over 40 years old were less punishment inclined. Black POs were more likely to support treatment than white POs, but these authors found no racial differences regarding views of punishment.

Similarly, other research found juvenile POs use a balanced approach when dealing with delinquent youths on their caseloads (Schwalbe & Maschi 2009; Ward & Kupchik, 2010). For example, Ward and Kupchik (2010) suggest there is no consensus among POs regarding whether treatment or punishment is the more appropriate juvenile social control goal. Instead, juvenile POs often embody both orientations depending on the case (Ward & Kupchik, 2010). Likewise, Schwalbe and Maschi (2009) found juvenile POs often blended "accountability-based" approaches (such as confrontation and threatening to use formal sanctions) with rehabilitation approaches (such as counseling and treatment). This work further suggests that probation and parole officers organize their work around their entire caseload, making decisions relative to all cases as opposed to an individual case (Emerson, 1983). In this "holistic" approach to decision making, POs allot resources and energy based on the assessment of the demands and needs of one case compared to the demands and needs of other cases under supervision (Emerson, 1983).

In summary, juvenile POs appear to be more likely than their adult PO counterparts to embrace the social service role. Specific role orientation is likely related to a variety of factors such as PO age, race/ethnicity, and individual case specifics. Despite research distinguishing among the three roles, it is possible that POs employ a balanced approach incorporating elements from multiple orientations as needed.

Interaction between Probation Officer Roles and Training

There has been relatively little research linking PO role orientations to effective correctional interventions. One study by Fulton, Stichman, Travis, and Latessa (1997) finds that intensive supervision officers who received comprehensive training and participated in development activities (as compared to regular supervision officers who received no special training or related activities) were more oriented towards probation/parole's rehabilitative goal than toward the supervisory goal. In other research not specifically related to probation, Friedmann, Taxman, and Henderson (2007) reported that adult offender substance abuse treatment programs managed by administrators who believed rehabilitation was a main goal of the criminal justice system were more likely to implement EBPs. Administrators who placed less emphasis on punishment

used EBPs more often (Friedmann et al., 2007). Similarly, Henderson, Young, Farrell, and Taxman (2009) examined state corrections agencies and local criminal justice facilities to determine how organizational characteristics relate to the use of EBPs. Findings reveal that organizations emphasizing rehabilitation over punishment were likely to use more EBPs. While this prior work does not directly relate to PO role orientations and perceptions of trainings on evidence-based practices, it does suggest a possible link between a rehabilitative orientation and the adoption and implementation of EBPs.

To date, we know that prior research has examined role conflict and how POs manage these different probation strategies (Schwalbe & Maschi, 2009; Ward & Kupchik, 2010), but there has been little to no examination of the relationship between role orientations and perceptions of evidence-based job training for juvenile probation officers. As the movement to implement EBPs gains momentum, it is important to consider whether and how probation officers, as front-line (street-level) workers, adopt and implement the EBPs their organization trains them to employ. In this paper, we examine interviews with juvenile POs to understand how PO role orientation relates to perceptions of evidence-based training/practices and the probationers they supervise.

Method

JARPP Background

The Juvenile Assessment, Referral, Placement and Treatment Planning (JARPP) study is funded by the National Institute on Drug Abuse under a collaborative agreement between George Mason University and the University of Maryland. The JARPP study focuses on measuring the effectiveness of different types of training and staff development protocols on the desired juvenile justice worker practices of assessment, treatment planning, and service case management. The main goals are to: 1) assess the impact of a new juvenile assessment, referral, and placement strategy on youth utilization of services; 2) assess the impact of different training and staff development components, and 3) analyze the impact of a new case management component on youth outcomes. The larger JARPP study used a randomized controlled experiment (RCT) to assess the impact of different training strategies on use of evidence-based practices in their interactions with the youth. The study was conducted in 12 randomly selected juvenile probation offices, each randomly assigned to one of three experimental groups: 1) Enhanced (receiving motivational interviewing and intensive JARPP training followed by booster training sessions and on-site peer coaching focused on creating a social climate in support of using the evidence-based practices); 2) Standard (receiving motivational interviewing and intensive JARPP training followed by education-oriented booster sessions to focus on learning to use the techniques of the evidence-based practices), and 3) Control (receiving a one-day motivational training only). The study team also surveyed probation officers in all research sites in three waves and conducted semi-structured interviews with a subsample of JARPP POs. This paper uses data from semi-structured interviews only. See Taxman, Henderson, and Young (2011) for further information about the design of this study.

The JARPP study hypothesized that POs in the Enhanced and Standard training groups would experience improved attitudes towards the probation organization as well as increased perception that the organization was committed to integrating the new assessment, referral, placement, and treatment planning protocol into day-to-day practice. Additionally, JARPP researchers hypothesized that the booster sessions and peer coaches involved in the enhanced training would lead to better overall outcomes (Taxman, Henderson and Young, 2011).

Interviews

As part of the larger project, qualitative researchers conducted interviews with a subsample of JARPP officers between April, 2009 and July, 2009 (n=14), shortly after the intensive training. PO interviews lasted between 38 minutes and 1 hour and 56 minutes at locations away from the probation office. All interviewees volunteered. One researcher conducted each interview, while a second researcher recorded the interviews and later transcribed the recordings. To keep interviews informal and comfortable for participants, interviewers used a semi-structured conversational style with an overall focus on receiving answers to several key questions. These

questions focused on the main goals of the project and included questions about primary job responsibilities and professional training experiences (including, but not limited to study-defined activities). Researchers used follow-up probes that aligned with initial answers, so each interview took on its own distinct pattern within a general framework. For example, researchers asked, "What impact has the JARPP training that you have been provided had on your case management and supervision procedures?" Then they followed up by investigating why and how JARPP training differed from other trainings they received (complete set of interview questions in the Appendix B). The Human Subjects Research Board (HSRB) at George Mason University approved this research procedure.

Coding Procedures for Interview Data

Researchers employed several methods of managing, coding, and analyzing interview data. First, we linked all interview transcripts to Atlas.ti, a qualitative data management program for coding and analysis. Atlas.ti is a commonly used program for coding qualitative data, such as transcribed interviews (Muhr, 1991). Before beginning the coding process, we created a code "start list" (resource broker, social service, law enforcement, male, female, white, black, education, job experience, age) (Miles & Huberman, 1994) to organize a structure of codes based on the prior literature on roles of POs. This deductive approach is helpful in developing a structure of codes and organizing text for later analysis (Crabtree & Miller, 1999).

Next, we used an inductive approach to compare each interview file with previously coded interview files using the constant comparative method (Glaser & Strauss, 1967). The constant comparative method is helpful for determining if new data fits with the existing data and in developing code structure. This method also required that researchers refine and develop new codes as needed throughout the coding process. Researchers utilized a team, collaborative approach when coding PO roles. Both authors independently analyzed and coded the interviews to determine whether PO's orientations were law enforcement, social service, or resource broker. We relied on Max Weber's concept of "ideal types" to classify each PO into only one category that most represents their role. After comparison of coding, researchers agreed on role orientations with 83 percent inter-coder reliability. The use of both the deductive and inductive coding approaches together yields an integrated approach that facilitates the development of themes within the data (Bradley, Curry, & Devers, 2007).

Qualitative Comparative Analysis

To analyze the data, researchers used a qualitative analytic technique called Qualitative Comparative Analysis (QCA). QCA is most helpful in recognizing the simplest combinations of factors that lead to a particular outcome (Cress & Snow, 2000). Using QCA, we constructed a truth table using Boolean logic to summarize the different combinations of causal conditions related to specific outcomes as discussed above (Ragin, Shulman, Weinburg, & Gran, 2003; Romme, 1995). Originally, we constructed a truth table with predictor variables: role orientation, tenure on the job, race, gender, and age based on previous literature that suggested these variables might affect role orientation (Ward & Kupchik, 2010). We removed age since it was highly correlated with tenure on the job and race and gender because they did not affect the PO perceptions of training or probationers in any combination. To construct a truth table, we entered data into a chart in dichotomous form (1=yes, 0=no) for each case (PO) (Romme, 1995).

The JARPP truth table included role orientation and tenure on the job with view of probationer and view of training as the outcome variables. Once data were entered into a truth table, we logically simplified that data to determine what different combinations of conditions produce a specific outcome (Ragin et al., 2003). The goal was to specify the different combinations of role orientation and tenure on the job that produce varying views of probationers and training. To minimize the table, researchers compared rows with the same outcomes to each other. Using Boolean Minimization (a standard technique in QCA analysis), we minimized all rows that led to the same outcomes but differed on only one causal condition. This represents the most fundamental procedure in Boolean analysis (Romme, 1995). For example, in our data, rows two and three differ solely on the tenure condition; therefore, we can minimize those rows. This means that individuals in the control group with social service orientation, regardless of job tenure, have a negative view of probationers and a negative view of training.

Findings

To recap, this project considers the influence of *juvenile probation officers' roles and type of training on perceptions of the probationers they supervise and of their collective experiences associated with the JARPP concepts of assessment, treatment planning, and case planning*. Using qualitative interview data and a Boolean truth table, our research suggests two findings. First, we find that workplace roles do not affect perceptions of probationers or training. Second, at a practical level, enhanced specialized training may affect positive views of training and positive perceptions of probationers, as the embedded study group is the only group with positive attitudes toward both. In these sections, we report on the representative data from interview transcripts that support findings. To begin, we present a findings summary in Figure One.

PO Roles, View of Training and Perception of Probationers

POs typically fit into one of three distinct workplace roles: law enforcement, social service and resource broker (Abadinsky, 2006; Carlson & Parks, 1979; Clear & Latessa, 1993; Cuniff & Bergsmann, 1990; Dell'Apa et al., 1976; Klockars, 1972, Lawrence, 1991; Sluder & Reddington, 1993; Steiner et al., 2004). Some of this research suggests a link between workplace roles and demographic and experience variables (e.g., training/education, time on job, age) (Ward & Kupchik, 2010). Yet, our data tell a different story. Although POs at times display goals and perceptions related to a mixture of role orientations (as expected with juvenile POs), our data suggests the presence of two (rather than three) distinct roles: social service (57 percent) and resource broker (43 percent) among juvenile POs, with a mixture of demographic and experience characteristics in each group. This relates to different dimensions of the "child saving" perspective, where those aligned with social service orientations view their responsibilities as using services to prevent youth from further penetration into the justice system.

In the JARPP interviews, POs coded as having a social service orientation were most likely to stress the importance of duties such as arranging counseling sessions for their clients and making sure they received the services they needed. The POs "support and encourage" counseling sessions or treatment and identify themselves as counselors. POs who employed a social service role in their work described themselves as "change agents" or "role models" for probationers. For example, one PO discussed himself and his work in the following way, "You are your brother's keeper or you are your sister's keeper, and that's exactly what I do. I try to do the best I can for that person. I don't have to know them, I don't have to like them, but I'm gonna do the best I can to help them get where they need to be, which is a better place." In this example, the PO describes his role as a counselor and cheerleader, "Trying to encourage them to do what they're supposed to do." He continues, "I try to support them and encourage them and try not to focus too much on the negative aspects." Another PO added that they try to get the youth involved in "something pro-social, just getting them out of doing what they normally would do."

Alternatively, resource broker POs focused most on linking probationers to services and helping them "complete conditions of probation." Resource broker POs do not emphasize individualized services or counseling. These POs often note that they are *not counselors or social workers* and their job involves more of what one PO called a "brokerage type of thing." The following quotation from an interview with a resource broker PO is representative of other POs' perceptions of this role. This PO notes, "You follow the child, the child goes to intake and the decision is made whether to forward it to court and if it goes to court, we follow the case through adjudication and then disposition, and then if they're placed on probation, we really try to help them complete all the conditions of probation." He continues, "It seems to me to be more about assessing the need and directing to the source to address that need." Another PO explained that he had to refer to himself as "probation" because "if I say case manager, some people misinterpret it as a social worker. You know, and they think you do things like that along social worker lines, and I'm like, no. You know, I work, you know, with the courts." He continues, "Sometimes you're a referee between departments, like departments of education, social services, court services, the middle person." In this example, the PO makes a distinction between the two roles and plants himself firmly in the resource broker role. He does not want to

confuse outsiders. His role is just working within the system and not as a social worker.

The truth table (see [Appendix A](#)) suggests a significant relationship between the number of causal conditions and probation outcomes. Perhaps more revealing was our subsequent analysis that considers the relative significance of particular conditions as compared to others. It also inspects the combinations of conditions required to achieve a particular outcome. Our causal conditions include workplace role, study group, tenure, race, gender, and age and the outcomes include positive or negative views of training and probationers. We use interview data from the 14 PO interviewees as individual cases with distinct causal combinations (Ragin, 1987, 1999). The truth table presents all of the logically possible selections in our data.

After aligning cases and data in a Boolean truth table, we minimized to discover which conditions are relevant to the outcomes. First, we found that POs display a negative view of probationers and a positive view of training if their tenure on the job is greater than 10 years. Under these conditions, their role orientation does not matter. For positive views of probationers and trainings, role orientation did not matter for POs whose tenure on the job was less than 10 years. This may mean that POs with less than 10 years employment shared positive views of probationers and training regardless of role orientation. Similarly, role orientation did not matter for POs with less than 10 years job tenure, who displayed positive views of probationers and negative views of training. That is, POs with less than 10 years employment shared positive views of probationers and negative views of training regardless of a social service or resource broker role.

The findings for the outcome of negative views of youth probationers and training varied slightly according to workplace role. For these outcomes, role orientation still did not affect views of probationers and training, but the variables involved in the equation vary slightly. For example, if a PO's role orientation was a resource broker and his or her tenure on the job was less than 10 years, the PO viewed probationers and training negatively. If a PO's role orientation was social service, tenure on the job did not matter. That is, social service POs shared negative views of probationers and training, regardless of the number of years on the job. Overall, roles do not have a direct impact on views of probationers or training.

Type of Training (study group), View of Training and Perception of Probationers

The second finding considers the importance and impact of varying levels (or degrees) of training. Our analysis suggests that three of the four possible outcome combinations emerge from a mixture of study group participants (Enhanced, Standard, Control). The only outcome combination that is limited to one study group was positive views of both probationer and training. This group consists entirely of Enhanced training group participants (14 percent of the sample). They expressed positive perceptions of probationers they supervise. One PO notes, "I am not a believer that anyone is born bad," while another PO remarks, "If they're going to all the trouble to stop by, I feel like we should pay attention." POs in the Enhanced group often discussed going out of their way to meet with clients and make clients and their families their first priority. These POs also perceived the JARPP training sessions as an enjoyable and helpful way to "sharpen skills." One PO expressed their positive view of training, stating:

> Specific to the whole JARPP project, I enjoy anything that has to do with making stuff better…improving and I'm always looking for ways to give me a new angle to use. So, many of the tools they've shared with us through that project [JARPP], I've found helpful because I intentionally make it a point to try and put some of those techniques into place, in doing all the rest of the stuff that comes naturally to me.

Only 25 percent of the POs in the Enhanced group perceived JARPP training negatively. In this instance a PO related JARPP training to a prior experience with counseling training. When asked about the impact the JARPP training had, this PO responded,

> To be honest with you, not really much at all. I've actually been doing it before. I've had advanced counseling, intermediate counseling training, through the department, so a lot of this stuff like how do you interview people, and open-ended questions…I've already sat through two days of training on that.

Predictably, all members of the Control training group displayed negative views of training. As previously noted, this group received only one day of motivational interview (MI) training and did not receive the intensive JARPP training, booster sessions, or on-site coaching. POs in this group spoke about the entry-level training they received when they first began their job, calling it "useless" and discussed it as "the last place you learn." Similarly, POs in the Enhanced and Standard training groups (who each received considerably more JARPP training) also noted the perceived unhelpfulness of entry-level training. Many suggested that incorporating JARPP training into this early training would be more beneficial. One PO from the Standard group summed it up well when he said, "personally, I think that if it was entered [JARPP] when you did the entry-level training, that it would be perceived better" and later stated that JARPP would be most beneficial if it was offered in the initial training sessions provided to new employees. Another PO from the Enhanced group concurred, noting, "when I left [the entry level training] I thought, this would be great for introduction to new workers."

POs in the Standard group generally displayed mixed perceptions regarding JARPP training. Several viewed training as helpful, describing it as "an effort to get us to do less talking and get the kids to do more talking." However, others thought that POs in their office perceived JARPP protocols negatively because they thought JARPP had unrealistic expectations. For example, one PO discussed his trouble with JARPP by saying,

> In an ideal situation, I would love to use their JARPP program every single day. In reality, half the time we get literally two to five minutes to see our kids, in an ideal day, you're cramming, between the hours of 3:30 and 4:30, maybe five if you feel nice to see them till 5:00, on an ideal day, what 15, 20 kids? You don't have time to sit there and be like, open-ended questions galore, and you just don't have time!

Along similar lines, POs in the Enhanced and Standard training groups displayed mixed perceptions of the additional training tools. Overall, there seemed to be some confusion surrounding the actual responsibilities and duties of on-site coaches. One PO summarized this view by stating, "Well I guess, we have JARPP Assistants, but I guess none of us know what they do." POs also perceived booster training sessions negatively, with one PO referring to them as "a complaint session" and another calling them "crazy crap." However, there were some positive perceptions of these additional training sessions, with some POs viewing them as helpful reminders, and one PO dubbing them "a boost."

In summary, findings revealed that role orientation and perceptions of training or probationers are not directly related. In addition, analysis of study group participation displayed only one clear relationship: positive views of both training and probationers resulted from participants in the enhanced training group. Further, perceptions of additional training tools were mixed amongst role orientation and study group participants. These findings have important implications for structuring EBP training and implementing EBPs in probation agencies.

Discussion

The JARPP training protocol focuses on strengthening the resource broker and social service roles of juvenile probation officers by addressing the components of effective case planning. Focusing on finding and understanding the best method of training has the collateral benefit of influencing the organizational culture to better support new ideas in a juvenile justice setting. This paper does not document the outcomes of JARPP training. Instead, the focus is on the analysis of qualitative interviews on how POs perceive the training they received to implement new ideas within an existing workload (that is typically overburdened). One major finding suggests that PO roles do not have a direct impact on perceptions of training and probationers. While the law enforcement role was not found among the POs in our sample (which was to be expected given that we are dealing with juvenile POs), social service and resource broker role orientations were associated with both positive and negative perceptions of training and probationers. POs in our sample often mentioned having many different responsibilities, some noting they wear "many hats." This suggests that POs still face multiple demands and competing goals. Future work should aim to help POs learn effective performance and management of their

job despite multiple and often conflicting demands.

A second major finding regarding the impact of training was that POs from all three study groups (Enhanced, Standard, and Control) were represented in different combinations of positive and negative perceptions of training and probationers. The only exception was for POs who shared positive views of both training and probationers. These POs were also all participants in the Enhanced study group and therefore received both booster sessions and on-site training assistants. While prior research contends that single training sessions or workshops are ineffective for creating lasting change within an organization, training that includes follow-up/booster sessions or coaches is often more successful (Baer et al., 2004; Fixsen et al., 2002; Joyce & Showers, 2002; Miller & Mount, 2001; Miller, Yahne, Moyers, Martinez, & Pirritano, 2004; Taxman, Shepardson, & Byrne, 2004; Taxman, 2008). Prolonged training that incorporates additional training sessions and support from coaches is said to work because they provide staff with the opportunity to further their knowledge and strengthen the learned skills, while also providing the opportunity for feedback (Danserau & Dees, 2002; Fixsen et al., 2002). Despite the fact that not all members of the Enhanced training group shared positive perceptions of training and probationers, it is an important finding that those who received the intensive training and booster sessions devoted to developing a social climate to support the use of evidence-based practices displayed the most positive perceptions overall.

The current research is limited in that we can only report on what POs verbally told us in the interviews. Based on our findings, further work is warranted to include observations of POs in their daily routine. Pairing interviews with observations allows researchers to examine if and how probation officers "talk the talk" *and* "walk the walk." Observational data is also particularly useful in QCA analysis, as this method is especially appropriate when analyzing situations with complex patterns of interaction (Cress & Snow, 2000). Perhaps an underused method of analysis in qualitative research, QCA is helpful in yielding important findings as it allows researchers to examine the different ways in which variables interact and combine to yield particular outcomes, even with small sample sizes. This increases the possibility of determining variety as well as identifying the different paths that lead to a particular outcome (Cress & Snow, 2000).

Our findings have implications for the ongoing debate about role orientation in probation, as they suggest that role orientation is not a major factor in perceptions of training and probationers (clients). This finding lends support to previous findings that the differences in the tasks POs choose to implement (e.g., treatment service, support, control, and assistance) are not merely a product of their personal role orientation, but derive from the broader organizational philosophy (Clear & Latessa, 1993). Perhaps, as Clear and Latessa (1993) suggest, the position of the organization as a whole on PO supervision style is important and helps determine the attitudes and task implementation of staff members.

With the current push to implement EBPs in criminal justice organizations comes a corresponding and crucial push to determine how street-level workers like POs adopt and implement these practices. Previous research highlights several organizational factors that affect the adoption and implementation of EBPs. For example, using self-report and survey data, Farrell, Young, and Taxman (2011) examine the effects of organizational climate, supervisory leadership, staff cynicism for change, and interagency coordination on the implementation of a service-oriented EBP. Results indicated that implementation of EBPs is difficult in organizations where staff are cynical regarding change within their organization or have unfavorable perceptions of their supervisors (Farrell, Young, & Taxman, 2011). Likewise, Mulvey and Iselin (2008) also found that a heavy caseload and a lack of time could prevent juvenile justice staff members from implementing new practices. Future research is necessary in order to link the qualitative interview data with quantitative survey data from the JARPP study. This expanded examination could shed light on additional variables that might affect the adoption and implementation of EBPs within justice agencies.

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Appendix

Appendix A.

Qualitative Comparative Analysis (QCA) Truth Table

	Training Group	Social Service Orientation	Resource Broker Orientation	Tenure less than 10 years	Tenure greater than 10 years	Negative perception of probationers	Positive perception of probationers	Negative perception of training	Positive perception of training
1	C	1	0	1	0	1	0	1	0
2	C	1	0	1	0	0	1	1	0
3	C	1	0	0	1	0	1	1	0
4	C	0	1	~	~	0	1	1	0
5	C	0	1	1	0	0	1	1	0
6	S	0	1	1	0	1	0	1	0
7	S	0	1	1	0	1	0	1	0
8	S	1	0	0	1	1	0	0	1
9	E	1	0	0	1	1	0	1	0
10	E	0	1	1	0	0	1	0	1
11	E	1	0	1	0	0	1	0	1
12	E	0	1	0	1	1	0	0	1
13	E	1	0	1	0	0	1	1	0
14	E	1	0	1	0	1	0	1	0

C=control training group; S=standard training group; E=enhanced training group
1=yes; 0=no;
~ =missing

Appendix B.

Interview Questions

1. How do you view your role as a Department of Juvenile Services (DJS) case manager?

2. How did you learn how to be a case manager in DJS? How have you learned how to supervise kids on your caseload (on probation or on aftercare)?

3. What impact has the JARPP training that you have been provided had on your case management and supervision procedures? How does this training differ from other training you have received?

4. Have you encountered any barriers in implementing the training tools you have been provided?

5. Are the instructions and messages you get from the JARPP trainer consistent with what you hear from your superiors?

6. Do you think JARPP training is something that should get routinely incorporated into case management training in DJS? Why or why not?

7. Do you have any additional information regarding your experience with case management procedures and policies that you would like to add?

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Juvenile Probation Officers: How the Perception of Roles Affects Training Experiences for Evidence-Based Practice Implementation
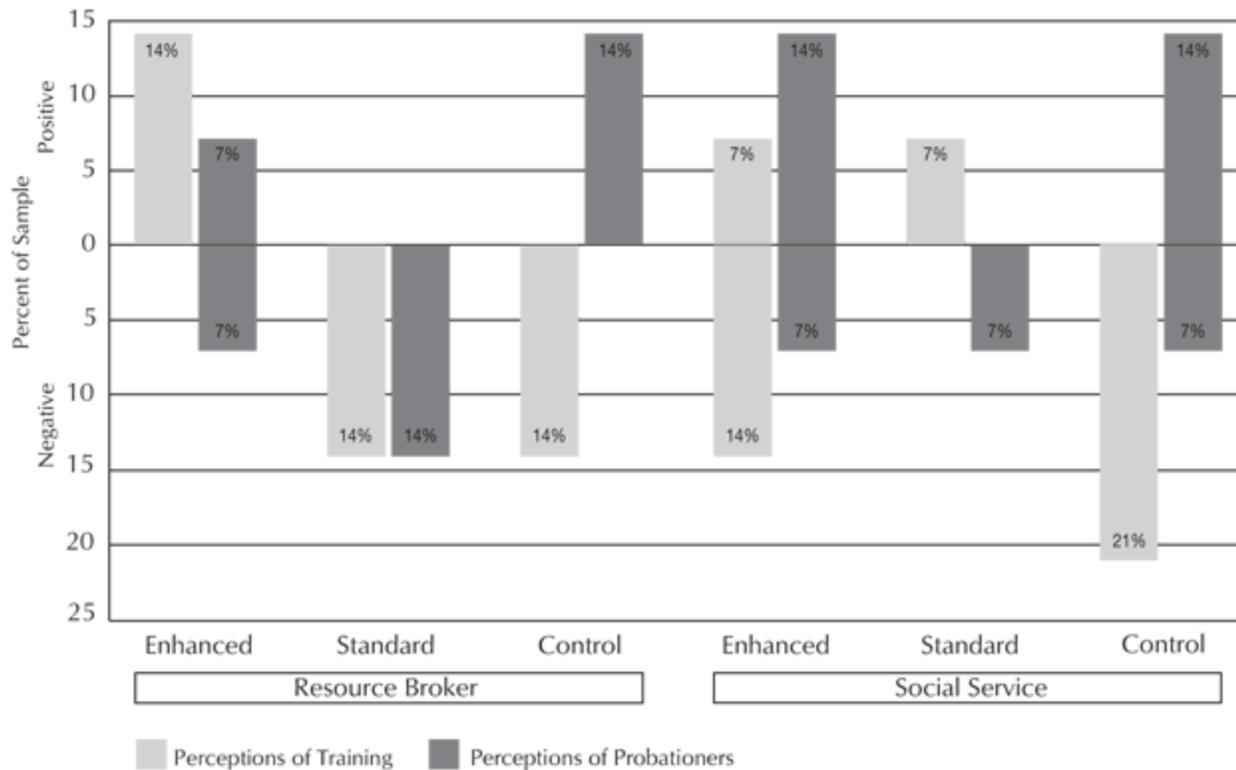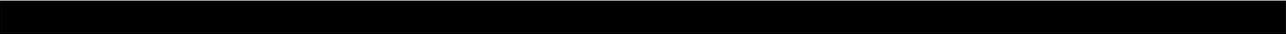
Figures

Figure 1

Figure 1.

FIGURE 1.
Perceptions of Probationers and Training

Legend: Perceptions of Training / Perceptions of Probationers

X-axis groups: Enhanced, Standard, Control (Resource Broker); Enhanced, Standard, Control (Social Service)

Effective Supervision Strategies: Do Frequent Changes of Supervision Officers Affect Probationer Outcomes?

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WITH THE GROWING emphasis on evidence-based practices in community corrections, corrections agencies are looking toward empirical research to guide decision-making regarding operations, effective offender supervision strategies, and policies. In the past, studies pertaining to successful probation outcomes examined employment status, marital status, certain demographic variables, and prior criminal history. Today an abundance of research exists examining *what works* with regard to offender management rooted in evidence-based practices— collective strategies designed to address targeted risks and needs that have shown to significantly reduce recidivism rates for offenders (Aos, Miller, and Drake, 2006; Gendreau, Little, & Goggin, 1996; Clawson, Bogue, and Joplin, 2005; Latessa, 2004; Latessa, 2006). Another area of research for which extensive information exists is caseload size (Clear, 2005; DeMichele, 2007; Jalbert, et al., 2010). Caseload size has long been a concern of community corrections officials and researchers with regard to effective management of offenders in the community and potentially "lowering recidivism," but seldom have researchers reversed the question and asked how being supervised by a large number of officers affects probation outcomes for the offender.

Intensive supervision programs (ISP) are one of the most widely researched areas related to caseload size. ISP strategies were originally developed to experiment with caseload sizes, and were initially thought to be the optimum strategy for supervising high-risk offenders due to the extra attention offenders would receive. Proponents suggested small caseloads and close supervision would prompt needed change in the offender, protect the community, and assist offenders in successfully completing supervision (Banks, Porter, Rardin, Sider, and Unger, 1977). Although there are a variety of ISP models that differ somewhat in their specific programming, the typical characteristics are enhanced surveillance and punitive sanctions for violations. Contrary to the initial expectations for ISP, research reveals that traditional intensive supervision caseloads with the goals of deterrence and incapacitation have higher failure rates *because* the additional monitoring leads officers to detect violations at a higher rate, including technical violations of supervision (Clear and Hardyman, 1990; Petersilia and Turner, 1993; Petersilia, Turner, and Deschenes, 1992; Neithercutt and Gottfredson, 1975). In response to these

findings, the American Probation and Parole Association (APPA) developed a model for ISP incorporating treatment-oriented components coupled with risk-control strategies. The thought was that a balanced approach would lead to higher success rates and longer-lasting changes in offenders, but there were no significant differences in recidivism rates between offenders under regular supervision and those under intensive supervision (Fulton, Latessa, Stichman, and Travis, 1997).

In addition to ISP, other caseload organizational models have been devised and implemented within community supervision over the last several decades, including team supervision models, specialized field and surveillance models, specialized caseloads based on offense or offender needs (e.g. domestic abusers, substance abusers, sex offenders, mentally ill, gang members, and the unemployed). In most instances, the hallmark of the specialized caseload is its small size. For example, many states have specialized caseloads for sex offenders with a caseload cap because of statutory requirements for increased contacts, surveillance, unscheduled home or field visits, polygraph testing, and mandated sex offender therapy. In addition, special caseloads for mentally ill offenders have gained popularity in recent years due to empirical research showing that probationers and parolees with mental illness are more likely to have their supervision revoked than offenders without a mental illness (Dauphinot, 1996; Porporino and Motiuk, 1995). The common theme across the various probation populations is an emphasis on providing streamlined integration of treatment services and community supervision. Specialized caseload programs have generally received favorable empirical support (Klein, Wilson, Crowe, and DeMichele, 2008; Seiter, 2002; Torres, 1997). For example, in 2008, a research study conducted on Rhode Island's special domestic violence probation supervision for misdemeanor offenders charged with family or intimate partner violence revealed significantly lower rates of recidivism compared to those under traditional supervision strategies (Klein and Crowe, 2008).

According to the U.S. Bureau of Justice Statistics, during 2008 there were over 7.3 million incarcerated and on probation or on parole. Almost 5.1 million adults (1 in 45) were under some form of community supervision in 2008, with 84 percent of those being probationers (BJA, 2009). Considering that the bulk of the job of managing offenders falls to community corrections agencies, there is increased pressure from legislative and funding agencies to do more with less. Several evidence-based principles have shown to be effective in the realm of community supervision. One such principle is having well-trained and effective staff. Motivational interviewing (MI) techniques used by counselors with clients undergoing alcohol or drug treatment have spread to the community corrections setting in recent years. Motivational interviewing improves the quality of interactions between officers and offenders (Taxman, Shepardson, and Byrne, 2004; Walters, Clark, Gingerich, and Meltzer, 2007), while the confrontational styles of traditional "counseling" between counselor and clients limit effectiveness (Miller and Rollnick, 2002; Hubble, Duncan, and Miller, 1999). Many community corrections agencies across the country have trained staff in the use of MI techniques in hopes of improving overall outcomes, as they understand that rapport between offender and officer is an important evidence-based principle related to successful completion of supervision.

While frequently mentioned in the literature, actual research on rapport between offenders and their supervising officers is fairly limited, but what does exist generally focuses on communication, officer safety, and successful completions (Ireland and Berg, 2008; Springer, Applegate, Smith, and Sitren, 2009; Taxman, 2008; Taxman, et al., 2004). Research in this area emphasizes the use of MI techniques and how they can be useful in motivating offenders to change, reducing tension between officer and offender, while still holding offenders accountable for their behavior. However, there is more to building rapport than employing motivational interviewing. Robinson (2005) points out that "a growing body of research [much of it focused on the British system]…indicates that both the *quality* and the *consistency* of relationships between offenders and their supervisors are central to effective practice from the perspective of the offender" [emphasis in the original]. We suggest it is important to keep in mind that rapport builds in two directions. Over the course of their conversations with one another, the probation officer and the probationer learn what to expect from each other. The officer, for example, might learn to detect signs of manipulation, while the offender learns how far he or she can push the boundaries of the rules before provoking a response from the officer and the court. Lack of rapport does have an effect on the officer's ability to manage the case, and disruptions in rapport present obstacles in the orderly negotiation of rules for offenders.

Our review of the literature failed to uncover any examples of research directly addressing impact of changing officers during supervision on the successful completion of supervision. It is reasonable to speculate that switching probation officers during the period of community supervision would have a detrimental impact on the rapport-building process, thereby leaving the offender to reestablish trust each time he or she receives a new officer. We hypothesize that the number of officers an offender has during the term of supervision is correlated with failure to complete supervision, in that the more officers an offender has during the term, the greater their likelihood of failure. We assume continuity of supervision with an offender is a key element of success; therefore, the number of personnel changes throughout an offender's supervision period should be inversely correlated to failure of supervision. Continuity can also be expressed by the length of time an offender spends with an officer. Thus, we further hypothesize that probation continuity, as expressed by the proportion of sentence time that was supervised by each officer, will be positively correlated with probation success. The present study adds to the literature by empirically evaluating the effect of being switched multiple times to different probation officers during the term of supervision.

Data and Methods

Our data are derived from records generated by a community corrections agency located in a large metropolitan county in Texas. The data began with all offenders whose probation ended in 2009. We excluded cases that did not originate in the county, served some portion of their term in another county (i.e., the data does not include transfers from other jurisdictions), or were supervised by a diversionary or other specialized unit (such as mental illness or domestic violence), leaving us with 5,134 offenders. Individuals in our study completed an average of 20.4 (sd=19.6) months on probation prior to termination, with the longest term lasting almost 11 years. Table 1 presents the descriptive statistics for the variables used in this analysis.

Dependant Variable

The dependent variable used in our analysis is *probation revocation*. Revocation is a dichotomous measure coded "1" to indicate that an offender failed to complete probation during the time allotted by the court and coded "0" for successful completion. The possible routes to failure include: (1) failure to comply with the conditions of probation (technical violations) and (2) the commission of a new offense; however, in the present analysis both are coded "1." Approximately 26 percent of our sample failed to successfully complete their time on probation. On a state level, the felony revocation rate in Texas for 2008 was 15.3 percent; community supervision revocations account for approximately 30 percent of prison admissions annually in Texas (Texas Legislative Budget Board, 2009). Logistic models were fit to the data to evaluate our hypotheses concerning the number of probation officers and the length of time each probation officer supervised the case during the offender's time on probation.

Independent Variables

Officer Count and Officer Continuity

To address the potential negative outcomes associated with frequent changes in supervision officers, we employ two distinct measures: officer count and officer continuity. The first, officer count, is a simple tally of the number of officers who supervised a probationer's case; however, we suggest that the straightforward count of officers fails to adequately convey the degree of turnover experienced by many probationers. While four different officers in succession supervised the average case over a 20-month time span, some probationers were assigned considerably more officers over a much shorter period. For example, 15 officers supervised one offender's case in the 15 months he was on probation before he committed a new offense. Other offenders served much longer periods with a single officer. At this extreme was an individual who successfully completed probation after 40 months of supervision by the same officer. Still others spend the majority of their sentence with one officer only to experience dramatic turnover just prior to their termination.

In order to address disparities in the length of a probationer's contact with his or her probation officer(s) we employ a Herfindahl Index, a measure more commonly associated with studies of market concentration (Jacquemin and Berry, 1979) or ethnic/racial homogeneity (Weirsema and

Bantel, 1992). In its traditional form, the Herfindahl Index takes into account the relative size and distribution of firms, and provides a numerical indicator of market competition or diversity. Thus, we operationalize officer continuity as the amount of time each probation officer occupied in the total amount of time an offender was on probation. The index measures the concentration of time each probation officer spent supervising an offender as the sum of the squared total time-share of each probation officer working the case. Officer continuity takes into account the relative number of officers that have worked on a case and the distribution of months each officer actively supervised the case. Continuity approaches zero when a large number of officers supervise a single case for a short period and one when a small number of officers supervise the case for a long period. For example, consider an offender on probation for 12 months with three supervising officers. If each officer monitors the case for four months, officer continuity will be .33. If the officers monitor the case for 9, 2 and 1 months, respectively, the officer continuity value will be .60, reflecting the fact that a single officer supervised the majority of the term.

Control Variables

Several sociodemographic controls are included in the multivariate analyses as statistical controls: age (respondent age as the time of termination in years), gender (1=males, 0=females), and minority status (1=minority, 0=non-Hispanic Whites). The racial breakdown for the minority group is 55.2 percent African-American, 42.6 percent Hispanic, 2.1 percent Asian, and less than 1 percent "other." In addition to the sociodemographic controls, we also controlled for several aspects of probation cases that previous researchers identified as influencing case outcomes: risk assessment score, needs assessment score, number of charges in the original case filing, and number of programs the probationer was assigned to before the termination of their probation (Lowenkamp, Pealer, Smith, and Latessa, 2006; Morgan, 1993). Requiring low-risk offenders to participate in intensive treatment or programming can actually increase their likelihood of recidivism (McCord, 2003). Risk and needs scores were derived from the individual scores recorded on the modified Wisconsin Risk/Needs assessment tool that is used to evaluate all probation cases in Texas. The modified tool used by Texas is intended to measure criminogenic factors associated with higher levels of recidivism, such as employment status, family relationships, and alcohol use. The risk scores we use in our analysis do not include information on the seriousness of the current offense, in order to avoid multicollinearity issues with our separate felony measure. The descriptive statistics for the risk and needs scores are presented in Table 1. A dichotomous variable indicates if the offense that resulted in the initial probation sentence was a felony. Research suggests that felons are, in general, more likely to reoffend (Langan and Levin, 2002). Approximately 40 percent of the cases in our sample originated from a felony conviction. Prior research suggests that offenders who engage in multiple criminal events are more likely to fail probation; therefore, we include a simple count of the number of criminal violations the offender had at the time of arrest as an indicator of the offender's propensity to engage in criminal offending. The mean number of violations was 1.4, with a high of 36. Our predictor, programs, is a count of the number of therapeutic programs the offender is required to participate in as part of his or her probation. While we are unable to assess the appropriateness of these programs for the offenders, the number serves as a proxy for the probation officer's attempt to meet the probationer's needs. While the average number of programs was 1.6, one probationer participated in 23 programs over the course of his five-year probation.

Analytic Strategy

Our analysis begins by estimating bivariate associations (Pearson's r) between our dependent variable, the theoretical measures of interest, and the control variables. Then we estimate the influence of the two theoretical variables, net controls, on whether the probationer's probationary status was revoked, using a logistic regression. In all, we estimated four models. The first model contained only the control discussed above. The second and third models alternated the use of the variables of theoretical interest. The fourth model contained both officer count and officer time continuity. We used common exploratory data analysis techniques for dealing with a dichotomous dependent variable, and performed diagnostics tests as appropriate.

Results

Table 2 displays the bivariate correlations for the variables used in this analysis. Across the board, we found significant associations, albeit sometimes weak, between our dependent variable and the other variables included in our analysis. For the most part the relationships are in the direction one might expect from the existing literature. For example, age is negatively associated with probation revocation ($r=-.20$, $p<.05$), while those with higher risk assessment scores are more likely to have their probations terminated ($r=.29$, $p<.010$). As expected, officer count is positively associated with revocation ($r=.15$, $p<.05$). Officer continuity is negatively correlated with revocation ($r=-.00$, $p<.05$). In other words, the bivariate findings suggest that offenders whose probationary statuses are revoked are more likely to have both a greater number of supervising officers and to have a lower continuity score.

Table 3 displays the results of four logistic regression equations. With the exception of officer count and continuity, the relatively low correlations between the independent variables suggest that multicollinearity is not a problem in our models (Walker and Madden 2009). The relatively large correlation ($r=.81$, $p<.001$) between officer count and continuity was expected. We centered the two variables for subsequent analysis in order to minimize the potential impact of multicollinearity (Kraemer and Blasey, 2004). Additional tolerance and variance inflation factor diagnostics indicate further that there are no multicollinearity issues with our model: all tolerance values were above the 0.25 value that indicates a problem; and the VIF scores were well below 4 (Walker and Madden, 2009).

Model 1 of our logistic regression examines the effect of our control variables on the likelihood of recidivism. The moderate predictive strength of the model (Nagelkerke $R^2=.271$) coupled with the statistically significant model χ^2 suggests that our control variables are indeed significant predictors of probation failure. Only the number of charges initially filed against the offender proved insignificant, but as anticipated possessing a current felony status, higher risk scores, and higher need scores are all associated with an increased risk of failure.

With the inclusion of officer count in model 2, the overall predictive capacity of the models edges up slightly (Nagelkerke $R^2=.283$). Consistent with our hypothesis, the number of officers that have worked the case is statistically associated with a greater likelihood of probation failure; however, at a 9 percent increase in the odds of probation failure, the impact of each additional officer is not large. Officer continuity is regressed on the independent variable in model 3. While there is little change in the controls, the increase risk of failure associated with a felony status is enhanced when officer continuity is included in the model. Furthermore, the addition of officer continuity increases the amount of variance explained over model 1, and the predictor variable itself has a strong association with the likelihood of failure. Calculating the inverse odds ratio (DesJardins, 2001), we find that a unit change in the officer continuity increases the odds of probation success 2.34 times. In other words, continued supervision by the same officer greatly improves the chances of offender success.

Model 4 includes both variables of interest, officer count and officer continuity, and the control variables. One change in the association between the controls and the dependent variable is worth noting: the inclusion of both officer count and officer continuity reduces the impact of a felony status on the offender's likelihood to fail to a level more consistent with models 1 and 2. More important, both officer count and officer continuity are statistically significant in the presence of each other and the controls. While the influence of officer count decreases slightly over the value observed in model 2, the effect is still statistically significant. An offender with, for example, three different probation officers is 15 percent more likely to fail than an offender with only one officer. Conversely, splitting time on probation evenly between three probation officers, index score of .33, increases the chances of success by about 16 percent, while an offender with only one probation officer for the length of the supervision term would see his or her odds of successful completion increase by 58 percent.

Discussion

The current study highlights the significance that continuity of supervision holds in an offender's successful completion of probation. Consistent with prior research, our findings suggest that the

offender and his or her previous violation history as well as social history are integral to successfully addressing the needs of offenders and implementing interventions. However, this research attempted to address an oversight in the literature on the organizational factors contributing to probation failure: personnel turnover and continuity of supervision. We find that personnel changes influence the likelihood of termination in a surprisingly direct fashion. First, the data indicate that offenders who are supervised by a few officers are more likely to complete probation successfully than offenders who are supervised by many officers. The data also suggest that offenders who spend the majority of their probation term with a few officers are less likely to recidivate than offenders whose time on probation is spread out over a number of officers. The impact of officer continuity is dramatic, with chances of successful completion increasing by 58 percent for an offender with one officer during the entire term of supervision.

Offenders in our study transferred from one probation officer to another for a variety of reasons. The most obvious is personnel turnover. Departmental records indicate that between 2005 and 2009, the department experienced a high turnover rate among line officer personnel. More germane to our findings are transfers that occur when offenders move to different areas of the city. In the department we studied, cases are distributed according to court of jurisdiction (there are over 20 criminal courts, including felony and misdemeanor, in this jurisdiction) and where the offender resides within the county. When an offender moves to another zip code within the county, the case is transferred to an officer at a different satellite office. The administrative rationale is that, given the limited resources of the department, it is more efficient to have officers supervise cases that are geographically close to each other.[1] While this is a reasonable approach from an administrative standpoint, our research strongly suggests that personnel changes can negatively influence the officer-offender relationships. Critics (Feeley and Simon, 1992) of the "new penology" that encourages officers to engage in a "pass-the-parcel" form of supervision in the name of efficiency suggest that this approach has undermined the rapport between offender and officer that was the hallmark of traditional probation (Robinson, 2005). As a result, they say, offenders are increasingly treated like "*actuarial subjects*: that is, *portable entities* to be assessed and then 'managed into' appropriate resources," which ultimately lessens the impact of the individual probation officer (Robinson, 2005). Our findings lend credence to this argument. Personnel changes may sometimes be unavoidable, but unnecessary change is a disruptive force that potentially undermines much of what has otherwise been accomplished.

Shifting from one probation officer to the next requires a renegotiation of the rules of probation —not in the technical and legal rules established in the conditions of probation documents, but in the social rules that develop between two participants involved in a relationship (Spenser, 1983). One might expect frequent changes in supervision officers would provide offenders an opportunity to manipulate officers and take advantage of officers' lack of knowledge about the offender's prior behaviors while under supervision. Thus, offenders with previous violations while under supervision might be given a "clean slate" after being transferred to another officer. Our findings do not support such an indulgent interpretation.

Perhaps officers expect new cases to be disruptive to their schedule, or resent the additional workload, or expect the offender to be a problem. During these transitions, minor infractions take a more ominous tone (Van Maanen, 1978). For offenders supervised by very few or the same officer over the course of supervision, familiarity between the officer and offender may increase the leeway given to the offender's transgressions over time, or perhaps established rapport actually modifies the offender's behavior. Additionally, the officer's style of supervision should be considered an important factor (Klockars, 1972). Together, these findings indicate that the role of officer continuity is complex and resistant to simple characterizations.

Community supervision is the most widely used alternative to incarceration in the United States. With significant budget cuts, probation organizations must do more with less, as well as provide evidence that they are achieving their goals of reducing recidivism among those offenders supervised in the community. We sought to explore an area of probation outcome not previously examined in the empirical literature, but widely regarded as valid based on common sense. While our findings are consistent with common-sense assumptions, empirical research was necessary to verify the relationships and avoid the potential harm that flows from unexamined, counter-intuitive results, such as those associated with the impact of smaller ISP caseloads. Nevertheless, a number of questions related to officer continuity remain unanswered.

First, is there a relationship between officer continuity and the offense that sparked the revocation of probation? Responses to violations of probation conditions might be mediated by the length of time an offender spends with one officer. We suspect that this might play out in differential responses to technical violations versus new offenses. However, our current data does not allow us to examine this question. More attention to technical offenses is critical, as prison and jail space is limited.[2] Instituting an evidence-based progressive sanction policy and routinely monitoring adherence to that policy is necessary for success.

Second, future research addressing this issue would benefit from a temporal design. Research shows that the risk of probation failure declines with time served. We suggest that early disruptions in officer continuity have a greater impact on the likelihood of success than changes that occur later in the period of supervision. Future research should also consider the interaction between personnel continuity, offender success, and officer characteristics. Are there officer characteristics, such as unit, caseload, education, age, or gender, that impact offenders' successful completion or that predict which officers are more likely to switch? Existing research suggests that demographic characteristics and occupational histories of the officer can be associated with correctional philosophy (Robinson, Porporino, and Simourd, 1997), work styles (Farkas, 1999), and job satisfaction (Jurik, 1985). Beyond issues of departmental policy and procedure, which all officers are theoretically subject to, is frequent switching associated with specific characteristics of the officer? As these questions are examined through empirical research, corrections professionals can implement policies that are evidence-based and have a positive impact on recidivism.

Third, our findings raise questions concerning allocation of funding. Since the relationship between the officer and offender is crucial to successful completions, officer retention must be addressed. This would likely entail a review of officer salaries. Competitive salaries initially attract quality applicants. Other arenas within the criminal justice field, such as law enforcement, offer salaries that are more competitive and potentially reduce the pool of quality applicants for probation and parole officers. Furthermore, the strong relationship between continuity and success also raises other questions regarding expenditures for treatment and programming. Should more money be spent on hiring and retaining quality probation officers, and less money spent on other services? It is critical to move forward in answering these questions with empirical research.

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Endnotes
References

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Tables

Table 1.

Descriptive Statistics

Variable	Minimum	Maximum	Total	M	SD
Termination % Successful % Revoked	.00	1.0	3774 (73.5%) 1360 (26.5%)	.26	.44
Age	17	86		31.99	11.35
Gender % Male % Female	.00	1.00	3542 (68.9%) 1592 (31.0%)	.69	.46
Minority % Minority % Anglo	.00	1.00	2285 (44.5%) 2849 (55.5%)	.45	.50
Number of Charges	1	36		1.46	1.87
Felony Status	.00	1.00		.41	.49
Risk Score	0	41		11.78	6.86
Need Score	-8	47		17.30	8.20
Programs Received	0	14		1.61	1.77
Officer Count	1	23		4.44	3.22
Continuity	.00	1.00		.64	.31

Table 2.

Correlations

Variable	1	2	3	4	5	6	7	8	9	10	11
1. Termination	1										
2. Age	-.204**	1									
3. Sex	-.085**	.022**	1								
4. Minority	.143**	-.142**	-.061**	1							
5. Number of Charges	.078**	-.068**	-.006	.007	1						
6. Felony Status	.209**	.088**	.002	.017	.110**	1					
7. Risk Score	.290**	-.167**	-.108**	.086**	.095**	.234**	1				
8. Need Score	.351**	-.140**	-.013	.028*	.102**	.199**	.471**	1			
9. Programs Received	.106**	-.075**	-.049**	-.048**	.058**	.193**	.0051	.094**	1		
10. Officer Count	.146**	.099**	-.023	-.026	.053**	.053**	.293**	.021	.389**	1	
11. Continuity	-.112**	-.109**	-.005	.029*	-.043*	-.218*	-.0021	-.021*	-.323**	-.811**	1

* p < .05
** p < .01

Table 3.

Logistic Regression Models

Variables	Model 1: Control Variables		Model 2: Officer Number		Model 3: Officer Index		Model 4: Inclusive	
	b	Wald	b	Wald	b	Wald	b	Wald
Age	-0.044 (.004) [.957]	139.024**	-0.046 (.044) [.955]	147.662**	-0.046 (.004) [.955]	149.129**	-0.046 (.004) [.955]	149.588**
Sex	.333 (.080) [1.395]	17.331**	.336 (.080) [1.400]	17.517**	.343 (.080) [1.409]	18.184**	.340 (.080) [1.405]	17.877**
Minority	.569 (.072) [1.766]	62.878**	.574 (.072) [1.776]	63.208**	.574 (.072) [1.775]	63.205**	.575 (.072) [1.777]	63.310**
# Charges	.015 (.018) [1.015]	.717	.013 (.018) [1.014]	.585	.012 (.018) [1.012]	.454	.012 (.018) [1.013]	.497
Felony Status	.741 (.075) [2.098]	97.013**	.629 (.077) [1.875]	66.159**	.661 (.076) [1.937]	74.888**	.631 (.077) [1.880]	66.671**
Risk Score	.376 (.052) [1.456]	52.941**	.360 (.052) [1.433]	47.938**	.373 (.052) [1.453]	51.636**	.365 (.052) [1.440]	49.143**
Need Score	.701 (.047) [2.015]	226.249**	.728 (.047) [2.071]	238.858**	.729 (.047) [2.072]	239.136**	.732 (.047) [2.079]	240.674**
Programs	.101 (.020) [1.107]	26.564**	.046 (.021) [1.047]	4.672*	.057 (.021) [1.059]	7.534*	.045 (.021) [1.046]	4.401*
Officer Count			.084 (.012) [1.087]	49.051**			.049 (.019) [1.051]	7.042*
Continuity					-.851 (.124) [.427]	47.345**	-.460 (.193) [.631]	5.685*
Constant	-2.858 (.188) [.057]	230.010**	-3.062 (.193) [.047]	252.685**	-2.206 (.210) [.110]	110.852**	-2.626 (.264) [.072]	98.767**
Model χ^2	1052.69**		1101.958**		1100.514**		1323.021**	
Nagelkerke R^2	.271		.283		.282		.332	

Notes: Entries are unstandardized logistic coefficients, (standard errors) are in parentheses and odds ratios [e^b] are in brackets.

DWI Recidivism: Risk Implications for Community Supervision

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American Probation and Parole Association

DRUNK DRIVING IS a serious problem for the U.S. Alcohol-related fatal driving crashes cause approximately 17,000 deaths each year in the United States. Several policies and practices have been implemented across jurisdictions to address drunken driving, including increasing the minimum drinking age and lowering illegal thresholds for blood alcohol concentration (BAC). States and local jurisdictions have also administered fines, incarceration, substance abuse treatment, electronic monitoring, and other tactics to individuals convicted of driving while intoxicated (DWI); yet drunk driving incidents continue to go undetected and arrests, injuries, and fatalities prevail (LaBrie, Kidman, Albanese, Peller, & Shaffer, 2007; Wagenaar, Maldonado-Molina, Erikson, Ma, Tobler, & Komro, 2007).

Justice officials seek the most accurate ways to predict the future behavior of the nearly 1.5 million DWI arrestees each year. The community corrections field needs assistance to assess and classify DWI offenders. Effective strategies rely upon risk assessment tools with high levels of predictive accuracy to classify offenders based upon their likelihood to reoffend (Andrews et al., 1990). The risk assessment literature is filled with general offender tools, such as the Level of Service Inventory-Revised (LSI-R), COMPASS, the Wisconsin, and many others (Andrews, Bonta, & Wormith, 2006; Bonta, 2002; Lowenkamp & Latessa, 2004; Taxman & Thanner, 2006), but little in the way of tools to predict DWI recidivism. There are also several screening tools to measure the level of alcohol abuse or addiction of offenders, such as Alcohol Severity Use Survey (ASUS) and the Michigan Alcohol Screening Tool.

DWI recidivism is not caused by alcoholism or addiction. Rather, it is caused by the decisions of high-risk drivers—individuals who lack appropriate levels of restraint or self-control to resist the impulsivity of driving drunk (Keane, Maxim, and Teevan, 1993). Drunk driving is rooted in complex processes of social learning and psychological factors that promote antisocial attitudes, desires, motives, and rationalizations acceptable of law violations (e.g., Akers, 1998; Andrews & Bonta, 2003; Brauer, 2009; Burgess & Akers, 1966). This perspective suggests similar pathways to chronic criminal lifestyles, including drunken driving, exist and are rooted in social-psychological characteristics (Gottfredson & Hirschi, 1990; Jessor, Donovan, & Costa, 1991),

and these characteristics supersede the specific technical aspects of any criminal activity (e.g., substance abuse disorders).

Estimates suggest the majority of all DWI episodes are committed by a small group of chronic offenders (see Anderson, Snow, & Wells-Parker, 2000; Cavaiola, Strohmetz, & Abreo, 2007; Cavaiola, Strohmetz, Wolf, & Lavender, 2003; Chang, Lapham, & Wanberg, 2001; Chang, Lapham, Baca, & Davis, 2001; Jewell, Hupp, & Segrist, 2008; McMillen, Adams, Wells-Parker, Pang, & Anderson, 1992). Further analysis of these numbers reveals about 3-5 percent of drivers account for about 80 percent of the drunken driving episodes (Beirness, Simpson, & Desmond, 2002; 2003), and the remaining 20 percent of DWI episodes are accounted for by the remaining 185 million drivers in the United States. Identifying this small cadre of persistent drunken drivers is essential to develop effective intervention strategies.

With funding by U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA), the American Probation and Parole Association (APPA) is working to develop a DWI risk assessment tool and training curriculum for community corrections professionals. This article provides an overview of the development of a pilot risk assessment tool to classify DWI offenders on community supervision. Before describing this tool, we briefly discuss our theoretical perspective regarding DWI recidivism. Next, we describe the methods used to develop the pilot risk assessment tool and the key findings of the statistical analysis of the nearly 4,000 DWI offenders in our sample. This analysis relies on statistical techniques to identify differences according to the number of prior DWIs relative to individuals without multiple DWIs on a series of demographic characteristics, the LSI-R, and the ASUS. Finally, we mention the future steps of this project and directions for policy and practice on the DWI risk assessment tool.

Risk Assessments and Community Corrections

Risk assessments are not new to community corrections. In fact, Burgess (1928) developed a risk assessment for the Illinois Parole Board in the late 1920s to separate offenders into separate categories according to their expected probability to reoffend. Risk assessments are predictive instruments used to classify offenders according to their likelihood of recidivism. Supervising officers routinely make predictions regarding the likelihood of offenders committing new crimes, failing treatments, or being revoked for technical violations. A risk factor is any offender characteristic related to the occurrence of one of several outcomes. Two general types of risk factors are used to predict future criminal behavior: static and dynamic. Static risk factors are those individual traits that do not change or change only in a single direction and include criminal history, gender, race, age, and other historical characteristics. Dynamic risk factors—referred to as criminogenic needs—are offender traits that do change and include an individual's associates, attitudes, and values toward criminality (Andrews & Bonta, 2003; Gendreau, 1996).

For the purposes of the risk assessment tool, "risk" is defined as the probability of an individual convicted of one DWI being convicted of a subsequent DWI. Accurately classifying offenders according to their relative likelihood of being convicted for a subsequent DWI has several implications for organizational resources. Generally, higher-risk offenders need more officer attention and agency resources than lower-risk offenders. Research suggests that treatment programs incorporating both high- and low-risk offenders together can have a negative effect on low-risk offenders and less of an impact on high-risk offenders (Andrews et al., 1990; Lowenkamp & Latessa, 2004).

Six assumptions guided the risk assessment development process. These assumptions include the following:

- Risk for drunk driving can be predicted.

- Efforts to predict risk should be guided by research and evidence-based practices.

- Policies and practices developed from risk assessment research will further reduce the extent of future drunk driving.

- Predicting risk will not eliminate drunk driving completely, but it will help to reduce it.

- Community-based corrections professionals are in a prime position to reduce drunk driving.
- Policymakers will continue to play an important role in controlling drunk driving.

Current Research on Predicting DWI Recidivism

Several screening instruments exist to measure the likelihood of substance abuse disorders and drinking problems. Some of these instruments attempt to predict subsequent DWI behavior, although such a task is difficult due to the improbability of determining the "true" occurrence of drinking and driving behavior for an individual. Researchers continue to examine the differences between first-time DWI offenders and multiple DWI offenders. One assumed difference between the two groups is that multiple DWI offenders have higher levels of alcohol consumption. Cavaiola and associates (2003), however, found this assumption to be untrue, as the offenders within the two groups did not differ on BAC at the time of their most recent arrests. With regard to other possible differences, the authors also considered psychological scales measuring depression, mania, and psychopathic traits to compare the two groups; yet, they did not find any significant differences.

In a follow-up study, Cavaiola and associates (2007) sought to isolate the characteristics of multiple DWI offenders who were followed over a 12-year period. The authors analyzed 77 first-time DWI offenders of whom 38 percent were convicted of a subsequent DWI. Once again, significant differences were not found across BAC levels at the time of arrest in self-reported alcohol use disorders or alcoholism potential. In other studies, however, multiple DWI offenders have been found to have higher BAC levels at the time of arrest (Chang, Gregory, & Lapham, 2002). Differences among these groups were found in their level of honesty or deception on the screening instruments, as multiple DWI offenders were more likely to be dishonest than first-time DWI offenders in the sample. In addition, multiple DWI offenders were found to have significantly more driving infractions than first-time DWI offenders.

Other research has determined differences in demographic factors among first-time DWI offenders and multiple DWI offenders. C'de Baca, Miller, and Lapham (2001) found multiple DWI offenders to be younger (i.e., less than 29 years old), single, male, less educated (i.e., less than 12 years of school), and Hispanic. Chang and associates (2002) found age and education to be among the best predictors for recidivism. More specifically, offenders who were younger (i.e., between 16 and 25) and less educated (i.e., having less than or equal to 12 years of school) were more likely to be convicted for a subsequent DWI.

Overall, present substance abuse screening methods cannot accurately predict DWI recidivism (Chang et al., 2002). Criminological theory may fill this void in the DWI risk assessment literature by clarifying the differences between multiple DWI offenders and those with limited DWI involvement.

DWI Recidivism and Criminological Theory

Criminologists have routinely found that the bulk of criminal acts are committed by a small cadre of persistent, chronic, or career criminals. These individuals tend to be resistant to behavior-changing efforts and demonstrate disregard for formal or informal social control interventions; instead of aging out of criminal and antisocial behaviors, they become entrenched in their criminality throughout much of their life course. Wolfgang, Figlio, and Sellin associates (1972) were among the first criminologists to discover this finding. In their study, they found about 6 percent of the subjects (n=10,000) were responsible for slightly over half of all crimes committed by the sample. Other criminologists began to study this seemingly persistent and general group of career criminals (Blumstein et al., 1986). Central to this typological research is Moffitt's (1993) classification of offenders as life-course persistent and adolescence-limited. Her research focuses on childhood experiences and risk factors (e.g., hostile temperament, low IQ, and poor self-control) that contribute to later extended patterns of criminality and deviance, or the lack thereof. Moffitt (1993) defines life-course persistent offenders as individuals who

exhibit antisocial personality characteristics and thus engage in criminality throughout their lives. Those individuals who appear to become temporarily involved in crime, leading them to have shorter criminal careers, Moffit (1993) defines as adolescence-limited offenders.

Surprisingly, there is little discussion of this phenomenon in the more recent risk assessment literature. Instead, there is an emphasis on the stability of offending, with change only considered as criminogenic needs to be addressed by treatment. It seems that even static features of individuals' lives provide temporary predictors of future behavior that must be considered within larger statistical models that control for age and the related life course trajectories and transitions (Sampson & Laub, 1993).

In one of the most extensive criminological studies, Sampson and Laub (1993; Laub & Sampson, 2003) report longitudinal analysis of the offending patterns of delinquent males from ages 7 to 70. The researchers conducted extensive follow-ups with the sample and found that offending peaked sometime around 15–17 years of age, declined in the early 20s, took a precipitous fall around age 37, and continued to decline for the rest of the life course. For the purposes of this article, the offenders' involvement with alcohol and drug offenses peaked around 19 years of age, remained high until offenders were in their late 40s, at which point the drug and alcohol involvement dropped drastically (Sampson & Laub, 2003). To further elaborate, they found that alcohol and drug offenses appear a bit later in life and offenders struggle with these behaviors for longer periods of their life, but eventually aging out often does occur.

There is a multitude of criminological data on social-psychological processes involved in general offending patterns that can be applied to recidivist DWI offending. Repeat DWI is a type of crime rooted in anti-social attitudes, values, and beliefs and learned throughout the life course. Despite the evidence that substance abuse rates do not vary among single and multiple DWI offenders, agencies have used longer, more nuanced substance abuse disorder screening instruments as a way to confront the challenges that multiple DWI offenders pose to the justice system. Furthermore, even if many multiple DWI offenders have substance abuse disorders, it is not justifiable to claim that substance abuse disorders cause DWI recidivism. The community corrections field is in need of a refined risk assessment instrument to more accurately predict DWI recidivism.

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Finding the Differences between Single and Multiple DWI Offenders

We use statistical techniques to identify the most parsimonious set of items from the LSI-R (54 items) and the ASUS (94 items) on a sample of 3,884 convicted DWI offenders from a state located in the Southwest region of the United States. The LSI-R is one of the most popular general risk assessment tools used in the community corrections field today to measure risk of recidivism and develop case plans (Lowenkamp, Lovins, & Latessa, 2009), and the ASUS is a robust measure of substance use patterns and consequences. Our main interest is to determine the unique differences between single and multiple DWI offenders in order to develop a risk assessment tool to reliably predict DWI recidivism.

Nearly 70 percent of the sample were married, almost 60 percent indicated being employed, the majority (90 percent) were males, and about half of the sample was between 30 and 44 years old. The bulk of the sample described their race and ethnicity as White (63.7 percent), while the remaining subjects in the sample described themselves as Native American (15.1 percent), Black (12.2 percent), and Hispanic (9 percent). A large percentage of the sample lacked much formal education, with 40.2 percent having less than a high school education and another 38.2 percent have a GED or high school education. The data included three treatment indicators, which revealed that slightly more than half of the sample did not participate in any type of inpatient treatment, nearly 40 percent participated in outpatient treatment programs between one and two times, and 20.4 percent have experienced mental health treatment one or two times. Nearly 70 percent of the sample was previously arrested for alcohol or drugs, and almost half never participated in alcohol or drug education. The current DWI conviction was the first for almost half of the sample (47.1 percent), while 27.7 percent had one prior DWI and slightly more than 25 percent had more than two prior DWIs. About half of the sample was on probation in the

past, and about 30 percent were previously incarcerated at a prison facility.

With regard to the differences between the single and multiple DWI offenders in the sample, the multiple DWI offenders had more extensive legal histories than their counterparts. Multiple DWI offenders had been incarcerated more times and served more terms on probation than single DWI offenders. Additionally, multiple DWI offenders had more participation in outpatient treatment and mental health programs than single DWI offenders. Interestingly, there were no observed relationship differences between the groups according to attendance in alcohol or drug education programs, and nearly identical distribution of offenders with prior alcohol or drug arrests, with almost 94 percent of each group having at least one prior alcohol or drug arrest.

Differences between the two groups were also revealed with regard to the items on the LSI-R. In general, multiple DWI offenders, particularly those who had four or more prior DWI convictions (n=187), were more likely to have demonstrated patterns of difficulty following rules, and once they were punished for misconduct, they were more likely to continue with their law-violating behaviors. Education was also an important factor in differentiating between the various types of DWI offenders. Nearly 60 percent of the most chronic DWI offenders (n=187) did not finish the 12th grade, compared to nearly 50 percent of single DWI offenders (n=1,831). This difference is interesting, because not finishing high school is potentially related to several other important indicators attached to criminal offending. That is, not finishing high school not only prevents individuals from learning basic technical skills and knowledge needed to perform in the labor market, but it also suggests a lack of delayed gratification, work ethic, and dependability. Overall, our findings with regard to the LSI-R items start to paint a picture of the multiple DWI offender in our sample as a white male, between 30 and 44 years old, who is employed but has a low educational level; he has attended both outpatient and mental health treatment, has an early age of criminal onset as well as general offending, and has an overall unwillingness to change and a poor attitude about punishment.

The items on the ASUS also revealed interesting differences between single and multiple DWI offenders in the sample. With regard to drug and alcohol use, multiple DWI offenders (n=2,053) were more likely to use certain substances, particularly cigarettes, amphetamines, and tranquilizers, more times than single DWI offenders. Multiple DWI offenders also experienced less violent episodes (e.g., fist fights and brawls) than their counterparts. In relating this finding to the differences found with the LSI-R items, it seems that multiple DWI offenders may engage in less violence, but they still engage in a great deal of deviance and disregard for the law. Their attitudinal responses to various ASUS items support this assertion. In general, multiple DWI offenders indicated that it was okay to break the law if it does not hurt anyone. This may suggest that people with entrenched neutralization techniques are significantly more likely to be multiple DWI offenders. Multiple DWI offenders were also more likely to lie or not tell the truth about something, as compared to single DWI offenders. The ASUS provides us with several additional insights into the typology of multiple DWI offenders as possessing several signs of emotional instability. That is, this group was more likely to see and hear things not present, be mentally confused, nervous or anxious, and have drastic mood swings from happy to depression.

DWI-Recidivism (DWI-R) Risk Assessment Tool

Our analysis proved helpful in developing a risk assessment tool to predict DWI recidivism. First, it should be clear that the level of alcohol or drug use disorder is not the underlying characteristic shaping DWI recidivism patterns. Substance abuse disorders may undoubtedly be a contributing factor to DWI recidivism, but they are not the central factor explaining this phenomenon. Second, it should be noted that both the LSI-R or ASUS were not specifically designed to measure DWI recidivism, and this is in no way meant as a comment on the validity of these tools. Third, DWI recidivism is a separate phenomenon from general recidivism. Specific decisions are made by individuals in relation to drunken driving, and these decisions may be related to general forms of deviance, risky driving behaviors, and/or a lack of respect for the law. Finally, several statistical associations were found between the LSI-R and ASUS items that provide some help in developing a DWI risk assessment instrument.

The DWI-Recidivism (DWI-R) risk assessment tool is divided into seven domains. The first

domain is "mental health," which includes eight items; five of these are adjusted significant items from the analysis, with three additional items. Given that several of the LSI-R and ASUS mental health items were significantly related to multiple DWI offenders, these offenders may have significant mental health issues.

The second domain is "socio-personal responsibility." It is intended to uncover the level of personal and social responsibility of an individual. Six of the first seven items are drawn from the LSI-R and ASUS, with the other item used as another measure of employment. Four additional items are included to target issues related to the individual's position in the labor market.

The third domain is "risky substance use," which is intended to measure features that relate to an individual's level of risky drug and alcohol use. There were surprisingly few relationships between drug and alcohol use and DWI recidivism. This domain contains nine items.

The fourth domain is "criminal history." It is intended to measure an individual's past involvement with the criminal and juvenile justice system. This domain includes items to determine an individual's involvement with crime in the past, especially as a teenager, but also how the individual has dealt with his or her punishment.

The fifth domain is "desire for change," which includes four questions related to an individual's desire to change his or her drinking patterns. Deception will be an issue with all of the items, and such highly subjective items may have elevated deception that goes undetected. The analysis thus far suggests, however, that an individual's willingness to report a desire to change is a significant factor in reducing DWI recidivism.

The sixth domain is "internalized locus of responsibility and DWI." It is intended to measure the connection between an individual's internal responsibility and DWI recidivism. This domain has 10 items; the first four items relate to the offender's reasoning during his or her most recent drunken driving episode and the degree of significance the individual rates driving drunk, while the next six items relate to the individual's perception of the most negative aspects of drunken driving.

The seventh domain is "risky driving." It is intended to measure specific characteristics that relate to driving in general to test risky driver theories (i.e., multiple DWI offenders are risky drivers). This domain has seven items.

Practice and Policy Implications

In the near future, we will pilot the DWI-R in up to three jurisdictions with convicted DWI offenders on community supervision. Upon completion of the testing, the DWI-R will be modified as needed to develop the most reliable tool possible. In addition, it will be developed into a user-friendly tool that will be easy for virtually any community corrections professional to administer. Our goal is for the DWI-R to become an important assessment component for community corrections officers in reliably predicting and controlling DWI recidivism and provide guidance in allocating limited resources.

We anticipate that the DWI-R will provide the foundation for policymakers to call for widespread risk assessment of convicted DWI offenders. This would follow the pattern of other legislative remedies expanded to mandate that certain categories of offenders (e.g., sex offenders, domestic violence offenders) be reassessed for recidivating prior to placement on community supervision. The development of a risk assessment tool to predict DWI recidivism will provide the community corrections field with guidance needed to improve efforts to control habitual drunk driving.

For More Information

For more information on the DWI-R, contact Matthew DeMichele at the Justice Center for

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Tables

Table 1

Table 1.

Descriptive characteristics of DWI offenders

		N(%)
Marital Status		
	Yes	1,232(68.1)
	No	2,625(31.9)
Employment		
	Yes	2,302(59.9)
	No	1,544(40.1)
Gender		
	Male	3,457(89.0)
	Female	427(11.0)
Race		
	White	2,448(63.7)
	Black	467(12.2)
	Hispanic	335(8.7)
	Native Am.	582(15.1)
	Other	10(0.3)
Income Ranges		

	None	401(10.4)
	1–199	45(1.2)
	200–399	125(3.2)
	400–599	254(6.6)
	600–799	407(10.6)
	800–999	463(12.0)
	1000+	1,601(41.6)
	Unknown	554(14.4)
Education		
	Less HS	1,548(40.2)
	GED	308(8.0)
	HS	1,163(30.2)
	Some college	453(11.8)
	College	117(3.0)
	Some grad. college	5(0.1)
	Graduate degree	21(0.5)
	None	14(0.4)
	Unknown	217(5.6)
Prior Incarceration		
	None	2,674(69.7)
	One	834(21.7)
	2+	330(8.6)
Prior Probation		
	None	1,762(46.1)
	One	1,279(33.4)
	2+	785(20.5)
Prior Inpatient Treatment		
	None	1,964(55.1)
	Once	1,280(35.9)
	Twice	323(9.1)
Prior Outpatient Treatment		
	None	2,182(61.6)
	Once	1,121(31.6)

	Twice	241(6.8)
Prior Mental Health Treatment		
	None	2,749(79.6)
	Once	530(15.3)
	Twice	175(5.1)
Prior Alcohol or Drug Education		
	None	1,702(47.8)
	Once	1,311(36.8)
	Twice	551(15.5)
Prior Alcohol or Drug Arrests		
	None	240(6.5)
	Once	878(23.7)
	Twice	2,590(69.8)
Age		
	18–29	845(22.2)
	30–44	1,933(50.9)
	45–59	941(24.8)
	60+	79(2.1)
	Mean	38.3
	Range	18–81
DWI		
	No prior	1,831(47.1)
	1 prior	1,076(27.7)
	2–3 priors	790(20.3)
	4+	187(4.8)

Federal PROBATION
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Implementing a Diversion-to-Treatment Law in California: Orange County's Experience[1]

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ON JULY 1, 2001, Proposition 36 completely changed how California deals with minor drug offenders—moving from a crime control model to an addiction treatment model. This is just one example of voter-initiated policy changes that criminal justice practitioners are called upon to implement. Proposition 36, like many other diversion-to-treatment laws in the nation, was written by drug reformers and opposed by many in the criminal justice system. The California District Attorney's Office, the California Association of Drug Court Professionals, the California Peace Officers' Association, judges, and Attorney General Bill Lockyer all came out against the law when it was on the ballot (Sauer, 2000; Wallace, 2000). These same groups that opposed the law were then required to implement it—not just adjust to it, but proactively create the infrastructure and shape the philosophy that would guide and govern how "Proposition 36" worked in California. This was a monumental task, not only because of the new procedures that had to be put into place, but also because the scope was so large (36,000 expected offenders state-wide). California is not alone; with the wave of diversion-to-treatment legislation passed in the last decade, increasingly more criminal justice practitioners have been (and will be) called upon to proactively shape and provide structure for these and similar laws.

To be sure, local criminal justice agencies play a critical role in implementing policy (Aaronson, Dienes, & Musheno, 1981), because they are the ones who translate the "law-on-the-books" into the "law-in-action." By using their wide discretion, criminal justice actors (a.k.a. "street level bureaucrats") act in ways that either facilitate or hamper the implementation of a new law (Engen and Steen, 2000; Lipsky, 1980). Aaronson et al. (1981, p. 88) found, "a common response of street-level personnel is to reformulate public policy goals by developing informal norms, practices, and routines of exercising discretion that sometimes adjust and at other times clearly violate the aims of codified law." Research has shown that implementation of new laws, particularly those that are perceived to compete with organizational or individual goals, is routinely subverted by distrustful and/or defiant practitioners (Bayley and Shearing, 2001; Trojanowicz and Bucereaux, 1990).

Important to the current conversation, "negative perceptions of mandated policy change are likely to be more intense when implementation of the change requires sharing of work and responsibilities with another relatively autonomous public service bureaucracy" (Aaronson et al., 1981, p.88). This suggests that diversion-to-treatment laws may be more difficult to implement than other laws, because they expand collaborations between two distinct public agencies—criminal justice and public health. Clearly, how legislation is received by practitioners can have important effects on the success (or failure) of the policy change. So just how does a county go about implementing a new protocol for thousands of offenders each year? This article describes Orange County's experience implementing Proposition 36 and offers lessons for other jurisdictions that must implement similar legislation.[2]

Proposition 36: A Crash Course

Like many diversion-to-treatment laws in the United States, Proposition 36 (PROP36), also known as the "Substance Abuse and Crime Prevention Act (SACPA) of 2000," mandates that adults in California convicted of nonviolent drug possession offenses, and not disqualified by concurrent offenses or previous criminal history, be offered probation with drug treatment in the community in lieu of traditional sentencing (30–90 days in jail and probation). It prohibits the use of incarceration (even for probation violations).

Case Study: Implementing Proposition 36 in Orange County, California

PROP36 was passed by California voters on November 7, 2000 with a mandatory implementation date of July 1, 2001. State, County and local agencies had slightly less than eight months to react to, plan and prepare for the law change. The statute mandated sentencing changes, required probation departments to work with treatment providers, and prescribed how probation violations would be handled. However, it did not dictate how counties had to organize the various pieces of the process. Structural issues were left almost completely up to individual counties. Thus, counties varied widely in their implementation strategies.

Planning in Orange County began almost immediately after the law was passed. An Orange County judge, who incidentally gave anti-Proposition 36 speeches up to Election Day, drafted Orange County Superior Court's position statement within weeks of the election and spearheaded Orange County's implementation effort. Although they had not supported the measure, Judge Day[3] and others felt it was their duty to implement PROP36 as best they could, as that is what California voters wanted and what the offenders were entitled to.

Pilot Study Planning

Informal meetings with a small core group of key stakeholders (primarily Drug Court managers) began in November/December, 2000. The core group included one to two representatives from Orange County's Health Care Agency (HCA), Probation Department, District Attorney's Office, Public Defender's Office, and Superior Court, the same agencies that were (and are) involved in drug court in Orange County. These six people, who were essentially drafted by default, orchestrated the implementation of PROP36 in Orange County.

At Judge Day's urging, a pilot study was conducted prior to the official implementation of PROP36 to reveal the issues that had to be worked out and to move eligible offenders through the system prior to July 1, 2001 to avoid an anticipated bottleneck. It was predicted that many defendants arrested in the first half of 2001 would postpone their hearings until PROP36 became effective on July 1, 2001. If this occurred, it would put pressure on both the jail and the court, because many of these defendants would be in jail awaiting their postponed hearings and court staff would be unable to support the expected deluge of offenders. It was felt that if practitioners "got moving quickly," Orange County could avoid this anticipated bottleneck. As it turned out, this was excellent foresight.

The pilot study began sometime in early 2001 and ended on June 30, 2001. As part of the pilot study, district attorneys and public defenders identified eligible offenders using criteria set out in

PROP36. They then offered these eligible offenders a sentence of probation with a condition of drug treatment; a sentence equivalent to PROP36. This was indispensable, because it allowed practitioners to ascertain "the real life problems" and devise solutions before implementation. It also revealed which other agencies needed to be included in planning.

Implementation Planning and Execution

Additional stakeholders began taking a more active role in implementation planning sometime around February/March, 2001. The small group of core stakeholders who planned the pilot study grew into a semi-official "PROP36 implementation planning group" of approximately 20–30 members.[4] Additional stakeholders from agencies already involved were incorporated, as were representatives from the Sheriff's Department,[5] California Department of Corrections and Rehabilitation —Parole Division,[6] and the County Executive's Office (CEO). Additional interested stakeholders involved themselves from time to time and attended meetings occasionally as well. Together this group made decisions that would impact hundreds of practitioners and thousands of offenders throughout the county.

Implementing PROP36 was an enormous undertaking and Orange County had several key issues to resolve. First,[7] they needed to estimate the number of offenders expected to qualify for and enroll in PROP36—as this number would drive many other strategic decisions. Second, they needed to decide on a structure for the processing of PROP36 defendants from conviction through completion of treatment and supervision. Third, they needed to agree on qualifying offenses. Fourth, they needed to determine how information would flow among agencies as well as create a mechanism for sharing that information among agencies (including individual treatment providers) in a timely manner. Fifth, they needed to establish treatment requirements and determine which treatment modalities would be available to PROP36 clients. Sixth, they needed to decide how PROP36 funds would be distributed among the agencies involved. Beyond these "main tasks," they also needed to address a multitude of other issues that arose prior to and during implementation. On top of this, several key stakeholders also had to create new protocols and procedures within their own agencies for handling these offenders (and train affected personnel).

In order to accomplish the goal, the group established subcommittees for the major tasks. Each core stakeholder served on at least one subcommittee, and often two or three. Some of these subcommittees were: the shared data system, confidentiality issues, qualifying offenders/offenses, and treatment services. In addition to the frequent subcommittee meetings, core stakeholders also attended regularly scheduled implementation planning meetings as well. "This core group of individuals lived and breathed PROP36. It seemed like we were constantly in meetings. Literally I would see the same people three or four days a week in different locations. I [spent] approximately 70 percent of my time on PROP36 and everything else [took] a backseat…for two years" (Confidential Informant).

Estimating the impact. Core stakeholders gathered information from multiple sources in an attempt to estimate the impact that PROP36 would have on the criminal justice system in Orange County. How many offenders would need to be monitored in court on a monthly basis? How many additional probationers would need to be supervised? How many offenders would need treatment and what type of treatment would the offenders most likely need? The answers to these questions would be used to guide implementation and make crucial service delivery decisions. The official estimate of the number of offenders expected to receive treatment during the first year was 4,157 (3,500 probationers and 657 parolees) (Ford and Smith, 2001). This was based on the number of individuals on probation in early 2001 for PROP36-eligible offenses.

Structure of Proposition 36. At the time that practitioners were meeting to create the structure for PROP36 cases and develop a pilot program (December 2000/January 2001), there was no formal dialogue between counties or the state—Orange County was on its own.[8] Core stakeholders aimed to create a structure that was efficient and effective for practitioners and offenders alike. Based on prior experience with drug offenders and reading the legislation, stakeholders anticipated that this group of offenders would likely require numerous "report

backs" to the court for progress monitoring and adjudication of expected probation violations. Although key stakeholders had several viable options, Orange County chose to structure PROP36 like drug court as much as possible. This was natural, as all core members had experience with drug court as it existed in Orange County, and all members had positive feelings about it. Furthermore, drug court was a model they could easily "take off the shelf" and modify for this new legislation and new population.

They decided to have one courtroom with a dedicated staff for all felony PROP36 offenders. This meant there would be one judge responsible for monitoring all felony PROP36 offenders in Orange County. The model would encourage consistency among offenders and would provide the presiding judge with a holistic view of the program and the offenders in the program. The judge could make adjustments as necessary to ensure the highest level of success possible for offenders and could react to the varying numbers of offenders processing through the court at any given time by altering procedures and practices. Furthermore, having the same staff on a daily basis would provide stability and would encourage efficiency. A single court model would eliminate "judge shopping" by defendants, would be less confusing for other practitioners, and would be less costly for agencies both in terms of staffing and resources.

Eligibility guidelines. Because the law did not expressly state which drug violations were eligible, the group also had to set guidelines for which "non-violent drug possession" offenses and which offenders would qualify for PROP36 sentencing. The District Attorney's Office and the Public Defender's Office took the lead on this task. According to several stakeholders, this was a very contentious issue that on at least one occasion involved a "shouting match." There were many disagreements about how concurrent offenses and/or past criminal history would impact a defendant's eligibility for diversion. "One day we almost had a big impasse where we had eight or nine or eleven DAs on one side and the same number of public defenders, and oh my god, they wanted to combat. Finally everybody said, 'We can make this work.' The public defender said that. When that was said, it just all seemed to come together" (Confidential Informant). This was a turning point that was, at least partially, made possible by the public defender's prior experience with drug court collaborations.

Information sharing. One of the most time-consuming and labor-intensive tasks of the implementation process was information sharing between agencies. The process was fraught with obstacles, including both fiscal and time constraints, technical limitations, confidentiality issues, and distrust between core stakeholders. As one stakeholder said, it was akin to "negotiating the Israeli peace agreement, because it was that contentious." The planning and implementation process was aggravated by the fact that they had "very different philosophical groups" involved in the collaboration process and often they did not *want* to share information with one another for various reasons. For example, health care representatives did not want to share clients' urine analysis results or treatment progress because they were concerned that probation officers would arrest everyone for noncompliance. There was the issue about *what* information could be shared legally, but there was also a major concern about what probation (or the court) would do with the information if HCA shared it.

Despite these obstacles, core stakeholders had to figure out how to put a system into place that facilitated the flow of information between the various entities responsible for supervising and/or providing services to these offenders. By default this burden fell disproportionately on the probation department (as the legislation placed the information sharing responsibility on them) and to some degree, HCA (as they were entirely responsible for treatment activities). According to the law, it was the probation department's responsibility to ensure that the PROP36 probationer enrolled in treatment within a specified time period and to report that information back to the court, as well as to provide quarterly updates to the court on the individual's progress. Furthermore, the drug treatment provider was required to prepare progress reports on a quarterly basis and forward those on to probation, which would then forward them to the court.

Confidentiality. In order to assure compliance with state and federal confidentiality laws (ex. 42CFR and HIPAA), the core stakeholder group created a "release of information" form that all PROP36 clients signed in court immediately upon acceptance of PROP36 diversion. This proved to be very important, as many offenders fell out of the system before reporting to probation or treatment. Having the waiver signed immediately protected the county from potential lawsuits and allowed agencies to communicate with one another and share basic information regarding

program compliance right away. Eventually a high court ruled that such waivers were unnecessary and permission to share information was automatically granted by offenders upon acceptance of PROP36 diversion.

Both criminal history records and substance abuse treatment records, however, are governed by "right to know and need to know" laws. In terms of PROP36 this means that most treatment providers have a "right to know and a need to know" treatment information about their clients (how many meetings they have attended, dates and results of drug testing, etc.); however, they do not have a "right to know and a need to know" criminal justice information about their clients. The same issue exists for criminal justice staff. This means that most practitioners who work with PROP36 offenders generally will not have a "right to know" *and* a "need to know" *both* criminal justice and treatment information. This issue posed considerable problems for Orange County's core stakeholders as they attempted to build a database to share information.

Shared database. One thing that Orange County did that other counties did not do (at least not right away) was to use some of their initial allocation of PROP36 funds from the state to create a shared database that all practitioners could use to view current information on PROP36 clients. The process was very tedious because there was no prototype; they "designed it from scratch, from the ground up." Core stakeholders, specifically the ones who served on this sub-committee, had to "literally walk through the process of what the probation department does when [they] get new cases and to some degree what the healthcare agency does [when they get new cases]" (Confidential Informant). Core stakeholders had to figure out a way to capture information in real time from multiple agencies (including each and every approved treatment provider) located at multiple sites throughout the county. Furthermore, to comply with confidentiality laws, data modules had to be separated so that only individuals with the proper "clearance" could view approved modules.

In addition to the strict confidentiality laws that had to be navigated, other hurdles emerged. For example, not all treatment providers had computer systems (and therefore those without were unable to access the shared database that core stakeholders spent so much time and effort creating), and others had tremendous difficulty using it. "Once we got the computer system going, getting the providers to use the database was huge. They definitely struggled with that. It was something that wasn't anticipated" (Confidential Informant).

Client treatment. Deciding on the scope and duration of treatment that would be provided to PROP36 offenders was also a major task. The legislation limited the duration of treatment to no more than 12 months plus up to six months of aftercare. It did not dictate, however, the type or length of treatment that was required to be provided by counties. Given that each county received a set amount of funding for all PROP36 related expenses (treatment and criminal justice), core stakeholders had to make difficult decisions regarding the intensity, duration, and types of treatment that would be offered. Several factors were considered, including best practices in substance abuse treatment, capacity of current treatment providers, ability to expand treatment capacity within a short time period, expected number of offenders, expected treatment severity of enrolled offenders, cost of criminal justice and other necessary expenditures. In addition, core stakeholders engaged in philosophical discussions about where they believed PROP36 funds should be primarily spent (supervision or treatment).

Orange County was unique in that core stakeholders chose to provide clients with treatment for the maximum duration allowed by law, one year plus aftercare treatment—this was significantly longer than most counties in the state offered. This decision was grounded in best practices research that finds the longer a person is in treatment, the better the outcomes (Anglin & Maugh, 1992; Simpson, 1979). Toward this end, Orange County HCA attempted to create a menu of treatment options that would apply to the vast majority of clients they expected to encounter.

Unfortunately, Orange County found itself dealing disproportionately with offenders with severe addictions and other co-occurring disorders. This impacted the treatment the county required and the treatment that the county was able to and could afford to provide.[9] As a result treatment durations had to be shortened. "We realized that if we funded those people for all that time, we're going to run out of money" (Confidential Informant). The number of clients requiring residential treatment further constrained the system.

> What we didn't anticipate was how many people needed residential (treatment). We expected it to be kind of like a bell curve, so the levels and the way the providers were selected was [sic] kind of designed around that idea—that the majority of the people would be in the middle. Really, the number of people that needed residential surpassed what we expected. (Confidential Informant)

Moreover, residential treatment capacity was not easily increased. Despite the desire to provide clients with the most appropriate treatment for their addiction need, Orange County was not able to do so consistently due to budget and system constraints.

Sharing state money. Like many diversion-to-treatment laws, the legislation appropriated a set amount of money for a fixed period of time. In this case, PROP36 allocated $60 million to be split between California's 58 counties to cover implementation and operating expenses for the first six months and $120 million annually for operating expenses for the next three years.[10] In order to determine how Orange County's share of PROP36 funds would be dispersed, each agency had to argue their case to the CEO. Each agency had to estimate the extent to which they would be impacted by PROP36 and approximate the additional cost associated with supervising, monitoring, or serving those offenders. HCA received the bulk of Orange County's allocation (approximately 80 percent), the probation department received approximately 17 percent of the funding during the first year and the other criminal justice agencies (District Attorney, Public Defender, Superior Court) shared the small amount that was left.

Issues and Solutions

Core stakeholders encountered many obstacles as they tried to implement a law that was disliked, if not despised, by many criminal justice practitioners. Some of the hindrances were expected, many were unanticipated. Some dragged on for years after initial implementation and required considerable tenacity to overcome. In some cases, adequate solutions were never truly identified. In the end, core group members relied on their personal commitment and group strengths to surmount the obstacles and implement their shared vision for PROP36.

Securing a courtroom

Getting a workable courtroom was a more complicated and political process than one not accustomed to court politics would expect. "[We] weren't exactly welcomed with open arms" (Confidential Informant). "We had to take this courtroom, but the work here had to be put elsewhere….That would upset people who had to move. Everyone's very territorial" (Different Confidential Informant). Once they got the courtroom, they then needed to figure out how to transport and accommodate the prisoners in custody. This is another example of the incredible logistics involved in implementing this law.

Sentencing inconsistency

In order to promote consistency throughout the county, core stakeholders trained panel court judges and other key courtroom actors on how to identify and process PROP36-qualified cases. Training sessions were held at courthouses throughout the county and every panel court judge was expected to attend. Unfortunately these training sessions, run by key stakeholders (including a judge), were only slightly successful. In some cases the training sessions were sparsely attended and/or filled with uninterested or distracted participants. "Judges don't like to be told what to do…they like to interpret on their own" (Confidential Informant). So, although core stakeholders attempted to "get judges on the same page" prior to implementation, it did not happen as they had hoped.

The result was a large number of mis-sentenced cases (mostly disqualified defendants sentenced to PROP36 by optimistic judges). These mis-sentenced cases had implications for every agency involved in PROP36, especially in the beginning. Key stakeholders tracked inappropriately sentenced cases and "were making copies of minute orders left and right and taking them to the various court administrators, saying …'this probably shouldn't have happened,'" in an effort to educate/re-educate key courtroom actors on qualifying case characteristics (Confidential Informant). Education/re-education was a burden on core stakeholders; but the added strain

these inappropriate cases placed on the system was even more problematic due to the sheer volume of cases and the level of criminal sophistication that some of the offenders displayed.

Unexpected Offenders

Many counties, including Orange County, had a difficult time estimating the number of offenders who would qualify for and enroll in PROP36. Orange County underestimated both the number of PROP36 clients and their addiction severity, including the rate of co-occurring disorders. This single issue, combined with insufficient funding, created more dilemmas for practitioners than any other issue and forced core stakeholders to spend countless hours repeatedly reworking the county plan. As previously mentioned, O.C. had to decrease the time offenders spent in treatment and had to steer offenders into the most economical indicated treatment option so that the county would not run out of money.[11] The probation department had to re-orchestrate their entire response to PROP36 and the court had to alter ideal practices in order to accommodate all the probation violation hearings and monitoring review sessions that were necessary with this population. Some of these criminally sophisticated offenders also caused trouble for HCA when they were invariably placed in groups with first-time offenders.

Compounding the problem, insufficient funding drastically limited the case management and treatment services the county was actually able to provide. Like many voter-initiated laws, PROP36 was severely under-funded, and the CEO refused to use non-PROP36 funds for PROP36 clients.

> We had some really intense, very intense, discussions at that meeting when it came time to cut services…. a lot of good old fashioned backdoor arm-twisting, and politicizing, and things like that would take place…. if you're familiar with the dynamic where you're all around the table and everybody's got their polite faces on, but when the meetings are broken up, then everybody's calling and or they're emailing and saying "I want your support on this," or "I want your support on that" that sort of thing happened. (Confidential Informant).

Although there were discussions about adding additional PROP36 courtrooms to accommodate additional offenders, agencies were spread too thin and could not increase capacity. "Everybody was dedicating resources specifically to deal with this PROP36 population, but the funding wasn't there for the level of resources it was taking. Pretty soon it was so overwhelming that people just started backing off and saying 'we can't give you any more people'" (Confidential Informant). Bottom line: the county simply could not afford their vision with the number and the addiction severity of the offenders in the program.

County Transfers

Unlike other issues that were settled at the county level—between core stakeholders—the issue of out-of-county transfers required the state to intervene and set policy. The term "out-of-county transfer" refers to a person who is arrested in one county but who lives in another county. This common situation is usually not problematic—typically the sentencing county supervises the offender unless the resident county agrees to do so (which often happens with geographically distant counties).[12] For example, someone who lives in Los Angeles but was arrested, convicted, and sentenced in Orange County would typically be supervised by Orange County, unless Los Angeles County agreed to supervise the case. What made this situation problematic with PROP36 clients was the treatment component. Treatment and supervision were expensive and PROP36 funds were scarce. No county was willing to voluntarily accept (and pay for) treatment and supervision of offenders who were arrested outside their jurisdiction. It was a bureaucratic nightmare that disproportionately affected Orange County (due to the large tourist industry). Eventually the state mandated that the "county of residence" would accept all PROP36 offenders sentenced in other jurisdictions and would pay for their treatment. This relieved some of the fiscal and resource pressure on Orange County.

Practitioner attitudes

Core stakeholders fought an uphill battle as many, if not most, criminal justice practitioners in Orange County (and throughout California) viewed PROP36 as "a get out of jail free card" for undeserving offenders. These staunchly held beliefs proved difficult to overcome and made training and implementing the new procedures challenging. Even for core stakeholders, this

view was difficult to avoid and caused concern that the attitude of cooperation fostered over the previous five years in the small confines of drug court (500 offenders per year) would not extend to the larger environment of PROP36 (3,500 offenders per year). This concern reflected the differences in populations served—drug courts served hand-selected and motivated drug offenders, while PROP36 served (almost) anyone who wanted it.

Conclusion: Lessons Learned

Much can be learned by examining how this group worked together, despite its differences, to overcome hurdles and implement one of the largest criminal justice policy changes in California's history. Like most ad hoc committees composed of individuals from different agencies with divergent philosophical views and opposing agendas, this group had its share of personal issues (such as difficult personalities, a lack of trust between members, and the competing goals of core agencies). But, in a true display of public service, they focused on their group strengths and personal commitment to helping others to achieve their goals.

Having a well-established drug court was a major asset because, unlike counties that did not have a drug court, collaborators in Orange County were already working together successfully. Key stakeholders were accustomed to collaborating and working through their agencies' differences for the sake of the client.

> Orange County is far more experienced in collaborative models than a lot of locations. … I know other counties that you would hear 'there was no way their public defender was going to sit down at the same table with the district attorney and probation.' While we certainly had our issues, the idea of sitting down at the table wasn't foreign to us at all. (Confidential Informant)

In this case, drug court also provided an "off the shelf" model for stakeholders to replicate. Experience with drug court also fostered a teamwork approach and a "we can make this work attitude" which were crucial for successful planning and implementation. Having participated in successful drug court collaborations allowed core members to persist and work past their (sometimes major) differences of opinion during the planning and implementation stages of PROP36. Having this strong base and shared vision turned out to be indispensable as the team encountered obstacles from all sides.

It was clear that the personalities and viewpoints of the core stakeholders really drove implementation. Had it not been for some of the specific members of the implementation team, PROP36 in Orange County would look very different—specifically, less rehabilitation-oriented. Percival (2004) examined how political ideology at the county level affected PROP36 implementation. However, probably more important are the philosophical ideologies of the core stakeholders, those making the decisions. For example, had the public defender's representative not sent the message that we "will make this work," the dialogue could have ended in a stalemate and the disagreements would have had to be settled in courtrooms across the county (probably with different outcomes). Furthermore, if the probation department representatives at the table had ascribed to the typical line officer's anti-PROB36 mentality, instead of having a strong belief in treatment, the collaboration efforts that defined Orange County would have been significantly different. As it was, the practitioners at the Orange County PROP36 implementation table had high hopes that PROP36 would work and they had the desire, courage, and determination to work hard for a model focused on offender treatment rather than one focused primarily on supervision and sanctions. Unfortunately, insufficient funding exacerbated by an unexpected clientele forced Orange County practitioners to abandon their vision and structure a more frugal response to PROP36.

Endnotes
References

Lies, Liars, and Lie Detection

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THERE IS A BODY of conventional wisdom that claims that you can tell who is lying and who is not. Some of the techniques work some of the time, some of them work under certain conditions. None of them works all of the time. This article reviews some distinctions about the difference between the behavior of liars and the behavior of truth tellers. It is not as simple as you might think.

A discussion of lie detection must begin with the old saws: eye contact, fidgeting, and general nervousness. These have been immortalized by the Reid method (with the addition of strange posture changes and covering the eyes or mouth) as indicators of deception (Inbau, Reid, Buckley & Jaynes, 2004).

The Reid method is a well-known set of tools for interrogation that begins with an assessment of the offender's credibility and progresses on through a series of techniques to obtain a confession. While many law enforcement officials believe the Reid method to be the gold standard for such work, scientific evidence suggests that the basic tools proponents of the method recommend for determining the trustworthiness of an offender are faulty. In fact, when police officers cited these techniques as the means they used to detect deception, their performances as lie detectors got worse (Mann, Vrij and Bull, 2004; Mann, Vrij, Fisher & Robinson, 2008).

The basic ideas—that a liar won't look you in the eye, that they are more nervous than truth tellers and that they will fidget and adopt odd postures—have a certain intuitive appeal. In fact, many of these behaviors are associated with feelings of guilt, nervousness, and lack of respect. They assume an unsophisticated liar who is emotionally dependant and in a preexisting relationship with the questioner. The other place where these signs may be valuable is for short periods where an otherwise well-prepared liar has not rehearsed some part of the story and has to think up something on the spot. Outside of these situations, these nostrums become highly unreliable. None of these supposed indicators is supported by any of the scientific literature (Bond & dePaulo, 2008; Man, Vrij & Bull, 2004; Spoorer & Schwandt, 2007; ten Brinke & Porter, 2009).

As noted, looking you in the eye is not necessarily an indication of lying. Parents and people in

close relationships may find that this works with casual liars, but generally it is a bad predictor. The technique appears to have some value only when the suspected liar has been instructed to look his interviewer in the eye (Vrij, Mann, Lyle & Fisher, 2007).

Looking someone in the eye is an intuitively valid response for someone operating in terms of visually remembered events. A person operating in visual mode (an observer) expects that the person to whom they are speaking must look at them in order to understand them, just as they understand best while looking into the face of their speaker. On the contrary, an habitual listener or someone caught up in interior dialogue may find the external focus distracting. They may not be able to listen as well while looking you in the eye (Lewis & Pucelik, 1990).

Fidgeting is also supposed to indicate falsehood. According to most studies, fidgeting has little to do with whether someone is telling the truth or not. It has much more to do with whether a person is nervous or at ease. We assume that liars are nervous. This may be true for young, unpracticed, or naïve liars. People who are good at it—what Ekman calls natural performers—may not be nervous at all (Ekman, 1997).

One striking study found that implicit lie detection usually worked much better than explicit lie detection. That is, people who were not looking to detect lies, but looking for the signs associated with lying, did better than those who were actually trying to detect lies. In separate experiments, subjects were either told to watch interviewees to see whether they were working too hard at telling the truth (Mann, Vrij & Bull, 2004; Vrij, Edward & Bull, 2001), or they were instructed to count the number of times indicators of truthfulness appeared in films of interviewees who were either lying or telling the truth (Vrij, Evans, Akehurst & Mann, 2004). Both groups did significantly better than most groups and almost met the levels of accuracy only achieved by the most successful lie detectors from the CIA and the Secret Service (Vrij, Evans, Akehurst & Mann, 2004). The investigators hypothesized that the required tasks prevented the lie detectors from relying on the false indicators (like eye contact and fidgeting) already cited.

In their study of liars and truth tellers whose statements had important consequences, Mann, Vrij and Bull (2004) found that fidgeting was correlated with nerves but not with lying. It seems that both naïve liars who are unprepared and people who are just plain nervous fidget. Liars may move less—as may people who are telling the truth and want to be believed. Again, when police officers reported that they watched for fidgeting as a sign of lying, their performance as lie detectors decreased (Mann, Vrij and Bull, 2004; Mann, Vrij, Fisher & Robinson, 2008).

Truth and Lies

Paul Ekman is a highly respected psychologist who has spent his career studying emotions and their effect on people. He was among the first people to seriously study lying and the character in the TV series "Lie to Me" is based on his research. Ekman & Friesen (1972) point out several kinds of movements that people make as they speak, including one called an adaptor, a motion that carries no meaning but is often related to some physical need or sensation. Sometimes it is picking or scratching, sometimes, it is just playing with things—fidgeting. Ekman found that there was no difference in fidgeting between truth tellers and liars, but he did find that people were more likely to judge someone as deceptive when they fidgeted more.

In Ekman's research (Ekman & Friesen, 1972), two factors were sometimes correlated with deception. One was that people who are lying tend to touch their faces a bit more than truth tellers. It is important to note, however, that this is not a rule, but a correlation. It is statistically meaningful but may not happen enough to be practically meaningful. The second was that liars often use a specific gesture.

This second characteristic associated with lying was a hand movement that Ekman identified as the hand shrug. The hand shrug is an inward and upward movement of the hands—palm up—while the shoulders are moving in. It is an example of what Ekman calls an *emblem*. An emblem is a conscious or semi-conscious gesture that has a standard, culturally accepted meaning (like giving someone the finger). In our culture, the hand shrug indicates helplessness or lying. Once again, the association is correlational and rather small. It may be meaningful but

it may also be something a practiced liar would suppress.

Aldert Vrij is a Dutch psychologist who has published widely on the topic of lies, liars, and lie detection. He reports that fidgeting often decreases for both liars and truth tellers in high-stakes contexts. It was his research that most clearly emphasized that fidgeting is a sign of nerves, not of lying.

There are a few things that all of the serious researchers agree upon about lying. Lying is not a single phenomenon. There is nothing in the real world quite like Pinocchio's nose. Because there are many types of lies, there are as many different types of what gamblers would call "tells," the signs that someone is lying. When people lie, their expertise in lying is often more important to detection than whether they are lying. Practiced and well-prepared liars are harder to catch than naïve or ill-prepared liars. There are two major kinds of cues to untruth: emotional leakage and thinking errors (Bond & DePaulo, 2008; DePaulo, Lindsay, Malone, Muhlenbruck, Charlton, & Cooper, 2003; Ekman & Frank, 1993; Ekman & Friesen, 1972; Mann, Vrij & Bull, 2004; Sporer & Schwandt, 2007; Vrij & Mann, 2004).

Lying and Emotion

Ekman (Ekman & Frank, 1993) suggests that lies are about emotions, or have a strong emotional component that can often be detected in terms of the micro-emotions that can flash across a person's face in a fraction of a second. There are three emotions related to lying: fear, guilt, and what Ekman calls *duping delight*. Duping delight is the joy or self-congratulation that a liar feels when he thinks that he is getting away with it (Ekman & Frank, 1993).

The prospective lie detector who has focused upon emotional cues must differentiate the emotions associated with these states (fear, guilt, duping delight) from the emotional tendencies of the client before her. The problem is that not all liars are either fearful or guilty and duping delight may be effectively hidden, especially for well-practiced liars. Even in a practiced liar, these emotions can flash across the liar's face in a fraction of a second. This is what Ekman has called emotional leakage. Good liars, however, may be working from a verbal script and be so isolated from the emotional content of the experience that there are few emotional tells. In the language of Neuro-Linguistic Programming, they may be in auditory-digital mode. If they are confidently focused on practiced script, there may be little emotion attached to the performance (Bandler & Grinder, 1975; Ekman & Frank, 1993, Ekman & Friesen, 1972; Lewis & Pucelik, 1990; Vrij & Mann, 2004).

In their discussion of emotional leakage, Ekman and Frank (1993) provide the following indicators of when each kind of emotion will be dominant. Thinking clues, the signs that the liar is working very hard at lying (short descriptions with few details, few hand motions, not blinking, raising of vocal pitch) will tend to appear when the liar has not prepared him or herself. They also appear when the liar is not creative or resourceful or knows that he or she should know the answer but doesn't. Remembering that many criminals are not bright, these are common occurrences.

Liars will have difficulty masking or lying about their feelings when their lies involve 1. What they are feeling in that moment (the insincere greeting, the half-hearted "I love you"); 2. When their current feelings are very strong (feigned enjoyment by someone in pain, false joviality when depressed); and 3) when their facial expressions and body language do not match the feelings that they say they have at the moment (the false smile, the hollow laugh, the smirking apology). These may be especially frequent when the lie is emotionally important to the liar.

Emotional evidence of the liar's fear of being caught will tend to leak through when the investigator is known to be suspicious or has a reputation as a good lie detector. They will appear when the stakes for being caught are very high for the liar. Fear most often arises when there is much to be gained by a successful lie *and* much to be lost by failure. Fear of punishment alone will provide the same kinds of tells, but fearing the loss of reward alone will not. Fear will also be the predominant emotion if the liar is not good at it or has not had much practice lying or lying in this kind of situation. Finally, if the cost of being caught is so great that the liar would not confess under any circumstance, then fear will tend to predominate

(Ekman & Frank, 1993).

In detecting lies based on emotional leakage and when using calibration—the comparison of known responses to suspected lies—to differentiate between truth and falsehood, it is crucial to determine whether the observed emotion is a sign of lying or whether it is normal in light of the situation. Truth tellers can often feel fearful, guilty, and smug in situations where they are being utterly sincere. Because truth tellers are likely to express the same emotions as liars in similar circumstances, emotional leakage is by no means an acid-test for falsehood.

Lying and Complexity

The fact remains that lying is a difficult task and requires a great deal of the liar's attention. Because many liars are not terribly afraid or are primarily focused on hiding their emotions, it is the consumption of cognitive resources by lying that usually provides the best information.

Difficulty, cognitive overload, impacts the liar from several sources and may reveal itself in evidence of working too hard to tell his or her story. Some of the sources of that impact, as cited by Vrij and Mann (2004), are:

1. *Difficulty.* Some liars find lying difficult or are unprepared to lie. Lying is a complex task and good lying takes preparation. Some people have been so busy trying to avoid capture that they fail to prepare adequate lies.

2. *Concern about giving themselves away.* Liars often have an idea of what lying looks like and may work very hard to suppress emotions that might give them away. Vrij notes that a person trying to cover up a lie: "… should suppress their nervousness effectively, should mask evidence that they have to think hard, should know how they normally respond in order to make an honest and convincing impression and should show the responses they want to show" (Vrij & Mann, 2003, p. 63).

3. In their attempts to sound truthful, liars will often avoid the normal hesitations and mis-speakings that characterize truth tellers. Liars tend not to correct themselves as much as truth tellers and often will not admit to flaws in their arguments.

But even with these cues, research shows that truth tellers, concerned for their own believability, will have the same kinds of problems and emotions as liars.

Cues to deceit

Based on research by others, and confirming much of what Ekman reported (1997, Ekman & Frank, 1993), Vrij and Mann (2004) provide the following list of cues to deceit:

1. Liars often speak in a higher register than truth-tellers. This may be because of nerves.

2. When liars are working hard to sound like they are telling the truth, they exhibit more speech errors, like hesitations, repetitions, incomplete sentences, and Freudian slips. When they are well practiced, or not feeling under pressure, they exhibit fewer of these errors.

3. As noted by Ekman and Friesen (1972), liars move their hands less. They make fewer illustrative gestures (Ekman's illustrators) and fiddle less with their fingers (Ekman's adaptors).

4. Following Ekman's idea of emotional leakage, the emotions that accompany falsehoods may be revealed by micro expressions.

Training in the detection of micro expression has been widely adopted by the U.S. Government. Nevertheless, there is evidence that the training is not always as effective as hoped. Porter and ten Brinke also indicate that Ekman's micro expressions often last much longer than Ekman suggested and that they are easily masked (Porter & ten Brinke, 2008).

Hard-copy Analytical Procedures

Vrij and Mann (2004) discuss two analytical procedures that are often used with transcripts of interviews and which both provide significant clues to whether the interviewee is telling the truth or not. These are Statement Validity Analysis (SVA) and Reality Monitoring. Each provides some observations that are worth keeping in mind as you listen to your clients and offenders.

SVA was developed in Germany and is used extensively in Northern Europe. One of its most important elements is Criteria Based Content Analysis (CBCA), a set of 19 criteria that are used to assess the truth-value of a statement or set of statements. The more of these criteria that are present, the more truthful the statement is likely to be.

Vrij and Mann (2004) discuss several of these criteria. As we will see later, these indicia become valuable rules of thumb even when the full, formal SVA analysis is not completed.

One of the first criteria is whether or not the statement is structured logically. That is, does it make sense? A person telling the truth (as long as the person is sober and not suffering from physical or emotional trauma) usually tells a fairly coherent story. A liar, especially a poorly prepared or not very bright liar, might make something up on the spot that will not hang together logically. Because the truth teller is relating a story with real referents, the structure of the narrative will necessarily retain some level of consistency.

Next, independent of its logical structure, liars often tell a memorized script from beginning to end. The story hangs together as a straight-line narrative. If you ask them things out of order, they find a consistent retelling very difficult and often have to start back at the beginning. Truth tellers have random access to their stories. They find it much easier to jump from point to point and to retell segments out of order. This is another effect of having a reality base; statements are generated by the facts of the event, not from the words or word sequences alone.

The amount of detail also differs between liars and truth tellers. Liars generalize and seem to delete information that should be there. Truth tellers provide a depth of information that suggests that they were actually there.

There are several dimensions of detail that differentiate between someone who is lying and someone who is not. These criteria differentiate between truth tellers and liars, seemingly because the task is difficult and these small pieces of the story may be overlooked. These include:

- *Contextual embedding:* Details of time and place. The true version had a locus in time and space and the truth-teller includes them.

- *Speech reproduction:* Are there quotes? Does she report what she said to others and what they said to her? Does he say what he said to himself? This is a natural part of a true story. Liars often leave this out.

- *Unusual details:* True stories often include odd details that don't belong or don't seem relevant but that represent part of the person's experience—"I heard the Johnson's dog barking," "A jet went overhead." Liars, whether because they are concentrating on getting the story right or just because they haven't considered them, often leave such extraneous details out.

- *Accounts of subjective mental states:* People who are telling a true story will often add in their own feelings about what they were experiencing. They might talk about how cold it was; how tired they were; the fear they felt. Liars tend to leave these things out unless they are asked.

Another set of CBCA criteria includes cues related to the liar's motivation and attempts to sound accurate or trustworthy. These include:

- *Spontaneous correction:* People who are telling the truth seldom go straight through their

stories. They stop and correct themselves or go back and revise a detail. Liars stick to the script. Like politicians with talking points, they stick to the details that they have prepared. Because they think that self-correction or revision will make them look unreliable—or because it is too hard—they usually do not do it.

- *Admitting poor memory skills:* Liars sometimes think that the truth should be seamless, that it should read through like a scripted tale. Someone who is recalling a real event will suffer lapses of memory and will admit to them. A liar may not. The liar, however, may claim a lack of memory but it is usually in a context different from the truth teller. When a liar claims loss of memory, it is not self-corrective but an excuse for a missing detail.

- *Expressing doubts about personal accuracy:* Liars, as noted, often think that their stories must be flawless. True witnesses are often very aware that their stories are incomplete and faulty and acknowledge that fact. A liar will swear on his mother's life that every word is true and almost (so it would seem) infallible.

When these criteria (actually, the full set of SVA criteria) were tested against the statements of witnesses and criminals, they were able to separate the truth from falsehood with a high degree of accuracy (Vrij et al., 2000).

The second major analytic tool described by Vrij and Mann (2004) is called reality monitoring. Here, the testimony is examined for full sensory representation. Liars tend to talk in the abstract. As noted, they are likely to make use of auditory digital descriptions that are notably free of sensory detail. Truth tellers are more likely to add sensory-based detail. Reality monitoring scores the records of interviews along the following dimensions:

- Visual details or descriptions of what the person saw: "I saw that the car was missing."

- Auditory details or descriptions of what was heard: "I heard the screen door slam."

- Spatial details, where the event took place: "I went across the street to Joe's house."

- How objects are arranged in space: "I heard sounds coming from above me."

- Temporal details, how things are arranged in time and how long they lasted: "First, I knocked on the door. Then, I looked in the window. Finally, I let myself in." "I was only there for about five minutes but it seemed like an hour."

Like the CBCA analysis, reality monitoring is usually done with a paper transcript of the interview. It is scored so that the more the sensory elements appear, the greater the likelihood is that the speaker is telling the truth.

Reality monitoring contrasts the characteristics of a full sensory representation of a real event, with the empty words of a fabricated story. If you can recognize when someone has the gift of gab, you are already using the most salient points of reality monitoring.

Someone who has the ability to string together words that he doesn't understand into plausible and otherwise well-formed sentences and arguments has the gift of gab. Because the speaker does not fully understand the words, they do not ring true and the speaker can never provide supporting details. Moreover, like the liar, the talker with the gift will provide few sensory details and will generally score low on the CBCA criteria. Students who have memorized information that they do not understand reflect the same kinds of empty verbiage.

If we were to make a quick summary of these two techniques as something to keep in mind when seeking to differentiate between truth-tellers and liars, we might suggest the following. More often than not, the truth is rich in personal insights and sensory details. It is accompanied by a certain level of humility and an awareness of personal fallibility. It often rambles and goes off track and includes details that are irrelevant to the problem at hand. Lies are presented as truth. The speaker is often unwilling to acknowledge mistakes or fallibility. There are few details and little personal narrative. The lie must be presented as practiced and attempts to access details out of order may increase signs of nervousness and emotional leakage.

Detecting Lies

We have discussed several observations that may be helpful but must repeat the warning of all of the researchers that we have reviewed that there is no easy hard-and-fast way to tell who is lying and who is not. In general, a combination of all of the observations made above will provide a certain head start on the process. However, the process of lie detection itself may be a very important piece.

When you consider the process of interviewing or interrogating a subject, it is important to realize that an adversarial stance will usually work against you. Unless the subject has been diagnosed as a psychopath, establishing rapport and setting the client at ease can be a valuable aid to finding out what you need. In every case, the interviewer must be aware of the subject's responses and any attempts that the subject might make to control the flow of the conversation. For this reason, you must remain aware of your outcome and continually return the flow of discussion back towards the relevant issues.

Vrij and Mann (2004) recommend that investigators begin with open-ended questions that allow the client to speak freely about the event, following up later with more direct questioning.

When you already have the information that you need, when you know that the offender is lying, it may be worthwhile to increase the pressure on the offender to encourage nervous behavior, slips, and emotional leakage.

If you decide that putting the pressure on will allow you to analyze the various tells associated with tension, fear, and guilt, be aware that truth tellers will show the same signs of stress as the liar. It is easy to mistake stress for lies. Ekman and Frank (1993) define two kinds of errors related to lie detection. These are the Othello error and the idiosyncratic error.

The Othello error refers to the tragic hero of Shakespeare's play who, after accusing his wife of infidelity, mistakes her fear for signs that she is lying and kills her. In much the same way, it is very easy to mistake signs of upset for the signs of deceit.

The idiosyncratic error occurs when we make broad assumptions about how people should act when lying or telling the truth. There are always exceptions to every rule and because lying is an idiosyncratic behavior, rigid rules for lie detection have a way of tripping people up. Multiple studies have shown that police officers who base their judgments about deception behavior on the Reid model, and others who have modeled their judgments on the TV show 'Lie to Me,' both fail at lie detection. Other research indicates that trusting people tend to make better lie detectors (Carter & Weber, 2010; Mann, Vrij & Bull, 2004).

Things to watch for

After reviewing the relevant research, Vrij, Evans, Akehurst, and Mann (2004) found several behavioral details that could be combined to determine who was lying and who was telling the truth. Their items came from classical studies of gestures and facial expressions as well as the CBCA criteria and reality testing. They found that if their subjects, the lie detectors, were asked to keep track of behavioral details *instead* of trying to determine whether the speaker was lying, their ability to quickly tell truth from falsehood rose to expert levels. Again, the central task was not trying to determine who was lying, but just keeping track of the details. The details they found to be most telling were:

1. The lag time between the question and the answer (increased for liars);

2. Hand and finger movements—without moving the arms (decreased for liars);

3. Speech hesitations: "uhs," "ums," or "aahs" between words (increased for liars);

4. The quantity and specificity of details (decreased for liars);

5. Descriptions of time and location (decreased for liars);

6. The reproduction of conversation (decreased for liars);

7. Descriptions of other people's feelings, thoughts, or motives (decreased for liars);

8. The inclusion of visual and auditory details (decreased for liars);

9. The inclusion of spatial information and temporal details (decreased for liars) (pp. 277-278).

For the liars, latency periods, the time between the question and the answer, and speech hesitations increased. All of the other measures decreased when people lied. It should be noted, however, that persons dominated by strong feelings often show increased latencies and speech hesitations, so care needs to be taken to avoid confusing kinesthetic response styles with falsehood. It is also important to recall that accuracy in lie detections always depends upon multiple indicators.

Training for Lie Detection

There are three important lessons in this research. The first is that there are reliable signs that can be used to detect lies. However, they are neither simple nor few. Lying is revealed by a simultaneous combination of factors that vary from person to person. The second is that lie detection is best done as a neutral observer, implicitly. It would appear that here, as in other studies, careful observation is much more important than the intent to detect lies. Truth detection and lie detection work best as reflections about observations of behavior, not as qualitative judgments. As noted previously, intentional lie detection often gets in the way. A third element is this: officers and students both learned to become more efficient lie detectors when they had practice that included feedback. Memorizing lists of factors is not enough; practice with feedback is crucial (DePaulo, Lindsay, Malone, et al., 2003; Vrij et al., 2000; Vrij & Mann, 2004).

Another observation made by Mann, Vrij, and Bull (2004) concerned the ability of police officers to detect lies and its relation to whether or not they had long experience actually interviewing criminals. They pointed out that whereas other studies had measured the officers' total length of service; they measured active interviewing and interrogation practice. The difference was significant. Whereas regular police officers often did no better at lie detection than did college students (50 percent accuracy—they could have been flipping a coin), practiced interviewers and interrogators did much better (60 to 70 percent accuracy). This suggests that more than a set of rules, experience plays a large part in good lie detection.

Paul Ekman, as noted, is the model for the lead character in the TV Drama, "Lie to Me." He began doing research on emotions in the 1970s. As part of his study, he examined all of the muscles of the face, each of the distinct movements that the face can make (about 43) and the expressions that combinations of the 43 basic movements were capable of making. He found that about 3,000 of those expressions had meaning. After identifying these expressions, he and his partner learned to make every one of them and developed a visual library, films of people making those expressions. In the course of this work, he noticed that he had become aware of fleeting expressions, micro-expressions that would flash across peoples' faces. He came to understand that these micro-expressions represented emotional leakage and found that they were often the key to understanding what someone was thinking and whether or not they were telling the truth. Emotional leakage is the inevitable tendency for the emotions that we are trying to hide to leak out through gestures and micro-expressions (Gladwell, 2002).

An interesting parallel comes from the life of archetypal serial killer, Ted Bundy. According to his biographers, Bundy would often be puzzled by the expressions on peoples' faces. When he found an expression that interested or puzzled him, he would go home and practice the face in the mirror (Michaud & Aynesworth, 1999).

At the other end of the moral and emotional spectrum, we have the testimony of Lama Oser. Oser is a Buddhist monk who was studied by Ekman. Oser displayed a phenomenal ability to read the micro-expressions that flashed across people's faces and attributed that ability to his long years of meditative practice. There was something else that he said that was very significant to this context. When asked how he was able to attain the states that Ekman was

studying, he indicated that part of it was *how he held his face* (Davidson & Harrington, 2002).

These anecdotes suggest that, along with knowing the tells on an intellectual level, the key to discerning when others are lying is practice. Practice observing others and practice, perhaps more importantly, observing yourself.

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Testing the Validity of Pupillometer Technology Against Traditional Drug Screening Instruments

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THE PURPOSE OF this study was to assess the validity of a pupillometer drug screening technology against two conventional measurements, urinalysis and oral swab, in screening probationers that were being monitored by a large urban court. Pupillometer screening is a relatively new procedure in retina technology and involves a self-administered computerized test that examines the probationer's eye to detect recent drug and alcohol abuse. The monitoring device is approximately the size of an Automated Teller Machine. When the probationer reports for drug screening, he or she enters an identification number into the system. The subject's eye is then scanned while following a series of flashing lights. During this 30-second procedure, the eye is given a controlled amount of light to measure the involuntary reflexes of the eye's reaction. The instrument collects four ocular measurements (saccadic velocity, latency, diameter, and amplitude) and compares the individual's current reaction to their baseline reaction (an established negative reading) to test for impairment. Proponents of the technology indicate that each drug affects the eye's reaction in a different way; as such, the instrument is able to pinpoint the specific drug, including marijuana, opiates, cocaine, amphetamines, methamphetamines, depressants, and inhalants, from which the subject is currently recovering.

The technology boasts several benefits (noted in figure 1), yet its effectiveness vis-à-vis its validity has not yet been corroborated given the dearth of published, peer-reviewed data supporting the marketed advantages. Figure 2 shows a comparison of alternative drug-testing methodologies. Urinalysis and saliva testing can typically detect the presence of drugs in the subject's system for up to three days and in some instances a week. Comparatively, pupillometer technology (PT) has a narrow window of detection (up to 48 hours). Thus, research is needed to assess false-negative rates (sensitivity) to determine to what extent the technology is appropriate for screening probationer drug use. Equally important, analysis is warranted in examining the rate of difference in unconfirmed positives (specificity).

The Probation Division of the subject court used PT during a 36-month timeframe to screen probationers for substance abuse. Before it became a staple procedure for screening probationers, the court sought a two-fold analysis to determine if the technology should continue to be used as an alternative to the foregoing modalities. First, what differences in identifying drug usage among probationers exist between pupillometer technology findings and

other conventional measurements? Second, if any disparity does exist, is it statistically significant, necessitating an abandonment of the practice? This research was guided by the following general null hypothesis: There is no significant difference between the test results of PT and other drug-screening modalities administered to probationers; that is, test results (Y) are not dependent upon drug screening instruments (X). The hypothesis is derivative of the need to test the efficacy of PT. Together, this analysis will demonstrate the most cost-effective procedure relative to court objectives.

Methodology

Participants were selected using a simple random sampling method, a probability-type sampling procedure. Simple random samples are groups in which each individual, in this case baselined probationers, have an equal probability of being selected (Hagan 2003). Probationers were randomly chosen from a complete list of the court's baselined population, using a table of random numbers (Frankfort-Nachmias 1999). The utility of random sampling is that the variance should allow for a diverse sample so as to evaluate whether the instrument's validity is impacted by characteristics inherent in the probation population; that is, how different persons metabolize drugs that PT is attempting to identify. Assuming that conditions have not changed, findings should not vary significantly on repeated measurement. With a given degree of error, the court can assume that what is true of the sample is also true of the baselined population.

At the time of this study, the baselined population comprised 5,252 probationers. The court sought a target sample of 646 (12.3 percent of the baselined population), anticipating a response rate of 5 percent (262 probationers). A total of 188 probationers (approximately 3.6 percent of the probation population) were included in this study. Table 1 enumerates the disposition totals of the sample. The breakdown shows that almost 72 percent of the sample was tested. Five of these probationers were unable to be tested with PT at the time of the screening due to eye ailments. A total of 183 probationers were tested in whole (screened with each of the 3 modalities) while 188 probationers were tested in part (screened with urinalysis and oral swab). The remaining 28 percent of the sample (N = 74) were not screened for the reasons noted.

For the purposes of this study, the term "baselined" referred to those probationers that have been confirmed in having a negative PT reading. This measurement serves as the benchmark to which subsequent readings are compared. All probationers, unless otherwise prohibited by a verified medical problem, are required to partake in the PT procedure in order to establish the standard reading. As a condition of probation, subjects consented to the periodic testing for drug use. Consequently, their participation in this study was not voluntary. According to the Probation Division, the process takes approximately 35 minutes and involves the following two-step procedure. First, probationers submit a urine sample. If the sample is negative, the subject completes three consecutive satisfactory PT screenings. If the specimen is positive, the probationer cannot be baselined and is scheduled to return on a day when he or she is free of prohibited toxins.

The data collection method was principally employed to test the validity of PT by comparing the results to the instruments. In this context, validity exists when there is an insignificant difference between the positive and negative results of PT and the findings of the urinalysis and other drug screening methods, thereby supporting the null hypothesis. More simply, does PT measure that which it purports to measure? Validity differs from reliability (which was not measured) in that a study of reliability would repeatedly test the same subjects using each of the instruments to determine the stability of the measurement's results over time. This of course assumes that rival causal factors have not changed. Data collected from PT was analyzed for sensitivity (false-negative rate) and specificity (unconfirmed positive rate).

The design procedure for the study was as follows:

1. Approximately 12 percent of the baselined population was randomly selected from an alphabetical list identifying each probationer by last name.

2. The selected probationers were scheduled for an appointment to be tested by the Probation Division during a three-month period.

3. Upon arrival, all baselined probationers were administered the following tests in the noted order:
   a. Urine collected and screened by the NJ Department of Health
   b. Oral swab sample collected and analyzed by the Bendinger and Schlesinger Laboratories
   c. PT reading recorded by the kiosk located in the Probation Division facility.

4. An assigned Probation Officer recorded the demographic information and the results of each test on the data collection form (figure 3). The data was subsequently entered into a database for eventual analysis. The frequencies of the positive and negative results of the tests were compared for significance using the Nonparametric Chi-Square Test.

Results

This research sought to examine the difference in results between PT and two traditional screening methods (urinalysis and saliva). The data was described using the cross-tabulation and chi-square methods demonstrating which aspects of the null hypothesis are supported and rejected. Chi-Square was utilized to test for significant relationships between screening instruments and test results. The .05 alpha level of significance was the benchmark value in rejecting the null hypothesis. Conclusions were extrapolated from these findings to formulate policy recommendations regarding the continued use of PT in monitoring drug usage among probationers.

Table 2 shows the makeup of the probationer sample by race, gender, and age. The vast majority of probationers were African-American and male. African-Americans comprised almost three-quarters of those sampled, followed by Hispanics, who included less than 17 percent of the total. Males outnumbered females by more than four to one. The average participant was 31 years of age, with the youngest being 12 and the oldest 71 at the time of screening.

Table 3 illustrates the drug test results by screening modality and racial background. Table 4 depicts the data by gender. The results of the urinalysis—considered the most reliable of the three measurements—demonstrate that 25 percent of the sample tested positive for drugs. This finding mirrors the current trend data of the probation population, where approximately 25 to 28 percent of probationers routinely test positive for substance abuse. Given the proportion of African-Americans and males to their counterparts in the sample, the fact that these groups had the largest number of positive results was expected. The rates, however, were not evenly distributed when the three modalities were compared. With the exception of those identifying themselves as "other," Caucasians were the only group whose saliva positive rate exceeded the urinalysis positive rate. The data shows that African-Americans account for most of the PT false-positives noted in tables 6 and 8. The positive rate for African-Americans tested with PT decreased by 11.5 percent when compared with urinalysis results and by 16.8 percent when compared to saliva findings. Caucasians, on the other hand, showed a negligible difference in the tests' results. Similarly, the number of Hispanics testing positive with PT decreased by less than one percent when compared to urinalysis results and declined by 2.2 percent when measured against saliva findings.

The results for males, analogous to racial background differences, were also disproportionate when compared to females. There was approximately a 15-percentage point difference between the positive results of PT and urinalysis. The difference was more pronounced with saliva results, where the number of males testing positive with PT decreased by more than 18 percent. Conversely, females testing positive showed only a one percent increase when tested against urinalysis and slightly more than a one percent decrease when compared to saliva results.

The results noted in tables 3 and 4 suggest that African-Americans and males have a greater propensity for testing positive with PT than their counterparts; however, data which isolates PT false-positives and false-negatives show that these groups comprised the largest percentage for *both* error types. Therefore, differences in the distribution of test responses are likely to be based on the proportion of specific groups within the population. Tables 5 and 6 illustrate the

demographic distribution of PT false-positives and false-negatives, respectively, when measured against urinalysis findings. With respect to racial background, African-Americans comprised approximately three-quarters of the false readings. Males, too, made up most of the false readings, yet there was almost a 12 percent difference between the two error types.

Tables 7 and 8 show PT false readings when compared against oral swab results. The data demonstrated that males generally make up 90 percent of the errors. The results for African-Americans deviated slightly for false-negatives, indicative of nearly a 10-percent difference compared to false-positives.

Research Hypothesis A—There is no significant difference between the PT and urinalysis screening methods and their test results for probationers

The following tables illustrate the cross-tabulation and chi-square test results of the PT and urinalysis screening instruments. There were 23 false-negative results registered by urinalysis, indicating that for every five probationers that were rendered negative by PT, one of them was determined to be positive by urinalysis. With respect to the false-positive rate, the results were more remarkable. The data showed that more than 70 percent of probationers who tested positive with PT were determined to be negative by urinalysis. The chi-square test demonstrates that the false readings were statistically significant at the .000 level.

Table 10 shows that given the expectation that the PT positive results should parallel urinalysis positive results, the PT false-positive rate was statistically significant at the .000 level. The observed number of negatives registered by urinalysis was 51 while the expected count was 0. The residual was thus 51 false-positive readings, an estimated 72 percent of those testing positive with PT. Table 10a is a hypothetical chi-square result, which was calculated using the same observations, but which reduces the expectation to the point where the difference is no longer significant. This model shows that given these observations, a minimum expected count of 28.1 is needed—roughly 40 percent—in order for the difference to be insignificant.

Table 11 depicts the results after applying the same methodological principles to the PT/Urinalysis false-negative readings. The data indicates a residual of 23, which was also significant at the .000 probability level. Table 11a shows that if these observations remained constant, the chi-square result would begin to decline in significance at the expected count of 96.1 or assuming a level of accuracy not exceeding 85.8 percent.

Research Hypothesis B—There is no significant difference between the PT and oral swab screening methods and their test results for probationers

Table 12 shows the cross-tabulation and chi-square test results of the PT and oral swab modalities. Similar to the results of the PT/urinalysis cross-tabulation, the PT false-negative rate when cross-tabulated with oral swab was relatively the same, stipulating a 2 in 10 ratio. The false-positive rate for PT, however, increased to more than 83 percent. The chi-square test showed that the level of significance was unchanged at the .000 level.

The data noted in the following tables show the chi-square results for the PT/Oral Swab false-positive rate. The residual count of 59 in table 13 shows the resulting chi-square significant at .000. The hypothetical model reduces the residual to 7.3, at which point the differences are no longer significant. Therefore, given these observations, the positive results noted by PT would require a minimum accuracy of 27.2 percent when paired against oral swab in order for the chi-square to be statistically insignificant.

Tables 14 and 14a show the false-negative results for the PT/Oral Swab relationship. The chi-square value of 483964.6 indicated a result significant at the .000 probability level. The chi-square was reduced to 3.772 after the minimum expected cell frequency was reduced from 112 (100 percent accuracy) to 97 (86.6 percent accuracy).

The study's findings provide two conclusions for discussion. With respect to the PT false negative rate, the data suggests that the 48-hour window for PT screens allows approximately 20 percent of probationers to evade detection. Depending on the court's expectation of accuracy, the differences vary in statistical significance. Nonetheless, the court should be cognizant of the implications posed by the narrow timeframe, including the inherent consequences of supervising probationers who continue to have substance abuse problems without being formally sanctioned.

This finding requires that testing be frequent and random, which should mitigate the probationer's ability to conceal his or her drug addiction. If probationers cannot calculate the frequency and timing of screenings, then officers can be confident that those who continue to abuse drugs will *eventually* be detected. Incidentally, the high rate of false positives will also bolster this effect by lessening the probationer's ability to predict with certainty the test's outcome. This is not to discount the psychological impact that a false-negative result can have on a drug-addicted probationer. One assumes that the effect will be exacerbated with each screening the probationer passes while still addicted to drugs. The probationer is likely to gain confidence in his or her ability to dupe PT when undergoing false negatives, and without formal penalties, rehabilitation becomes less appealing, especially for those not motivated by other intrinsic factors.

The second conclusion relates to the PT false-positive rate. The test statistics show that when the minimum cell frequency was 0, both the urinalysis and oral swab results were statistically significant when paired against PT data. In light of these findings, PT should not be used exclusively in determining whether a probationer is in violation. Rather, a positive result must be corroborated through other, more accurate measurements. The significant number of false-positives suggests that PT is detecting physiological variables that, according to urinalysis and oral swab results, are not drug-induced. PT results may be impacted by a number of factors not yet thoroughly examined, such as fatigue or diet. Alternatively, the false-positive rate may be due to drug elements not identified by these traditional measurements. The prohibitive nature of the substance may underlie the differences. For instance, if a probationer took allergy medication, rendering the probationer drowsy, this could have had an adverse effect on the eye, yet not affect the urinalysis or oral swab reading. This study also showed that the false-positive rate was most prevalent among African-Americans and males. This was shown, however, to be symptomatic of the proportion of these groups within the probation population that was studied, indicating the demographic distribution of false-negatives.

Conclusions

This study showed that the general null hypothesis, whereby H0 predicted that test results (Y) drawn from selected drug screening instruments (X) would not differ significantly, was rejected due to the false-positive and false-negative rates. This hypothesis is rejected due to the supposition that the court's expectation exceeds the level of accuracy stipulated in the chi-square models that note it as statistically insignificant. Table 15 depicts the cost differences of integrating PT into the probation operations of the court. The screening cost rates were applied to the total number of probationers included in the study's sample. This research illustrated that PT is effective only when it is used in tandem with other instruments; therefore, assuming that all probationers are initially screened with PT and that those testing positive (38.8 percent; N = 73) are subsequently screened by either urinalysis or oral swab to validate these results, the total cost savings for this sample would have been $753.30 for the former and $429.00 for the latter.

In view of the large volume of probationers within the select court, PT is a sound option economically, despite the significant rate of false readings. Judges and court administrators must consider their expectations of PT accuracy and then balance pecuniary benefits against the social effects, if any, of both the false-positives and false-negatives. The continued use of PT warrants that probationers be advised by their supervising officers that PT is only a preliminary screening for those testing positive and is not conclusive until the results are matched by another measurement. A policy and procedure in which probation officers are regularly trained in handling false-positive instances with their clients is therefore strongly suggested. This research concludes that the intangibles of false readings are not terribly distressing at this point, so long as the following three standards are maintained:

1. PT is not used exclusively to test probationers.

2. Probation officers are trained on an ongoing basis in managing the dynamics of false readings.

3. The PT false-negative results are statistically insignificant after matching the court's expected level of accuracy.

4. Future research should more thoroughly examine whether drug-screening results (sensitivity and specificity) are significantly impacted by probationer demographics such as race, gender, and age. Physiology may play a role in how individuals metabolize drugs, which in turn can affect sensitivity and specificity results of a given screening method. More in-depth analysis is also warranted regarding the psychological impact of false readings on probationer behavior. This study has offered some policy recommendations in mitigating the possible effects; however, empirical evidence is needed to determine whether new screening technologies such as PT influence recidivism rates among recovering probationers.

References

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Testing the Validity of Pupillometer Technology Against Traditional Drug Screening Instruments

Figures

Figure 1.
Pupillometer Technology—Drug Screening Marketed Benefits

1. 30-second self-administered screen—no operator required
2. Fully automated, and self-actuated
3. Easy-to-learn for subject
4. Runs 24/7, 365 days a year without an operator
5. Non-invasive—No body fluids involved in screening
6. Immediate results—within 15 seconds after screen subject has a print out
7. Detects alcohol within a 6-8 hour window
8. Detects current impairment and past impairment
9. Screens 8 (plus rave/designer drugs) commonly abused substances on every scan
10. Computerized assessment and reporting
11. Emails Officer/Counselor with results—instant notification
12. Individualized
13. Fixed cost—unlimited screening
14. Non-gender specific screening
15. Results cannot be faked or adulterated
16. Can monitor all age groups.... from juvenile to geriatric (Will not screen the legally blind)

Figure 2.
Comparison of Alternative Drug Testing Methodologies

Source Sample	Invasiveness of Sample Collection	Detection Time	Cutoff Levels	Advantages	Disadvantages	Cost
Urine	Intrusion of privacy	Hours to days	Yes	High drug concentrations; established methodologies; quality control and certification	Cannot indicate blood levels; easy to adulterate	Low to moderate
Blood	Highly invasive	Hours to days	Variable limits of detection	Correlates with impairment	Limited sample availability; infectious agent	Medium to high
Hair	Noninvasive	Weeks to months	Variable limits of detection	Permits long-term detection of drug exposure; difficult to adulterate	Potential racial bias and external contamination	Moderate to high
Sweat	Noninvasive	Days to weeks	Screening cutoffs	Longer timeframe for detection than urine; difficult to adulterate	High inter-individual differences in sweating	Moderate to high
Saliva	Noninvasive	Hours to days	Variable limits of detection	Results correlate with impairment; provides estimates of blood levels	Contamination from smoke; pH changes may alter sample	Moderate to high
Breath	Noninvasive	Hours	No, except for ethanol	Ethanol concentrations correlate with impairment	Very short timeframe for detection; only detects volatile compounds	Low to moderate

Note: From Drug Testing in a Drug Court Environment: Common Issues to Address, by U.S. Department of Justice, 2000.

Figure 3.
Data Collection Form

Demographic Characteristic	Notation
Race Check one	Caucasian African-American Hispanic Asian Other
Gender	Male

Check one	Female
Age	The probationer's age at the time of the screening is _____.
Screening Method	**Results**
Urinalysis Check one	Positive Negative
Oral Swab Check one	Positive Negative
Pupillometer Screening Check one	Positive Negative

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Tables

Table 1.

Disposition Totals of the Probation Sample

Disposition	Percent	N
Tested in part or in whole	71.8	188
Out of state	1.9	5
Incarcerated	4.6	12
Bench warrant issued	3.4	9
Violation of probation	12.6	33
Enrolled in probation program	1.5	4
Medically cited	.8	2
Discharged	3.1	8
Deceased	.4	1
Total	100	262

Table 2.

Probation Sample by Race, Gender, and Age

Racial background	Percent
Caucasian	8.7
African-American	72.7
Hispanic	16.4
Asian	1.1
Other	1.1

Note: N = 188

Gender	Percent
Male	82.4
Female	17.6

Note: N = 188

Age	
Minimum	12
Maximum	71
Mean	31

Note: N = 188

Table 3.

Drug Test Results by Screening Instrument and Race

Race	Pupillometer Technology		Oral Swab		Urinalysis	
	Positive	Negative	Positive	Negative	Positive	Negative
Caucasian	2.7%	6%	2.7%	5.9%	2.1%	6.4%
African-American	30.1	42.6	13.3	59	18.6	53.7
Hispanic	4.9	11.5	2.7	14.4	4.3	12.8
Asian	.5	.5	—	1.1	—	1.1
Other	.5	.5	.5	.5	—	1.1
Total	38.8	61.2	19.1	80.9	25	75

Note: PT N = 183. Oral Swab N = 188. Urinalysis N = 188.

Table 4.

Drug Test Results by Screening Instrument and Gender

Gender	Pupillometer Technology		Oral Swab		Urinalysis	
	Positive	Negative	Positive	Negative	Positive	Negative
Male	35%	48.1%	16.5%	66%	20.2%	62.2%
Female	3.8	13.1	2.7	14.9	4.8	12.8
Total	38.8	61.2	19.1	80.9	25	75

Note: PT N = 183. Oral Swab N = 188. Urinalysis N = 188.

Table 5.

Frequency Distribution of PT/Urinalysis False-Positive Rate by Race and Gender

	Frequency	Valid Percent
Race		
Caucasian	4	7.8
African-American	39	76.5
Hispanic	6	11.8
Asian	1	2
Other	1	2
Gender		
Male	46	90.2
Female	5	9.8

Note: N = 51.

Table 6.

Frequency Distribution of PT/Urinalysis False-Negative Rate by Race and Gender

	Frequency	Valid Percent
Race		
Caucasian	3	13
African-American	17	73.9
Hispanic	3	13
Gender		
Male	18	78.3
Female	5	21.7

Note: N = 23.

Table 7.

Frequency Distribution of PT/Oral Swab False-Positive Rate by Race and Gender

	Frequency	Valid Percent
Race		
Caucasian	3	5.1
African-American	46	78
Hispanic	8	13.6
Asian	1	1.7
Other	1	1.7
Gender		
Male	54	91.5
Female	5	8.5

Note: N = 59.

Table 8.

Frequency Distribution of PT/Oral Swab False-Negative Rate by Race and Gender

	Frequency	Valid Percent
Race		
Caucasian	3	13.6
African-American	15	68.2
Hispanic	3	13.6
Other	1	4.5
Gender		
Male	20	90.9
Female	2	9.1

Note: N = 22.

Table 9.

Cross-Tabulation for PT and Urinalysis Results

			PT		Total
			Positive	Negative	
Urinalysis	Positive	Count	20	23	43
		% within PT	28.2	20.5	23.5
	Negative	Count	51	89	140
		% within PT	71.8	79.5	76.5
Total		Count	71	112	183
		% within PT	100	100	100

Table 10.

Chi-Square for PT and Urinalysis False-Positive Rate

	Observed N	Expected N	Residual
Positive	20	71	-51
Negative	51	0	51
Total	71		
Test Statistics			
Chi-Square	2630278		
df	1		
Asymp. Sig.	.000		

Note: 1 cells (50.0%) have expected frequencies less than 5. The minimum expected cell frequency is .0.

Table 10A.

Chi-Square Model Depicting an Insignificant Finding for the PT/Urinalysis False-Positive Rate

	Observed N	Expected N	Residual
Positive	20	28.1	-8.1
Negative	51	42.9	8.1
Total	71		
Test Statistics			
Chi-Square	3.819		
df	1		
Asymp. Sig.	.051		

Note: 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 28.1.

Table 11.

Chi-Square for PT and Urinalysis False-Negative Rate

	Observed N	Expected N	Residual
Positive	23	0	23
Negative	89	112	-23
Total	112		
Test Statistics			
Chi-Square	528963.5		
df	1		
Asymp. Sig.	.000		

Note: 1 cells (50.0%) have expected frequencies less than 5. The minimum expected cell frequency is .0.

Table 11A.

Chi-Square Model Depicting an Insignificant Finding for the PT/Urinalysis False-Negative Rate

	Observed N	Expected N	Residual
Positive	23	15.9	7.1
Negative	89	96.1	-7.1
Total	112		
Test Statistics			
Chi-Square	3.695		
df	1		
Asymp. Sig.	.051		

Note: 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 15.9.

Table 12.

Cross-Tabulation for PT and Oral Swab Results

			PT		Total
			Positive	Negative	
Oral Swab	Positive	Count	12	22	34
		% within PT	16.9	19.6	18.6
	Negative	Count	59	90	149
		% within PT	83.1	80.4	81.4
Total		Count	71	112	183
		% within PT	100	100	100

Table 13.

Chi-Square for PT and Oral Swab False-Positive Rate

	Observed N	Expected N	Residual
Positive	12	71	-59
Negative	59	0	59
Total	71		
Test Statistics			
Chi-Square	3480980		
df	1		
Asymp. Sig.	.000		

Note: 1 cells (50.0%) have expected frequencies less than 5. The minimum expected cell frequency is .0.

Table 13A.

Chi-Square Model Depicting an Insignificant Finding for the PT/Oral Swab False-Positive Rate

	Observed N	Expected N	Residual
Positive	12	19.3	-7.3
Negative	59	51.7	7.3
Total	71		
Test Statistics			
Chi-Square	3.810		
df	1		
Asymp. Sig.	.051		

Note: 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 19.3.

Table 14.

Chi-Square for PT and Oral Swab False-Negative Rate

	Observed N	Expected N	Residual
Positive	22	0	22
Negative	90	112	-22
Total	112		
Test Statistics			
Chi-Square	483964.6		
df	1		
Asymp. Sig.	.000		

Note: 1 cells (50.0%) have expected frequencies less than 5. The minimum expected cell frequency is .0.

Table 14A.

Chi-Square Model Depicting an Insignificant Finding for the PT/Oral Swab False-Negative Rate

	Observed N	Expected N	Residual
Positive	22	15	7
Negative	90	97	-7
Total	112		
Test Statistics			
Chi-Square	3.772		
df	1		
Asymp. Sig.	.052		

Note: 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 15.0.

Table 15.

Cost Integration of PT in Screening Probationers for Drug Usage

Screening Instrument	Cost per Probationer	Total Cost without Integrating PT	Total Cost with PT Integrated	Cost Difference
Urinalysis	$9.82	$1,846.16	$1,092.86	$753.30
Oral Swab	7.00	1,316.00	887.00	429.00
PT	2.00	—	—	—

Note: Total costs based on sample size (N = 188). PT cost per probationer based on an average number of probationers screened on an annual basis.

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Community Corrections Professionals' Views of Sex Offenders, Sex Offender Registration and Community Notification and Residency Restrictions

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SEX OFFENDER REGISTRATION and community notification (SORN) policies are among the most widely discussed and debated criminal justice policy issues in recent years. Commonly presumed to be a new and innovative approach to maintaining public safety, registration has in fact been used for more than a century for a variety of types of offenses (e.g., property, violence, organized crime) (Logan, 2009). In the 21st century, although registration and notification policies are viewed by the public as valuable and important for public safety (Levenson, Brannon, Fortney and Baker, 2007), there is a lack of data regarding how criminal justice officials perceive and value such policies. In the scholarly arena both SORN (Letourneau, Bandyopadhyay, Armstrong, and Sinha, 2010; Tewksbury and Jennings, 2010; Zgoba, Veysey and Dalessandro, 2010) and residency restrictions (Duwe, Donnay and Tewksbury, 2008; Socia, 2011; Zandbergen, Levenson and Hart, 2010) have been shown to have little or no efficacy in reducing sex offender recidivism. Furthermore, such policies also impose negative social, psychological, and financial effects on offenders (Levenson and Cotter, 2005; Levenson, Zgoba and Tewksbury, 2007; Tewksbury, 2004, 2005; Tewksbury and Lees, 2007; Tewksbury and Mustaine, 2007), and increase workloads and challenges for community corrections professionals (Datz, 2009). Further, they are often developed from stereotypical views of sex offenders and they can negatively affect communities in which such policies are implemented (Barnes, Dukes, Tewksbury and DeTroye, 2009; Tewksbury and Jennings, 2010).

However, while there is research assessing the consequences of such policies, surprisingly little is known about whether criminal justice officials responsible for enforcing such policies support SORN and accompanying policies or what these individuals think about sex offenders. The present study addresses this gap through an examination of the attitudes toward sex offenders, sex offender registration and community notification, and accompanying residency restrictions

for sex offenders among a national sample of community corrections professionals—one population of criminal justice officials with significant responsibility for enforcing such laws.

Literature Review

There is a small body of literature on the public's knowledge of, familiarity with, use of, and attitudes about publicly available sex offender registries. This literature generally shows that while the public supports sex offender registries in principle (Levenson et al., 2007), they use them relatively rarely (Anderson and Sample, 2008; Kernsmith, Comartin, Craun and Kernsmith, 2009; Levenson et al., 2007; Lieb and Nunlist, 2008). Not only does the public only infrequently access registry information, but it is also generally misinformed about the contents of registries (Anderson and Sample, 2008; Kernsmith et al., 2009) and the characteristics of sex offenders.

Apart from the literature regarding the public's use of sex offender registries, there is only scant literature concerning the views of such policies by those directly affected by SORN. Regarding the views of registered sex offenders themselves, Tewksbury (2006; Tewksbury and Lees, 2007) has shown that offenders do perceive value in SORN policies and the maintenance of publicly accessible registries. However, very few such offenders believe that they personally should be subject to registration and accompanying restrictions. And they express serious concerns about how the public may make use of information contained on registries.

Criminal Justice Officials' Views of SORN

Studies of the public officials responsible for establishing and enforcing SORN and accompanying restrictions are largely absent from the scholarly literature. One study has examined the views of those responsible for the creation of SORN and accompanying policies: legislators. Based on interviews of a sample of Illinois legislators and state government officials, Sample and Kadleck (2008) demonstrated that there is a range of views on the appropriateness and efficacy of SORN policies among legislators. While some legislators report believing that existing statutes "go too far," others have sharply contrasting views, believing that current law is not stringent enough. Legislators' views are influenced by both their individual beliefs and values and attempts to accommodate what they believe are common beliefs and values of their constituents.

Researchers have also begun to examine the attitudes and experiences of criminal justice officials who are responsible for enforcing SORN and related policies. In the area of law enforcement, only two small, exploratory studies (Finn, 1997; Gaines, 2006) have focused on how the police perceive SORN. Finn (1997) interviewed 13 criminal justice officials who believed community notification to be a useful management tool for supervising sex offenders, although such strategies were also recognized as burdensome and time consuming. Gaines (2006) surveyed 21 law enforcement officials responsible for maintaining publicly accessible registries and reported that there is a belief among such officers that the public was satisfied with how registries and community notification are completed.

Beyond considering law enforcement views, three studies have examined community corrections officials' views and experiences with SORN issues. Tewksbury and Mustaine (in press) examined the views of state parole board members regarding SORN and residency restrictions. Their findings show that while most (60.3 percent) parole board members do believe SORN is effective in preventing sexual victimizations, they do not see residency restrictions as an effective or valuable tool. A majority (57.5 percent) of parole board members report that they do not believe residency restrictions are effective for preventing sexual victimization. Furthermore, nearly two-thirds (63.4 percent) of parole board members report that they would not support residency restriction laws if there was not any scientific evidence to support such policies.

Two small studies of probation officers have focused on how such officials perceive SORN and related policies, how these policies affect workload, and the benefits and challenges posed by such policies. Zevitz and Farkas (2000) surveyed 77 probation and parole officers in Wisconsin and report that these community corrections officials find that the major consequence of community notification procedures are increased workloads, costs, and frustrations. Datz (2009) surveyed 259 probation and parole officers in Florida to assess their views of sex offender management strategies, with a special focus on residency restrictions. Overall, her findings suggest that community corrections officers "seem to find a link between residence restrictions

and sex offender homelessness that is likely to lead to other negative consequences, including unemployment and increased violations." They also report believing that residence restrictions are not a viable means of stopping sex offenders from re-offending. The views these professionals have is that residence restrictions are an effort by politicians to address the public's concern over sexual offenses and offenders, but that these efforts are not supported by data or experience, and are thus ineffective in addressing this problem (Datz, 2009, p. 12).

The Present Study

The present study seeks to fill a gap in our knowledge about attitudes regarding sex offenders, sex offenses, sex offender registration and community notification, and other related policies. In so doing, we focus on the attitudes of a population of criminal justice officials central to the implementation and enforcement of SORN and residency restrictions laws: community corrections professionals. As such, the present study is one of a very few to examine the attitudes of the criminal justice officials who are charged with enforcing such policies, and furthers our understanding of whether and in what ways SORN and residency restrictions are viewed as useful, effective, and legitimate tools for criminal justice supervision and control of sex offenders. If, as the existing literature suggests, officials responsible for enforcing SORN and residency restrictions hold mixed or negative views of the beneficial potential of such policies, it is important to recognize that such policies are unlikely to be effective and unlikely to be diligently enforced. Additionally, we consider the views community corrections professionals have about sex offenders and the kind of people they believe such offenders to be.

Methods

Data Collection

All data for the present study are collected via a 43-item survey administered to community corrections professionals. To enlist participation, all members of the electronic mailing lists of the American Probation and Parole Association (APPA) and recipients of the APPA newsletter were invited to complete an online survey. Invitations with a link to the survey were provided in an online issue of APPA's newsletter, *CC Headlines & More*, and in three email blasts sent to those on the APPA electronic mailing list over a three-month period.

Sample

A total of 716 community corrections professionals completed the online survey.[1] Respondents come from 45 states and the District of Columbia. Table 1 provides an overview of the sample. Respondents are evenly split between male (49.9 percent) and female (50.1 percent), primarily white (84.4 percent), hold at least a four-year college degree (94.7 percent, of these 41 percent have a graduate degree) and are middle aged (mean age 46). Fully three-quarters of respondents are married, 73.3 percent have children and 43.7 percent have at least one child under the age of 18. Respondents have an average of more than 15 years of experience working in community corrections, and present a range of self-identified political views (17.1 percent identify as very to somewhat liberal, 33.7 percent identify as moderate/neutral and 38.9 percent identify as somewhat to very conservative).

Instrument

The 43-item survey contains questions designed specifically for this study. The instrument contains items regarding the respondent's views on sex offender registration and community notification ("I believe the following sex offenders should be subject to community notification: no sex offenders, only sex offenders with high-risk assessment scores, all sex offenders"; "In which ways should the community be notified of the presence of sex offenders—media releases/announcements, door to door information from the police/sheriff, mailed or posted flyers, registration lists at law enforcement agencies, registration lists on the internet, community meetings, automated telephone calls to residents"; "When community notification is done, the public should be informed about the following characteristics of the sex offenders in their area —name, photograph, fingerprints, home address, with whom the offender lives, home telephone

number, vehicle description, vehicle license plate number, description of offense(s), work location/address, victims'(s) name(s), victims'(s) age(s), victim's(s) gender(s), HIV & STD test results for offender"), possible legal restrictions to accompany sex offender registration ("Which types of child congregation locations do you believe are appropriate locations to prohibit registered sex offenders from living near—schools, daycares, parks, fast food restaurants, school bus stops, youth athletic fields, skateboard parks, public swimming pools, public restrooms, public libraries"), demographics (race, sex, age, education, marital status, and number of children in the home), experience (number of years the individual has worked in community corrections), and self-reported political views.

Findings

Table 2 specifies the proportion of respondents supporting the various attitudinal measures; we find that community corrections professionals are, in general, only moderately supportive of the various strategies to control sex offenders. To elaborate, fully 85 percent of the respondents reported believing the community notification laws of their communities are fair, with 45 percent indicating that they believed that the community notification laws in their communities were completely fair, and 40 percent believing they were mostly fair. However, regarding the effectiveness of community notification, more than one-half (56 percent) of community corrections professionals report believing community notification creates a reduction in the number of sex offenses. Community corrections professionals were also somewhat skeptical of housing restrictions laws, as only approximately 42 percent agreed or strongly agreed that they were supportive of them—even when there was no scientific evidence that they are effective in preventing victimization. Nonetheless, half of the sample respondents (50 percent) either agreed or strongly agreed that laws that prevent sex offenders from living near schools, parks, or playgrounds were effective in preventing sexual victimization. And, over half of the sample (59 percent) believed that sex offender registration and notification is effective in preventing sexual victimization.

To sum up these findings, it appears that community corrections professionals are unlikely to hold stereotypical views of sex offenders and sex offenses, feel that the strategies we use to control them are only moderately successful, but that this is a group of fairly dangerous criminals.

Considering the ways that the community should be notified about the presence of sex offenders in their midst, again we find that some of the items were seen as good ways to notify the community and other ways were not seen as good ways to notify community members. Table 3 provides the specifics of these views. Media releases, door-to-door information from the police/sheriff, mailed or posted flyers, community meetings, automated telephone calls to residents, and information provided only upon request were seen as strategies of notification that were favored by only a minority of respondents (only 32, 24, 32, 29, 15, 14 percent, respectively felt that these strategies were useful). The strategies that most community corrections professionals felt were useful ways of notifying the community about sex offenders in their midst were registration lists at law enforcement agencies (72 percent felt this was a useful strategy) and putting registration lists on the Internet (84 percent).

Most community corrections professionals believed that only a few items of information were important for the public to be informed of. Table 4 highlights these types of information. These items were sex offenders' names (95 percent believe that this was an important piece of information about which the community should be informed), sex offenders' photographs, their home addresses, and a description of their offenses (94, 75, 76 percent, respectively). Thus, respondents believed that most of the items queried on were not the types of information that should be included when notifying the community about the sex offenders in their neighborhoods. Particularly, only 6 percent of respondents felt that fingerprints should be included in the notification information, 16 percent agreed that with whom the offender lives should be included, 4 percent believed that the offenders' home telephone numbers should be included, 49 percent support offenders' vehicle descriptions, 33 percent support vehicle license plate numbers, and 26 percent stated that offenders' work locations were important types of information to provide to the public. Most community corrections professionals felt that

information about the victim was not important information to include when notifying the community about the sex offenders in their area. Specifically, 98 percent did not think the victim(s) name(s) should be released, 58 percent agreed that the victim's gender should not be released, and 55 percent believed that the victim(s) age(s) should not be released in the information given to the community. Finally, most community corrections professionals (87 percent) felt that any HIV or STD test results should not be made available to the community.

On the subject of the deterrence potential of sex offender registries, most community corrections professionals believed that the sex offender registry did not act as a deterrent to sex offenders or to general members of the community. Specifically, only 19 percent agreed or strongly agreed that sex offenders were deterred from offending because of being listed on a publicly available sex offender registry and only 24 percent of the respondents agreed or strongly agreed that general members of the community were deterred from sex offending because they do not want the humiliation of being listed on a publicly available sex offender registry.

Finally, community corrections professionals also indicated the types of locations that they believed were appropriate for inclusion in defining residency restrictions zones. Table 5 provides the details of these views. In all, some of the locations in the survey were seen as good locations but some were not seen as good locations for sex offender prohibitions. To elaborate, 78 percent thought that schools were good locations to restrict sex offenders from living near, 71 percent agreed that daycares were good locations, 58 percent felt that parks were good locations, 63 percent felt that youth athletic fields were good locations, and 51 percent felt that public swimming pools were good locations to restrict sex offenders from living near. The locations that few community corrections professionals believed should be used for outlining residency restriction zones were public restrooms (16 percent), public libraries (20 percent), fast food restaurants (6 percent), school bus stops (49 percent), and skateboard parks (49 percent).

Discussion

This study presents one of the first systematic examinations of how the criminal justice system officials perhaps most responsible for implementing and enforcing SORN and residency restrictions—community corrections professionals—view sex offender registries, community notification, and residential restrictions statutes. While previous research has looked at how the public (Levenson et al., 2007) and sex offenders themselves (Tewksbury 2006; Tewksbury and Lees, 2007) view such policies and practices, there has been little attention to the views and experiences of criminal justice officials (however, also see Datz, 2009; Gaines, 2006; Tewksbury and Mustaine, in press). This is an important oversight that is critical to address.

Findings of the present study suggest that community corrections professionals' attitudes are moderately supportive of residency restrictions, frequently believing that both SORN and residency restrictions are effective in preventing sex offenses. Interestingly, however, the large majority of community corrections professionals do not perceive either known sex offenders or the general community to be deterred by SORN policies. Since substantially more community corrections professionals believe these policies to be effective, there must be reasons other than deterrence driving these beliefs and policy support.

It is notable that these findings differ in some significant ways from those previously shown for parole board members. A significantly larger proportion of community corrections professionals (compared to parole board members) believe that the community notification laws in their communities are fair, that SORN policies are effective in reducing the number of sex offenses, and that they would support residency restrictions even with no scientific evidence to support the efficacy of such policies.

Community corrections professionals and parole board members have very different types of responsibilities and interactions with sex offenders. Whereas parole board members are primarily focused on assessing whether individual offenders pose continued risks to public safety, community corrections professionals are primarily concerned with day-to-day supervision of offenders and working with offenders to remain crime-free. Parole board members have limited contacts with offenders, while many community corrections professionals have more frequent and intense contacts with offenders over extended periods of time. For community corrections

professionals, individual offenders' experiences of success or failure are more prominent in day-to-day work and opportunities to enhance supervision may be seen differently. Community corrections professionals are more concerned with the opportunities for enhanced supervision that are presented by policies such as SORN and residency restrictions, and therefore it is not surprising that they see such policies more favorably. The findings of the present study also show similarities with those of Levenson, Fortney, and Baker (2010) regarding sexual abuse treatment professionals. Treatment professionals, like community corrections professionals, have more intense, protracted interactions with sex offenders and may support a wider range of tools for treatment and containment, even if such tools have not been shown to have consistent positive outcomes.

This study does have limitations. Here, one of the important limitations is that it is likely not a random sample of community corrections professionals. While we cannot compute a response rate, as with most solicited survey participation, there are likely to be factors that influenced whether or not any particular individual took the survey. Clearly, then, the generalizability of the findings should be viewed with caution. Nevertheless, our sample is a large one, represents most of the states in the U.S., and appears to represent a wide range of individuals. Another limitation of the present study is that there may be dimensions of attitudes that we mis-specified or did not access with our survey items, even though we did include many such indications. Thus, this present study provides a good explorative evaluation upon which future research in this area should be built.

Future studies should continue to systematically examine the views and attitudes of criminal justice and public officials regarding sex offender registration and community notification. Policies that are perceived as ineffective by the officials implementing them deserve closer scrutiny, and perhaps modification or removal.

In the end, we find that community corrections professionals' views of SORN and residency restrictions are moderately supportive of such policies and based on beliefs that both SORN and residency restrictions are effective ways of reducing sexual offenses.

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Endnotes
References

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Community Corrections Professionals' Views of Sex Offenders, Sex Offender Registration and Community Notification and Residency Restrictions

Tables

Table 1.
Characteristics of Sample

Variable	Value
Sex	
Male	49.9%
Female	50.1%
Race	
White	84.4%
Non-white	15.6%
Age (mean)	46
Marital Status	
Married/Partnered	75.3%
Single	12.3%
Divorced/Separated	11.3%
Widowed	1.1%
Children	
Have children	73.3%
Have minor children	43.7%
Education	
Less than a four-year degree	5.3%
College graduate or higher	94.6%
Tenure working in community corrections (mean)	15.7
Self-identified political orientation (mean) (1=very liberal, 7=very conservative)	4.17

Table 2.

Attitudinal Characteristics of the Sample

	Strongly Agree	Agree	Disagree	Strongly Disagree
I would support sex offender housing restriction laws even if there is no scientific evidence that they are effective in preventing victimization	11.7	29.8	31.0	27.5
Laws that prevent sex offenders from living near schools, parks, or playgrounds are effective in preventing sexual victimization	11.4	39.0	35.5	14.1
I believe that sex offender registration and notification is effective in preventing sexual victimization	10.7	48.3	33.2	7.7
Sex offenders are deterred from offending because of being listed on a publicly available sex offender registry	1.2	17.4	59.6	21.8
General members of the community are deterred from sex offending because they do not want the humiliation of being listed on a publicly available sex offender registry	2.8	21.1	50.4	25.7

Table 3.

Community Corrections Professionals' Beliefs on How to Conduct Community Notification

Variable	Percentage in Support of Using Each Particular Method
Registration Lists at Law Enforcement Agencies	71.7%
Registration Lists on the Internet	84.0%
Information Provided by the Police Only Upon Request	13.7%
Mailed or Posted Flyers	32.5%
Media Releases/Announcements	31.6%
Community Meetings	29.2%
Automated Telephone Calls to Residents	15.5%
Door to Door Information by the Police	24.0%

Table 4.

What Should Be Reported on a Sex Offender Registry Registrant's Page

Registry Page Item	% (N) Supporting Item Inclusion on SOR Page
Name	94.8%
Photograph	93.9%
Fingerprints	5.5%
Home address	75.1%
With whom the offender lives	15.9%
Home telephone number	3.5%
Vehicle description	49.3%
Vehicle license plate number	33.4%
Description of offense(s)	75.8%
Work location/address	25.9%
Victim(s) name(s)	2.2%
Victim(s) age(s)	45.3%
Victim(s) gender(s)	41.9%
HIV & STD test results for the offender	13.1%

Table 5.

Community Corrections Professionals' Beliefs Regarding Appropriateness of Restricting Sex Offenders from Popular Child Congregation Locations

Location	% (N) Supporting a Residential Restriction Around
Schools	78.1%
Daycares	70.7%
Public Parks	57.7%
Fast Food Restaurants	5.8%
School Bus Stops	49.2%
Youth Athletic Fields	63.1%
Skateboard Parks	49.5%
Public Swimming Pools	51.4%
Public Restrooms	16.4%
Public Libraries	19.6%

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OJJDP FY 2011 Program Plan
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NIC's Academy and Library
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Statistical Briefing Book
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Reducing Juvenile Incarceration

Miranda

In a 5-4 ruling, the Supreme Court held that juveniles enjoy expanded Miranda protection, the famous police duty to warn suspects that they have a "right to remain silent," that the court adopted in 1966 to help guard against officers coercing confessions. Police must consider a suspect's age when deciding whether to provide a Miranda warning, Justice Sotomayor wrote for the majority. "Commonsense reality" is "that children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave," she wrote. Justices Kennedy, Ginsburg, Breyer, and Kagan joined her. The North Carolina case involves a seventh-grader who was suspected in a pair of home break-ins. A uniformed officer took the 13-year-old student, identified as J.D.B., from his middle school classroom to a conference room, where two officers and two school administrators questioned him for 30 to 45 minutes, moving from "small talk" to admonishments to "do the right thing" and warning of possible "juvenile detention before court."

J.D.B., who did not receive a Miranda warning, confessed. North Carolina courts held that J.D.B. never was in custody, and therefore no Miranda warning was necessary, WSJ reports. But the Supreme Court reversed the lower-courts' holding that J.D.B was not entitled to a Miranda warning. A child is more likely to feel pressed by the demands of adult authority figures, Sotomayor wrote, adding that this is "self-evident to anyone who was a child once himself, including any police officer or judge."

Prescription Drugs

More people are getting treatment for prescription drug abuse than a decade ago, and alcohol treatment is on the rise after declining for several years, a new government analysis shows. The report, released by the Substance Abuse and Mental Health Services Administration (SAMHSA), found that the percentage of patients treated for opiates other than heroin, such as OxyContin and other prescription drugs, rose from 1 percent of all substance abuse admissions (to both outpatient and in-patient treatment programs) in 1999 to 7 percent in 2009. These prescription drugs made up 33 percent of opiate admissions in 2009, up from 8 percent in 1999.

Missing Children

During a recent ceremony marking the U.S. Department of Justice's observance of National Missing Children's Day, OJJDP released Spanish translations of two publications related to missing children:

- *Cuando su hijo ha desaparecido: Una guía de supervivencia para la familia* (4th Edition) (NCJ 232789) is a Spanish translation of the fourth edition of *When Your Child Is Missing: A Family Survival Guide*, which provides critical advice on what families should do when a child is missing.

- *El delito del secuestro familiar: La perspectiva de hijos y padres* (NCJ 234086) is a Spanish translation of *The Crime of Family Abduction: A Child's and Parent's*

Perspective, which offers insights into how an abduction of a child by a family member affects the child and the family.

Cuando su hijo ha desaparecido: Una guía de supervivencia para la familia is available online at www.ojjdp.gov/publications/PubAbstract.asp?pubi=254882

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Suicide Toolkit

After a Suicide: A Toolkit for Schools addresses Objective 4.2 of the National Strategy for Suicide Prevention. It increases the proportion of school districts and private school associations with evidence-based programs designed to address serious childhood and adolescent distress and prevent suicide. The document was funded by American Foundation for Suicide Prevention (AFSP) and Suicide Prevention Resource Center (SPRC). SPRC is supported by a grant from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) (Grant No. 5 U79 SM57392-05). See American Foundation for Suicide Prevention and Suicide Prevention Resource Center. 2011. *After a Suicide: A Toolkit for Schools*. Newton, MA: Education Development Center, Inc. AFSP is the leading national not-for-profit organization exclusively dedicated to understanding and preventing suicide through research, education, and advocacy, and to reaching out to people with mental disorders and those impacted by suicide. See www.afsp.org

SPRC promotes the implementation of the National Strategy for Suicide Prevention and enhances the nation's mental health infrastructure by providing states, government agencies, private organizations, colleges and universities, and suicide survivor and mental health consumer groups with access to the science and experience that can support their efforts to develop programs, implement interventions, and promote policies to prevent suicide. See www.sprc.org

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Coordinating Council

Recently, Attorney General Eric Holder chaired the quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention in Washington, DC. An independent body within the executive branch, the Council works to improve the coordination of federally funded youth programs. The meeting included presentations on the intersection of school discipline and delinquency and evidence-based, non-punitive disciplinary approaches; and highlights from a dropout prevention and college access program. The Council also provided an update on its consolidated report, which addresses the Council's four priority issues: education and at-risk youth, tribal youth and juvenile justice, juvenile reentry and transition to adulthood, and racial/ethnic disparities in the juvenile justice system. See http://www.juvenilecouncil.gov

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Sexual Abuse

Attorney General Eric Holder honored 52 prosecutors, law enforcement partners, and victim advocates in 13 communities for their leadership in protecting children from sexual abuse and exploitation. Attorney General Eric Holder has made one of the department's four key priorities the protection of those most vulnerable—children, the elderly, and victims of hate crimes, human trafficking, and exploitation. See www.justice.gov/iso/opa/ag/speeches/2011/ag-speech-110519.html and www.ojjdp.gov/programs/progsummary.asp?pi=3

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Internet Crimes

The Internet Crimes Against Children Task Force Program (ICAC program) helps state and

local law enforcement agencies develop an effective response to cyber enticement and child pornography cases. The program encompasses forensic and investigative components, training and technical assistance, victim services, and community education. The program was developed in response to the increasing number of children and teenagers using the Internet, the proliferation of child pornography, and heightened online activity by predators seeking unsupervised contact with potential underage victims. The FY 1998 Justice Appropriations Act (Pub, L. No. 105–119) directed OJJDP to create a national network of state and local law enforcement cyber units to investigate cases of child sexual exploitation.

The ICAC program is a national network of 61 coordinated task forces representing over 2,000 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in proactive investigations, forensic investigations, and criminal prosecutions. By helping state and local agencies to develop effective, sustainable responses to online child victimization and child pornography, OJJDP has increased its capacity to address Internet crimes against children:

- Since the ICAC program's inception in 1998, more than 230,000 law enforcement officers, prosecutors, and other professionals have been trained in the United States and in 17 countries on techniques to investigate and prosecute ICAC-related cases.

- Since 1998, ICAC Task Forces have reviewed more than 180,000 complaints of alleged child sexual victimization resulting in the arrest of more than 16,500 individuals.

In FY 2008, ICAC investigations led to more than 3,108 arrests, over 14,339 forensic examinations, and the identification of over 1,000 real children who were victims of some form of abuse and neglect.

Juvenile Residential Facility Census

OJJDP has published "Juvenile Residential Facility Census, 2008: Selected Findings." This bulletin, part of the *Juvenile Offenders and Victims National Report Series*, summarizes 2008 data from the biannual Juvenile Residential Facility Census, which collects information about the facilities in which juvenile offenders are held—including size, structure, type, ownership, and security arrangements, as well as the number of juveniles who died in custody during the past 12 months. According to the bulletin, the number of juvenile offenders in custody dropped 12 percent from 2006 to 2008. "Juvenile Residential Facility Census, 2008: Selected Findings" is available at http://www.ojjdp.gov/publications/PubAbstract.asp?pubi=253761. Print copies can be ordered online from the National Criminal Justice Reference Service. Read other publications in the National Report Series at http://ojjdp.gov/publications/PubResults.asp?sei=86

Youth Violence

Youth violence and gang activity pose serious challenges for communities throughout the country, but local policymakers and practitioners frequently struggle to address these problems in isolation. A lack of local and national collaboration exacerbates the problems caused by gangs, violence, crime, and drugs. In the face of what has become a national epidemic, communities often find themselves on the front lines alone. President Obama launched the National Forum on Youth Violence Prevention to reduce violence, improve opportunities for youth, and encourage innovation and collaboration at both the local and federal level. During the summit, six cities presented comprehensive plans to address youth violence in their communities. The cities—Boston; Chicago; Detroit; Memphis, Tennessee; and Salinas and San Jose, California—were selected based on need, geographic diversity, and willingness and capacity to develop comprehensive plans. Each city's plan incorporates multidisciplinary partnerships, balanced approaches, and data-driven strategies. The plans acknowledge that youth violence is not a problem easily solved, focusing instead on collaboration to seize opportunities.

Serious Adolescent Offenders

OJJDP has released a fact sheet detailing findings from a study following serious adolescent offenders into early adulthood. *The Pathways to Desistance Study* is a large collaborative, multidisciplinary project that is following 1,354 serious juvenile offenders ages 14-18 for 7 years after their conviction. This study has collected the most comprehensive dataset currently available about serious adolescent offenders and their lives in late adolescence and early adulthood. The study looks at the factors that lead youth who have committed serious offenses to continue or desist from offending, including individual maturation, life changes, and involvement with the criminal justice system. The fact sheet summarizes the most important findings of the study to date: most youth who commit felonies greatly reduce their offending over time; longer stays in juvenile institutions do not reduce recidivism; in the period after incarceration, community-based supervision is effective for youth who have committed serious offenses; and substance abuse treatment reduces both substance use and criminal offending for a limited time.

Foster Care Runaways

New research from the National Runaway Switchboard suggests that youth who have had multiple foster care placements are more likely to run away from their homes than youth who have only been placed once in a foster care setting. The report, "Running Away from Foster Care: Youths' Knowledge and Access of Services," showed that most runaway youth leave within the first 6 months after being placed, and that most of these youth have run away multiple times, with 25 percent running away more than 10 times. See www.1800runaway.org and http://www.nrscrisisline.org/.

National Youth Gang Survey

OJJDP has published "Highlights of the 2009 National Youth Gang Survey." This fact sheet presents findings from the National Gang Center's 2009 National Youth Gang Survey, which collects data from a large, representative sample of local law enforcement agencies to monitor the size and scope of the national gang problem. The fact sheet discusses the prevalence of gangs in the U.S., rates of gang activity and gang homicides, and factors that may influence gang violence. See (NCJ 233581) http://www.ncjrs.gov/pdffiles1/ojjdp/233581.pdf; print copies can be ordered online from the National Criminal Justice Reference Service.

Jail Inmate Population

The jail inmate population has declined for the second consecutive year, the Justice Department's Bureau of Justice Statistics announced. The jail population declined by 2.4 percent in the 12 months ending June 30, 2010, dropping from 767,434 to 748,728. This follows a 2.3 percent decline in 2009 and is the second time the jail population has declined since BJS began the Annual Survey of Jails in 1982. In addition, the jail incarceration rate in 2010 declined to 242 jail inmates per 100,000 U.S. residents—the lowest rate since 2003. Jails, unlike prisons, are confinement facilities mainly operated by a local law enforcement agency. Jails typically hold inmates while they await court action or serve a sentence of one year or less.

The decline in jail inmates was mostly concentrated in large jail jurisdictions, or those holding 1,000 or more inmates. Among the 170 jail jurisdictions with 1,000 or more inmates on an average day, two-thirds reported a decline. Six jail jurisdictions reported a drop of more than

1,000 inmates, accounting for 46 percent of the decline nationwide. Jails were operating at 86 percent of their rated capacity at midyear 2010, the lowest percentage since 1984. The total rated capacity for all jails nationwide reached 866,974 beds at midyear 2010, up from 849,895 beds at midyear 2009, which was a two percent increase in the number of beds. In 2010, about 61 percent of jail inmates were unconvicted and being held pending arraignment or were awaiting trial or conviction. The remaining 39 percent had been convicted and were awaiting sentencing, were serving a sentence in jail, or were awaiting transfer to serve time in state or federal prison.

Children's Well-Being

The Federal Interagency Forum on Child and Family Statistics has released "America's Children: Key National Indicators of Well Being, 2011" (NCJ 235151). OJJDP is one of the 22 Federal agencies that constitute the Forum. Since 1997, the Forum has published this annual report, which provides detailed information on the welfare of children and families. This year's report provides detailed statistics about youth's family and social environment, economic circumstances, health care, physical environment and safety, behavior, education, and health. Findings from the 2011 report suggest that fewer 12th graders engaged in binge drinking, more 8th graders reported using drugs, and fewer teens died from injuries. See http://www.childstats.gov/americaschildren/index.asp. Print copies can be ordered online from the National Criminal Justice Reference Service. https://www.ncjrs.gov/App/shoppingcart/ShopCart.aspx?item=NCJ%20235151&repro=0.

OJJDP FY 2011 Program Plan

OJJDP has published its *Final Plan for Fiscal Year (FY) 2011* in the Federal Register. The Final Plan describes discretionary program activities that OJJDP intends to carry out during the current fiscal year. The Plan's development was guided by priorities of the Department of Justice set forth by the Attorney General and took into account all of the submissions received in response to OJJDP's request for comments on its Proposed Plan. See http://www.ojjdp.gov/about/FederalRegister2011ProgramPlan.pdf

National Institute of Justice

The National Research Council recently released a response to the National Academy of Sciences' National Research Council (NRC) report, *Strengthening the National Institute of Justice*. The National Research Council made recommendations regarding:

- Independence and governance.

- Strengthening our science mission.

- Research infrastructure.

- Scientific integrity and transparency.

- A culture of self-assessment.

See *National Institute of Justice Response to the Report of the National Research Council: Strengthening the National Institute of Justice* (pdf, 27 pages).

NIC Community Services Division Chief

Director Morris L. Thigpen announced that Jimmy L. Cosby has been selected as the new Community Services Division Chief at NIC. The announcement comes months after former Community Corrections Division Chief George Kaiser retired from the agency earlier this year. Cosby joins NIC after serving as Assistant Commissioner for Rehabilitative Services of the Tennessee Department of Correction. During his tenure, he was instrumental in establishing the Tennessee Reentry Collaborative. Cosby also spent several years with the Tennessee Board of Probation and Parole. He served first as Parole Officer I, II, III; Parole Officer Manager; and Regional Director before becoming State Director, where he was responsible for the supervision of the Division of Field Services.

NIC's Academy and Library

Recently, staff of the NIC Academy Division and the contents of the Robert J. Kutak Memorial Library moved to a new location in Aurora, Colorado. The move garnered more space for NIC's regular classroom-based training in addition to modern training equipment and increased space for the library. "The new building is like a community college environment," says Steve Swisher, Correctional Program Specialist at NIC. "It promotes the exchange of ideas and gives people ample opportunity to maximize their learning." Students will have access to both traditional and new technologies, like video conferencing and Internet connectivity. Students will also be able to access all the resources and materials found in the NIC library collection. Still available are the vast troves of corrections research, manuals, reports, and training materials that were found in the previous location. In addition, the new space includes larger work areas for visitors and new, modern technologies with which to access information.

Teen Alcohol Use

Following a decade of steady declines, a new national study released recently by The Partnership at Drugfree.org and MetLife Foundation indicates that teen drug and alcohol use is headed in the wrong direction, with marked increases in teen use of marijuana and Ecstasy over the past three years. The 22nd annual Partnership Attitude Tracking Study (PATS), sponsored by MetLife Foundation, affirms a disturbing trend that has emerged among American teens since 2008 and highlights that as underage drinking becomes more normalized among adolescents, parents feel unable to respond to the negative shifts in teen drug and alcohol use. According to the three-year trend confirmed in this year's 2010 PATS data, there was a significant 67 percent increase in the number of teens who reported using Ecstasy in the past year (from 6 percent in 2008 to 10 percent in 2010). Similarly, past-year marijuana use among teens increased by a disturbing 22 percent (from 32 percent in 2008 to 39 percent in 2010). The new data underscore alarming patterns in early adolescent alcohol use and found that teens view drinking alcohol—even heavy drinking—as less risky than using other substances.

Statistical Briefing Book

OJJDP's online *Statistical Briefing Book* (SBB) offers easy access to a wealth of information about juvenile crime and victimization and about youth involved in the juvenile justice system. Developed for OJJDP by the National Center for Juvenile Justice, the SBB provides timely and reliable answers to questions OJJDP most frequently receives from media, policymakers, and the general public. The SBB was recently updated with the latest available data on juvenile court statistics, the Census of Juveniles in Residential Placement, the National Disproportionate Minority Contact Databook, child maltreatment, state and county juvenile court case counts, and more. See www.ojjdp.gov/ojstatbb/

Math Classes

Three thousand high schools in the U.S. serving nearly half a million students had no Algebra 2 classes in the 2009-2010 academic year, and more than two million students in about 7,300 schools had no access to calculus classes, according to the U.S. Department of Education. Study data detail the unequal resources available to the poorest and neediest students. Data also showed:

- Schools serving mostly African American students are twice as likely to have teachers with one or two years of experience as are schools within the same system that serve mostly white students.

- Only two percent of students with disabilities are taking at least one Advanced Placement class.

- Students with limited English constitute 15 percent of students for whom algebra is the highest-level math course taken by their final year of high school.

Remorseless Children

Children who display a lack of emotions such as guilt and remorse often go on to develop severe behavioral problems such as fighting, lying, and stealing, according to a study conducted at Indiana University in Bloomington. The study drew on reports from the parents and teachers of roughly 9,500 twins born in England in the mid-1990s, tracking them at ages seven, nine, and 12. The most worrisome group of children identified in the study—about five percent—rated high on a scale of what psychologists call "callous-unemotional traits" at age seven, then continued to exhibit a disturbing lack of normal emotions through age 12. These children were also at highest risk for destructive, antisocial behavior, including bullying and having trouble making friends. About 80 percent of these high-risk kids were boys. However, another group of 7-year-olds—13 percent of those in the study—who initially rated high on the scale of emotional problems improved significantly. By age 12, they displayed a wider range of normal emotions, including remorse.

Sleep Time

Television, video games, cell phones, and computers might be stealing valuable sleep time from Americans, according to a study conducted by the National Sleep Foundation. Ninety-five percent of people surveyed said they used an electronic device before going to bed. Researchers say that using video games, texting, or watching TV stimulates the brain, making it harder to get to sleep. The study found 13-to-18-year-olds to be the most sleep-deprived group.

U.N. Study

The U.N. agency UNICEF released its annual "State of the World's Children" report, focusing in 2011 on the plight of the world's 1.2 billion adolescents (those ages 10-19), 88 percent of whom live in the developing world. According to the report, almost half of those old enough for secondary school are not able to attend, while tens of millions live without adequate health care and nutrition.

Supportive School Discipline Initiative

At the quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention, Attorney General Eric Holder and Secretary of Education Arne Duncan announced the creation of the Supportive School Discipline Initiative. The Initiative is a collaboration between the two agencies that hopes to target the school disciplinary policies and in-school arrests that push youth out of school and into the justice system, also known as the school-to-prison pipeline. The meeting also included presentations on federal strategies to increase youth and family engagement in the juvenile justice system and recommendations for action from the final consolidated report of the Council's issue teams. See http://www.justice.gov/opa/pr/2011/July/11-ag-951.html and a recent research report on the school-to-prison pipeline from the Council of State Governments, at http://knowledgecenter.csg.org/drupal/system/files/Breaking_School_Rules.pdf. For further information, visit the Coordinating Council's website at www.juvenilecouncil.gov

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Data Book

According to data released by the Annie E. Casey Foundation in its 2011 *KIDS COUNT® Data Book*, over the last decade there has been a significant decline in economic well-being for low-income children and families. Data also reveal the impact of the job and foreclosure crisis on children. In 2010, 11 percent of children had at least one unemployed parent and 4 percent have been affected by foreclosure since 2007.

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Indian Alcohol Abuse

Recently, Health and Human Services Secretary Kathleen Sebelius, Interior Secretary Ken Salazar, and Attorney General Eric Holder signed a memorandum of agreement to combat alcohol and substance abuse among American Indian/Alaska Native tribes by establishing an office within the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration. The new Office of Indian Alcohol and Substance Abuse, created as a result of the passage of the Tribal Law and Order Act of 2010, will coordinate the efforts of American Indian and Alaskan Native communities and federal agencies to address alcohol and substance abuse. As part of its substance abuse efforts, the Office of Indian Alcohol and Substance Abuse will emphasize programs geared toward reaching youth and offering alternatives to incarceration. See www.samhsa.gov/tloa/. To read the memorandum of agreement, visit www.samhsa.gov/tloa/docs/moa.pdf

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Child ID Mobile App

The FBI has launched its first mobile application—the Child ID App. This free mobile app provides a convenient place to electronically store photos and vital information about one's children that can be easily provided to authorities if a child goes missing. The app allows users to send information—including pictures or other physical identifiers such as height and weight—to authorities with a few clicks. It also provides tips on keeping children safe and guidance on what to do in the first few crucial hours after a child goes missing. The Child ID App is currently available for use on iPhones and can be downloaded for free from the App Store on iTunes. The FBI is planning to expand the tool to other types of mobile devices in the near future. See www.fbi.gov/news/stories/2011/august/child_080511. The FBI's new Child ID App can be downloaded for free from the App Store on iTunes at itunes.apple.com/us/app/fbi-child-id/id446158585?ls=1&mt=8.

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Underage Drinking in the Air Force

OJJDP has released "Reducing Drinking Among Underage Air Force Members in Five Communities." The bulletin describes the early findings of an evaluation of OJJDP's Enforcing Underage Drinking Laws (EUDL) initiative in five Air Force communities. Authors compare rates of drinking in the five communities to comparison groups and to the Air Force overall. The bulletin is the first in a series OJJDP is producing on underage drinking, which will highlight the dangers of underage drinking and provide guidelines for policy and practice. NCJ 232616 is available at www.ojjdp.gov/publications/PubAbstract.asp?pubi=254704

Prison Closings

The Sentencing Project has released "On the Chopping Block: State Prison Closings." The report finds that at least 13 states have closed or are considering closing correctional facilities this year, reversing a 40-year trend of prison expansion. These closings will reduce prison capacity by over 13,900 beds. Leading the nation are New York State, which is considering a reduction of 3,800 beds, and Texas, with plans for a decline of 2,139 beds. Other states that are closing prisons are Colorado, Connecticut, Georgia, Michigan, Florida, Nevada, North Carolina, Oregon, Rhode Island, Washington, and Wisconsin. The full report, "On the Chopping Block: State Prison Closings," includes a comprehensive chart on state closings.

Gangs

OJJDP recently released *Highlights of the 2009 National Youth Gang Survey*. Since 1996, the National Gang Center, through the National Youth Gang Survey (NYGS), has collected data annually for the survey from a large, representative sample of local law enforcement agencies to track the size and scope of the national gang problem. Based on law enforcement reports, in 2009:

- There were an estimated 28,100 gangs and 731,000 gang members throughout 3,500 jurisdictions nationwide.

- The prevalence rate of gang activity increased to 34.5 percent from 32.4 percent in 2008.

- Sixty-six percent of the 167 responding cities with populations of more than 100,000 reported a total of 1,017 gang homicides.

The fact sheet contains a trend analysis that reveals several distinctive patterns in the prevalence of gang activity over the 14-year survey period:

- A peak in reported gang activity in 1996.

- A sharp decline nationwide throughout the late 1990s.

- A sudden upturn beginning in 2001 that continued until 2005, almost reaching the high level observed in 1996.

- A leveling off thereafter.

Over the 8-year period from 2002 to 2009, the number of jurisdictions with gang problems and the number of gangs increased more than 20 percent, while the number of gang members averaged approximately 750,000. Closer examination of the data covering this period has revealed some important findings on the seriousness of gang activity:

- Gang-related homicides remain highly concentrated in the most populated jurisdictions, with larger cities and suburban counties accounting for more than 96 percent of all gang-related homicides recorded in the NYGS in 2009.

Gang-related homicides are up in larger cities with populations greater than 100,000—a 7 percent increase from 2005 to 2009, and an 11 percent jump from 2008 to 2009.

In sum, gangs and their activities remain a serious concern for law enforcement agencies and the public in many jurisdictions across the United States. This new national data reveals that gang violence rates have continued at exceptional levels over the past decade. To read *Highlights of the 2009 National Youth Gang Survey*, visit the OJJDP at https://ncjrs.gov/pdffiles1/ojjdp/233581.pdf. A more detailed trend analysis of gang activity over the past decade is available on the National Gang Center's website at http://www.nationalgangcenter.gov/Content/Documents/Bulletin-6.pdf

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Training Needs of Law Enforcement

The International Association of Chiefs of Police has published "Juvenile Justice Training Needs Assessment: A Survey of Law Enforcement." The report includes findings from a survey of law enforcement officers across the nation, which identifies the challenges and training needs they face when working with juvenile crime, delinquency, and victimization. Results describe data on department training budgets and needs, juvenile justice operations, and the most pressing juvenile justice issues for the jurisdictions included in the survey. See www.theiacp.org/LinkClick.aspx?fileticket=8mQmAuMfBI4%3d&tabid=225

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CrimeSolutions.gov

OJP recently launched the website, CrimeSolutions.gov. The website is a resource to help practitioners and policymakers understand what works in justice-related programs and practices. It includes information on more than 150 justice-related programs and assigns ratings that indicate whether a program achieves its goals. Office of Justice Programs Assistant Attorney General Laurie Robinson said, "CrimeSolutions.gov helps us take a 'smart on crime' approach that relies on data-driven, evidence-based analysis to identify and replicate justice-related programs that have shown real results in preventing and reducing crime and serving crime victims." See http://www.ojp.gov/newsroom/pressreleases/2011/OJP11105.htm

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Tribal Youth

"Tribal Youth in the Federal Justice System," co-sponsored by OJJDP and the Bureau of Justice Statistics, is now available online at http://www.urban.org/uploadedpdf/412369-Tribal-Youth-in-the-Federal-Justice-System.pdf. The report describes findings from a study that explored issues surrounding American Indian youth who are processed in the federal justice system, using data from the Federal Justice Statistics Program collected between 1999 and 2008 and interviews with tribal and federal officials. Specifically, the report discusses the prevalence, characteristics, and outcomes of these youth at each stage of the justice system. See www.urban.org/publications/412369.html and read a summary of the report at www.bjs.gov/content/pub/pdf/tyfjs.pdf. Read the full report at www.urban.org/uploadedpdf/412369-Tribal-Youth-in-the-Federal-Justice-System.pdf

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National Institute of Corrections

NIC provides training in a number of corrections disciplines at no cost. Opportunities are available for agencies to host these trainings in their facility. As a host agency, your primary role would be to provide training space and the audiovisual equipment for the training rooms as

necessary. Participants will be required to provide their own food, lodging, and transportation. All corrections partners, including corrections training academies, colleges and universities, departments of corrections, and sheriff's departments, are encouraged to apply. NIC is looking for host sites all over the country. Courses still available include "Conducting Security Audits," "Prison Emergency Preparedness," and "Management Development for the Future," among others. For "Jail Resource Management," contact Erika McDuffe. For all others, see http://nicic.gov/Partnership

Teen Survey

For the first time, CASA Columbia's 2011 annual teen survey explores teen social network use in relation to teen substance abuse. The survey finds that teens ages 12-17 who spend any time in a typical day on social networking sites like Facebook and Myspace, or who have seen pictures on social networking sites of kids getting drunk, passed out, or using drugs, are likelier to smoke, drink, or use drugs. The CASA Columbia survey also looks at the relationship between teens viewing suggestive teen programming and cyber bullying and how they can increase the likelihood of teen substance abuse. For media inquiries, please contact Lauren Duran at lduran@casacolumbia.org or 212-841-5260, or Sulaiman Beg at sbeg@casacolumbia.org or 212-841-5213

Juvenile Transfer Laws

OJJDP has published, "Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting." In the 1980s and 1990s, legislatures in nearly every state expanded transfer laws that allowed or required the prosecution of juveniles in adult criminal courts. This bulletin, which is part of the Juvenile Offenders and Victims National Report Series, provides the latest overview of state transfer laws and practices and examines available state-level data on juveniles adjudicated in the criminal justice system. See (NCJ 232434) www.ncjrs.gov/pdffiles1/ojjdp/232434.pdf.

Reducing Juvenile Incarceration

Recently, the Annie E. Casey Foundation released "No Place for Kids: The Case for Reducing Juvenile Incarceration." The report makes the case for states that have substantially reduced their juvenile correctional facility populations in recent years and details how these states have seen no resulting increase in juvenile crime or violence. The report also highlights successful reform efforts from several states and recommends ways that states can reduce juvenile incarceration rates and redesign their juvenile correction systems to better serve young people and the public. This report is part of the Casey Foundation's efforts to catalyze a more coordinated national movement to reform juvenile corrections that results in less crime and more successful futures for America's young people. See www.aecf.org/noplaceforkids

Lights On

OJJDP announces its support of the annual "Lights on Afterschool" event. More than 7,500 communities nationwide participate in the event, which is held to raise awareness of the importance of afterschool programs and the positive role they can play. Studies have shown that children participating in afterschool programs demonstrate increased school attendance and enhanced academic achievement. Afterschool programs also reduce juvenile offending, while promoting public safety and positive child development. See

At-Risk Youth

The Administration for Children and Families (ACF) has released the report, "Synthesis of Research and Resources to Support At-Risk Youth." The report provides the latest research on the risk factors these youth face, highlights their needs, and describes how ACF and community programs have helped serve them. It then discusses how programs can be better designed to meet at-risk youth's needs in the future. See.
www.acf.hhs.gov/programs/opre/fys/youth_development/reports/synthesis_youth.pdf

Residential Facilities

(NCJ 234936) OJJDP provides information about how facilities can ensure that youth receive the supports and services they require as they experience the disruptions that emergencies inevitably cause. This document is the first comprehensive planning guide to address the specific needs of children, youth, and families involved in the justice system during an emergency. It emphasizes the importance of ongoing communication and collaboration with community partners in the emergency planning process. The document provides step-by-step guidance to help ensure the efficient continuation of operations during an emergency, the reduction of risk to the physical plant, and the safety and well-being of the youth and staff who live and work in the nation's juvenile justice residential facilities.

Violence Publications

OJJDP has released two new bulletins from its National Survey of Children's Exposure to Violence (NatSCEV) series and a fact sheet on the survey. "Polyvictimization: Children's Exposure to Multiple Types of Violence, Crime, and Abuse" focuses on polyvictimization, which is defined as having experienced multiple victimization of different kinds, such as sexual abuse, physical abuse, bullying, and exposure to family violence. "Children's Exposure to Intimate Partner Violence and Other Family Violence" explores in depth the NatSCEV results regarding exposure to family violence among children in the United States, including exposure to intimate partner violence, assaults by parents on siblings of children surveyed, and other assaults involving teen and adult household members. OJJDP also released a fact sheet that outlines the survey's objectives and key features, how the research team measured exposure to violence, and plans for follow-up surveys and publications. NCJ 235504 is available online at http://www.ojjdp.gov/publications/PubAbstract.asp?pubi=257485. Print copies can be ordered online from the National Criminal Justice Reference Service and (NCJ 232272) http://www.ojjdp.gov/publications/PubAbstract.asp?pubi=254358. Print copies can be ordered online from the National Criminal Justice Reference Service. "Questions and Answers About the National Survey of Children's Exposure to Violence" (NCJ 235163) is available online at http://www.ojjdp.gov/publications/PubAbstract.asp?pubi=257139. Print copies can be ordered online from the National Criminal Justice Reference Service.

Poor Kids

Hispanics now make up the largest group of children living in poverty, the first time in U.S. history that poor white kids have been outnumbered by poor children of another race or ethnicity, according to the Pew Hispanic Center. The study reveals that 6.1 million Hispanic children are poor, compared with 5 million non-Hispanic white children and 4.4 million black

children. Pew reported that Hispanic poverty numbers have soared because of the impact of the recession on the growing number of Latinos. The rise in childhood poverty is another signal of distress for the nation's 50.5 million Hispanics.

PACER Center Publications

PACER Center has published several new resources for parents of young children with disabilities from diverse cultures. *The Early Childhood Transition Guidebook* is now available in Spanish and Somali. The guidebook helps parents understand the process that guides their child's transition from infant and toddler intervention services to other early childhood services at age three and includes strategies to use for successful transition. *Making the Move from Preschool to Kindergarten* is a handout available in English, Somali, Spanish, and Hmong. It offers a checklist for parents whose children are transitioning from special education preschool services into kindergarten. *Let's Talk & Count* is a resource with activity cards and is a fun and easy way for parents to help children be ready for reading and math. It is available in English, Hmong, Spanish, and Somali. See PACER.org/publications/EarlyChildhood.asp

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YOUR BOOKSHELF ON REVIEW

Mental Health

Mental Health and Crime

By Jill Peay. New York, NY: Routledge, 2011.
$125.00, 228 + xvi pages.

The Crisis Intervention Team (CIT) Model of Collaboration between Law Enforcement and Mental Health

By Michael T. Compton, Beth Broussard, Mark Munetz, Janet R. Oliva, and Amy C. Watson. Hauppauge, NY: Novinka/ Nova Science Publishers, Inc, 2011.
$38.50; 80 + x pages.

REVIEWED BY RUSS IMMARIGEON
HILLSDALE, NEW YORK

Controversy has long accompanied the relationship between crime and mental health, or mental health and crime, as it is put in the title of Jill Peay's in-depth examination of these matters. One has only to consider the M'Naghten Rules of 1843 establishing mens rea (guilty mind) as necessary for assessing the relationship between insanity and criminal responsibility. This is a relationship that is not entirely settled even today.

In *Mental Health and Crime*, Jill Peay, who has written widely and internationally on this topic, reports the results of a 10-year writing project. As a professor of law at the London School of Economics and Political Science, she has the time and space to conduct her work. She is knowledgeable about her subjects. But their complexities can at times overwhelm her perspective. Reading through this volume is a rich but rough experience; one wishes for a clearer presentation.

Peay outlines a comprehensive agenda. Individual chapters cover the general relationship between mental health and crime, definitions of crime and mental disorder, the types of crimes that color the relationship between the two, violence and the mentally ill, symptoms and causality, human rights and mentally ill offenders, mental disorder and detention, the relationship between penalty and therapeutic detention, medical treatment, the interplay between punishment and responsibility, the interplay between culpability and treatment, dangerousness and severe personality disorder, and fitness to plead.

Peay's ruminations are within the context of British law and practice, but much of her discussion also fits easily with American practice. Perhaps the biggest obstacles to a perfect fit

are differences in the penal terms of conviction or diversion in Great Britain and the U.S.

Peay explores, for example, the "impossible paradoxes" that engulf the important matter of treating mentally ill offenders for the nature of their offenses or the nature of their behavioral condition or state of mind: the differing advantages of being treated in hospital or in prison for a mental health condition; and the physical health disadvantages of being held in hospital or in prison. She notes a general paradox that is nonetheless troubling: the "double discrimination" of a policy or practice that combines therapeutic and penal approaches: "Offender-patients who go to hospital on the basis of their mental health needs may end up staying much longer in hospital than would ever have been merited by a proportionate sentence for their offending behavior; and if they 'recover' from their mental disorder, they may end up staying in hospital on the basis of the predictions made about their likely future offending, meaning that they may stay longer than the original therapeutic detention would have justified."

Whether they have low or high levels of incapacity, Peay concludes, mentally ill persons involved with nominally criminal activity never "fully escape the consequences of their actions." Both the criminal justice and mental health systems have difficulty seeking balance between diagnosing particular conditions and determining specific degrees of culpability. As she notes, "The fact that criminal culpability is assessed at one point in time, and on the basis of a high threshold, will make for an uncomfortable fit with the diagnosis of mental disorder; mental disorder is more obviously long-term in its presentation, albeit that this may vary considerably in severity and form over time." The challenge concerns "a better fit between the two."

Peay observes that some have recommended that "when the terms of DSM-V are finally agreed it should be recognized that there are gradations within disorders: not all of those experiencing only some of the symptoms, or some of the symptoms but to an insufficient degree, should be given the label of the diagnostic category. And if there are gradations, there may be gradations within the alleged link between mental disorder and crime, making the relationship even more complicated than it is perhaps by some currently understood to be."

As Peay says at one point, in one of her clearer statements, "None of this is easy." Easy, of course, is what we hope day-to-day practice will be, although it never really is. Not surprisingly, then, there has been a steady beat over the past four decades to reform specific practices.

The use of Crisis Intervention Teams (CIT) is one consequence of this trend, in this case affecting the performance of police officers in their interactions with mentally ill law violators or arrestees. Increasingly over the past decade, CIT, which originated within law enforcement practices, have expanded into corrections practice, especially at local jails around the United States. Corrections-based CIT will undoubtedly expand further, aided not only by three National Institute of Corrections training workshops that were held this past year, but also by local and regional seminars and networking. At the moment, however, police-based practices remain important for corrections agencies and staff because they provide important history, intervention principles, operating procedures, evaluation results, and "lessons learned" for jail (and prison) personnel investing themselves in the practice.

Introducing his slim volume on this topic, Michael S. Woody (President, CIT International, Inc.) notes the need for such corrections-based intervention: "Unfortunately," he says, expressing a common but important observation, "our jails and prisons have become the new mental institutions, housing thousands of persons with serious mental illnesses. So, in reality, psychiatric nurses have been replaced with law enforcement officers whose training and expertise is much different. And those persons with mental illness incarcerated instead of receiving proper treatment for their disorders serve longer sentences as they tend to break the rules more often due to their illnesses."

The Crisis Intervention Team (CIT) Model of Collaboration between Law Enforcement and Mental Health consists of five parts with a baker's dozen of chapters. In the first part, academics Michael T. Compton, Beth Broussard, Mark Munetz, Janet R. Oliva, and Amy C. Watson, all actively involved with national and international CIT conferences, describe pre-booking and post-booking models of collaboration between law enforcement and mental health. In the second part, they describe the history, development, and examples of CIT. Part three presents the ongoing, operational, and sustaining elements of the CIT model. Part four reports

results of officer-level, subject-level, disposition-related, and community- and systems-level research. In the last part, Compton et al. discuss unresolved controversies and various barriers and challenges facing CIT work.

Compton et al. open with descriptions of three pre-booking CIT models: police-based specialized mental health responses, mental health-based specialized mental health responses, and police-based specialized police responses. They also describe four post-booking CIT models: drug courts, mental health courts, probation- or parole-based mental health programs, and forensic assertive community treatment. The organization and specific actions of these models differ, but they share a focus on resolving crisis situations and making referrals to appropriate community-based mental health resources. These models are also collaborative and aimed at diverting or displacing mentally ill persons from jail or prison. Also central to their mission is locating employment and housing for these offenders.

CIT started less than 15 years ago, with a healthy connection to the deinstitutionalization movement of the 1960s. Family members were critically important:

> Family members believed that (police) officers lacked sensitivity, did not understand mental illnesses or the nature of mental health crisis, and therefore made the situation worse. Not only were family members reluctant or afraid to request assistance from the police, but those individuals with mental illnesses who were victims of crime had also become fearful of calling the police for help. As a result of sheer desperation, family members of these individuals initiated a mission for police change, becoming proactive by meeting with law enforcement administrators, county officials, and city council members.

The development of corrections-based CIT is a story needing to be told, but this realm may be driven more by internal than external initiatives. But corrections-based CIT shares at least some common ground with its law enforcement predecessors. Despite the apparent law enforcement emphasis in this volume, Compton et al. highlight probation- and jail-based operations, including those in Connecticut and Maine.

Compton et al. feature the core ongoing, operational, and sustaining elements of the CIT model, which include the following:

- Law enforcement, advocacy, and mental health partnerships;
- Community planning, implementation, and networking;
- Development of policies and procedures;
- Training police (and jail) officers, dispatchers, and coordinators;
- Emergency mental health services;
- Evaluation research;
- In-service training;
- Recognition and honors; and
- Expanding CIT to other communities.

Research evaluation is a critically important aspect of CIT development. In this regard, Compton et al. are among the leading researchers (there are not that many) of CIT initiatives, especially law enforcement-related efforts. In this volume, they briefly note findings about officer-, subject-, disposition-, and community-related concerns.

Collectively, the authors note that "early research provides preliminary support for the effectiveness of CIT." Regarding one domain, Compton et al. note,

> Many of the components of the CIT model are consistent with providing more procedurally just responses to persons with mental illness. CIT officers are trained in de-escalation skills, which include active listening and allowing the person an opportunity to voice what he or she is experiencing. CIT officers volunteer for the

program, so in theory, they have an interest in and willingness to handle mental health crisis calls. This, combined with training-related improvements in officers' attitudes about persons with mental illnesses, may result in officers responding in a more dignified and genuinely caring manner.

The authors add, "Consistent with procedural justice theory, this should allow CIT officers to more safely and effectively respond and gain cooperation in crisis situations."

Still, with less than 15 years of experience, law enforcement- and corrections-based CIT is young and energetic, with much to learn. Compton et al. conclude this briefing with a few challenges and controversies facing those interested in carrying out this work: training limitations and insufficiencies; tensions concerning placement of efforts in law enforcement (or corrections) versus community mental health settings; the extent of training within agencies or departments; tensions between those who volunteer and those who are assigned to CIT duties; inadequacies in the training of dispatchers (and presumably others); limits in the availability of psychiatric services, particularly in rural areas; and, finally, the costs of implementing and maintaining a CIT initiative.

This volume ends with a valuable bibliography, and a useful index.

For copies, contact Routledge, c/o Taylor & Francis, Inc., 7625 Empire Dr., Florence, KY 41042-2919, (800) 634-7064, (website) www.taylorandfrancis.com or Novinka/Nova Science Publishers, Inc., 400 Oser Ave., Suite 1600, Hauppauge, NY 11788-3619, (631)231-7269, (website) www.novapublishers.com

Convicts on the Rock

Alcatraz—The Gangster Years

By David Ward with Gene Kassebaum. Berkeley, Los Angeles, California: The University of California Press, 2009,
548 pp., $36.95 (hardback).

REVIEWED BY TODD JERMSTAD
BELTON, TEXAS

Alcatraz is probably the most famous prison in United States history. Three factors are primarily responsible: its location, a five-acre island of rock in a harbor overlooking one of the most beautiful cities in the world; its "clientele," some of the most infamous criminals in our country's history; and its reputation for being the toughest prison in the federal system. Although Alcatraz had a relatively short life as a federal prison, existing only from 1934 to 1963, legends have swirled around what actually took place inside its walls and Alcatraz retains its hold on America's imagination, as movies, documentaries, and books still regularly appear about the prison and the public flocks for tours of a national park that was formerly known as the "Rock."

David Ward, professor emeritus of Sociology at the University of Minnesota, along with Gene Kassebaum, professor emeritus of Sociology at the University of Hawaii, have written a fascinating and very informative book about the years in which Alcatraz held some of the most famous "public enemies" of the 1920s and 1930s. Those years—from 1934 to 1948—are known as the "gangster years."

This book consists of 14 chapters divided into three parts with a preface, introduction, and epilogue. The book also has a section of notes, a bibliographic commentary, and an index. In their research fort this book, the authors enjoyed the cooperation of several former directors of the Federal Bureau of Prisons, unrestricted access to a wealth of archival materials regarding the operation of Alcatraz and inmate records, and the opportunity of personally interviewing former inmates and staff of the prison.

Alcatraz was established in controversy and it remains controversial to this day. One reason is

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JUVENILE FOCUS

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

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Violence Publications

of past crimes involving another inmate, even when doing so would cut the amount of time the inmate would have to stay at Alcatraz.

Most surprising are the authors' findings about what happened to these inmates when they were eventually released from prison. Conventional wisdom at the time predicted that, if anything, persons incarcerated at Alcatraz "would return to their old ways or, perhaps more likely their mental health would be so damaged they would have trouble adjusting to imprisonment in other penitentiaries, much less life in the free world." This notion was held by prison officials, criminologists, the public, and even inmates, and still carries over today. Nevertheless the authors' research indicated quite the opposite.

Based on a University of Minnesota study, the authors assert that virtually half of the inmates imprisoned at Alcatraz from 1934 to 1963 stayed out of prison after being released. Moreover, the authors show that almost two-thirds of those confined during the gangster years managed to "succeed in building productive lives in the free world after years of imprisonment under the harshest conditions the federal government could devise." In addition, offenders with the lowest expectations to succeed—those classified at that time as a "menace to society"—succeeded at a much higher rate than those who were classified as only "occasional" offenders or "victims of temptations." Finally, the authors found that the number of disciplinary infractions incurred while confined at Alcatraz was not a good indicator of future recidivism. Inmates who were cited numerous times for misconduct were actually less likely to return to prison once released in the free world than those who had no or few conduct reports.

How do the authors explain their findings? Part of the explanation is that many of the inmates who had been held on Alcatraz were only released from prison when they were in their 40s or older. Thus the common determinant of aging as a reason for a lower recidivism rate played a part in these findings. Moreover, inmates who got closer to a release date and therefore had more to lose if their credit for good conduct was forfeited were far more likely to be compliant than those inmates more recently imprisoned and facing long years of confinement. Nevertheless, the authors do believe that the monastic atmosphere of Alcatraz, those long periods when inmates were alone and had plenty of time to think about their lives and what a life of crime had led to, had a profound impact on many of the inmates. Finally the authors state that those inmates who established strong social bonds on the outside, either with a family member, a wife or girlfriend, or a mentor were much less likely to reoffend after being released from prison.

The authors end their book by linking the purpose behind the establishment of Alcatraz in the 1930s with the new model for supermax prisons that have arisen since the 1970s and 80s. The authors note that when Alcatraz was closed in 1963 it was widely viewed as a relic of an "outdated penal philosophy." This did not prove to be the case. Instead the authors state that Alcatraz was the precursor to an institution "devoted to the total control of prisoners." However, while these new supermax prisons followed the model of Alcatraz in isolating inmates, they were established in response to new prison conditions, such as inmate on inmate assaults, gang violence, and the consequences of the war on drugs, conditions that prison authorities in the 1930s and 40s seldom had to address.

This book is a fabulous read and harkens back to an era when policy-makers, prison officials, criminologists, and the public could engage in a serious debate about the mission of prisons, the purpose of incarcerating criminals, and whether and how prisons should be crafted to reflect the ideals of this nation. These authors plan to write a second book about Alcatraz, one that deals with the post-World War II era. In this subsequent book the political and social climate of the times and demographics of the prison population being held at Alcatraz will change. Alcatraz will then more closely relate to prison concerns of today than to those that existed when Alcatraz was first established.

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Federal PROBATION
a journal of correctional philosophy and practice

Endnotes

Juvenile Probation Officers: How the Perception of Roles Affects Training Experiences for Evidence-Based Practice Implementation

1. Acknowledgements: This study was funded by the National Institute on Drug Abuse, R01 DA18759 (Taxman, PI). All opinions are those of the authors and do not represent the opinions of the National Institute on Drug Abuse or any governmental agency. We would also like to thank Carolyn Watson and Elizabeth Manus for their efforts on this study.

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Effective Supervision Strategies: Do Frequent Changes of Supervision Officers Affect Probationer Outcomes?

1. Administrators also cite convenience and reduced travel expense for the offender.

2. Technical violations of probation account for a significant proportion of prison beds in Texas. This brings into question the role of officer discretion versus adherence to hard-line rules regarding handling of technical violations of supervision.

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Implementing a Diversion-to-Treatment Law in California: Orange County's Experience

1. This research was partially funded by National Institute of Justice Dissertation Research Grant, 2007-IJ-CX-0031. The full report can be found at:
http://hssfaculty.fullerton.edu/pscj/cgardiner/Gardiner_Diss_Prop36.pdf

2. This study is based on in-depth interviews with four of the six initial core group members (the HCA member had retired and couldn't be contacted and the District Attorney's Office declined to participate) and more than 60 other criminal justice professionals in Orange County, California.

3. Not his real name.

4. There was also a separate, "official PROP36 oversight committee" that acted as an advisory board only and was not a decision-making body. This was a requirement set by the California Department of Alcohol and Drug Programs.

5. It is also possible that the Orange County Peace Officers' Association had a representative as well. Stakeholders interviewed recalled non-OCSD law enforcement officers at some of the meetings but could not recall which organization (police department or union) they represented. Stakeholder memories were hazy and records of who attended meetings were not available.

6. The parole representative was a military reservist who was called to active duty shortly after the 9.11.01 terrorist attacks. Unfortunately, this was essentially the end of parole's involvement in the process.

7. I have chosen to put the tasks in numerical order for organization purposes only. In reality, these tasks were addressed simultaneously.

8. Eventually the state organized semi-annual technical training conferences to bring practitioners together to share ideas and experiences.

9. This was a huge problem for many counties throughout the state.

10. Proposition 36 is currently an unfunded mandate. Money completely ran out in 2009-2010.

11. Orange County was not alone in this situation, and under-treatment has been cited as a reason for higher than expected recidivism rates amongst PROP36-era probationers statewide (Urada et al., 2007).

12. In such cases, the sentencing county assumes financial responsibility for supervision costs.

Community Corrections Professionals' Views of Sex Offenders, Sex Offender Registration and Community Notification and Residency Restrictions

1. We are unable to calculate a response rate because no statistics were kept regarding the number of invitations distributed. This is because the Association itself distributed the newsletter and did the email blasts and there is no indication about how much overlap there is between these two groups. However, based on the demographic statistics presented in Table 1, there is no reason to believe this is not a representative sample of American community corrections professionals.

Judge-Involved Supervision Programs in the Federal Courts: Summary of Findings From the Survey of Chief United States Probation Officers

1. The Center, in cooperation with the Administrative Office of the U.S. Courts' Office of Probation and Pretrial Services, is conducting a two-pronged study of the operational

aspects, outcomes, and cost-effectiveness of judge-involved reentry programs, including an evaluation of their effectiveness in comparison to other offender supervision approaches that may require less intensive use of judicial resources. In addition to the process-descriptive assessment of already-established programs of which this survey is a part, the study also includes a multi-year effort to implement an experimental design, with random assignment, in five districts with new or relatively new programs: California Central, Florida Middle, Iowa Southern, New York Southern, and Wisconsin Eastern.

2. The Center surveyed probation chiefs in 2008 to see if they had programs modeled after drug or reentry courts, and both the Office of Probation and Pretrial Services and the Center's Education Division maintain program contact lists.

3. Although the survey was titled "2010 Reentry Program Survey of Chief Probation Officers," it in fact included all judge-involved supervision programs, regardless of the target population.

4. Supra Note 1.

5. J. Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry, The Urban Institute Press*, Washington, DC (2005), xxi.

6. In the federal system, "supervised release" is a separate sentence that may be imposed by the sentencing court to follow a term of imprisonment. Supervised releasees, who are under the jurisdiction of the court, are therefore the focus of federal reentry programs. There are also a small number of parolees, sentenced before federal parole was abolished in 1987, who are received from prison for supervision each year. Parolees are supervised by federal probation officers, but fall under the jurisdiction of the United States Parole Commission—an executive branch agency—rather than the court. As such, they are generally excluded from judge-involved supervision programs.

7. Significance was tested with the chi-square statistic. Given the small number of programs and the relatively large number of chi-square analyses performed, a result is reported as significant only if the significance level of the chi-square statistic reached the .01 level or beyond. Differences at or beyond the .05 level are reported as "tendencies."

8. The RPI is a risk assessment device developed by the Federal Judicial Center and used since 1997 by the federal probation system to determine the general risk level of offenders received for probation or supervised release supervision.

9. The differences across all program types are not significant. When the program types are grouped as to whether or not they accepted only substance abusers, the differences were significant at the .05 but not the .01 level.

10. The one-year off is also offered by one of the two mandatory programs as an incentive for program completion.

11. "Reported" is emphasized given that some programs reported 100% volunteer rates, which may reflect a practice of only offering the opportunity to participate to those deemed likely to volunteer in the first place. See discussion on page 6, *infra*.

12. Most of the interagency agreements contain language to the effect that, with some exceptions, conduct that would otherwise constitute a supervision violation and lead to a violation hearing may be handled in an informal manner.

13. In most programs (82 percent), the offender agrees at program start that jail time is one of the sanctions that may be imposed. The range in the amount of jail time was from 1 to 30 days across the programs, with the majority—20 of the 32 programs that have a special jail time provision—at 7 days.

14. Supervision policies require probation officers to utilize graduated sanctions in response to noncompliance. If, however, the desired sanction affects the length or conditions of the term of supervision, officers must petition the sentencing judge for a modification—an action that may be contested by the offender under the procedures of Fed. R. Crim. P. 32.1(b). This can obviously affect the timeliness and certainty of such sanctions.

15. There are more judges than programs because 13 of the programs have more than one

team.

16. Survey question 32 asked if, during the court session, the judge was on the bench and the offenders in the jury box or the judge is seated at a conference table with the others or "Other Configuration." The "Other" text field sometimes included information, sometimes not. Further, the survey did not ask for the style of each program judge, so the style of judges in multi-judge programs could be extrapolated only if specific information was provided in comments to this section.

17. These activities do not take into consideration the time it takes to coordinate the sessions logistically, assemble the relevant paperwork, or undertake additional supervision activities that might be entailed.

18. Thirteen (13) programs have more than one team.

19. Survey Question 30. If a range of time was reported, the lower end was used for the time estimate.

20. Survey Question 41.

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