

Federal Probation

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JUNE 1998

Federal Probation

A JOURNAL OF
CORRECTIONAL
PHILOSOPHY
AND PRACTICE

Published by

THE ADMINISTRATIVE
OFFICE OF THE
UNITED STATES COURTS

Leonidas Ralph Mecham,
Director

Eunice R. Holt Jones, *Chief*
Federal Corrections and
Supervision Division

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

Federal Probation is published semiannually in June and December. Permission to quote is granted on the condition that appropriate credit is given the author and *Federal Probation*. For information about reprinting articles, please contact the editor.

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Federal Probation

VOLUME LXII

JUNE 1998

NUMBER 1

This Issue in Brief

The Effectiveness of Coerced Treatment for Drug-Abusing Offenders.—Does forcing a drug abuser into treatment work? Authors David Farabee, Michael Prendergast, and M. Douglas Anglin present a survey of the substance abuse literature on the effectiveness of various levels of coercion. Their review provides support for the dictum that legally referred clients do as well or better than voluntary clients in and after treatment. The review also reveals some divergence in findings.

Monitoring Prescription Medication Use Among Substance-Abusing Offenders.—Offenders' use of prescription medications either to get high or to mask illegal drug use presents a challenge to probation officers. These drugs are prescribed by physicians and not easily within officers' control. They can hinder treatment and long-term sobriety and abstinence. Author Sam Torres discusses this unique supervision dilemma and offers techniques to address it.

The Probation and Pretrial Services Automated Case Tracking System: A Review of Operations.—About a decade ago, the need to develop a uniform data collection system for U.S. probation and pretrial services offices became very clear. The system that resulted—the Probation and Pretrial Services Automated Case Tracking System (PACTS)—is the subject of an article based on a report published by the Federal Corrections and Supervision Division of the Administrative Office of the U.S. Courts. The article discusses PACTS' development, explains how post-implementation reviews were conducted to evaluate PACTS operations, and summarizes recommendations for improving PACTS.

REDUCE: The Six Aims of Financial Investigations for Probation Officers.—How does the offender get money? How does he spend it? Financial investigations are one tool probation officers use to answer these questions. They help officers in making appropriate sentencing recommendations to the court and in supervising offenders. Author Arthur L. Bowker defines financial investigations, explains the aims of financial investigations, and presents factors officers must consider before initiating these investigations.

The Failure of Correctional Management: Rhetoric Versus the Reality of Leadership.—All

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managers are not leaders, and all leaders are not managers. In measuring the success of any organization—correctional organizations included—it is important to distinguish between management and leadership. Author Alvin W. Cohn tells how leaders are different from managers. He discusses leadership traits, behavioral dimensions of leadership, and leadership style and training.

Changing Lives Through Literature.—“Go to school and read books or go to jail” sums up a unique sentencing option for repeat criminal offenders in New Bedford, Massachusetts. Lawrence T. Jablecki, in his speech to the Houston Philosophical Society, described the innovative “Changing Lives Through Literature” program, which requires participants to read and discuss literary masterpieces. The text of his speech is presented here. In it, he discusses the origins and outcomes of the program and explains how it was imported to Texas.

Creating a Probation Automated Recording System: Issues and Considerations.—Even though some aspects of probation work can be made simpler with help from automation, probation has been slow to use automation to its full potential. Author G. Frederick Allen discusses some of the issues and considerations in using automation technology in probation and describes how the U.S. probation office in the Northern District of Illinois successfully implemented a new automated chronological recording system. The article suggests a model for successful automation initiatives in human services organizations.

Strength-Based Practice: The ABC's of Working With Adolescents Who Don't Want to Work With You.—Resistance and lack of cooperation often “come with the territory” in working with juveniles. Sometimes the practitioner’s approach compounds the difficulties. Author Michael D. Clark examines strength-based practice, an approach to working with youths that focuses on their strengths and competencies rather than their problems. The article addresses strength-based work with court-mandated adolescents and outlines six principles of the approach.

Rethinking the Assumptions About Boot Camps.—Are all boot camps the same? Authors Dale Colledge and Jurg Gerber emphasize that they are not and caution that evaluative results of one boot camp program cannot be generalized to other boot camp programs. The authors argue that differences between facilities reflect their true emphases on five common goals of boot camps. They propose a framework to enable classification based upon programming and design, allowing evaluation of success or failure based upon true goals.

A New York City Version of Correctional Boot Camp: An Overview.—Author David Anthony Fullard gives an overview of a New York City-based high impact incarceration program. The article explores program fundamentals such as the paramilitary structure, intensive behavior modification, and substance abuse counseling. It also details specific methods used to encourage participants to change their compulsion toward criminal behavior.

The Effectiveness of Coerced Treatment for Drug-Abusing Offenders

BY DAVID FARABEE, MICHAEL PRENDERGAST, AND M. DOUGLAS ANGLIN*

Background

CRIMINAL JUSTICE referrals constitute a substantial proportion of the publicly funded drug treatment population in the United States. According to recent data, the criminal justice system is responsible for 40 to 50 percent of referrals to community-based treatment programs (Maxwell, 1996; Price & D'Aunno, 1992; Spiegelman, 1984; Weisner, 1987). Given our nation's high proportion of criminal justice treatment clients, a major policy and program issue in drug treatment is the effectiveness and appropriateness of coercing offenders to enter and remain in treatment. This article provides an overview of studies regarding the effectiveness of various levels of coerced treatment and concludes with a number of treatment and policy implications.

Some researchers (Hartjen, Mitchell, & Washburne, 1981; Platt, Buhringer, Kaplan, Brown, & Taube, 1988; Rosenthal, 1988) have argued that little benefit can be derived when a drug user is forced into treatment by the criminal justice system. Some oppose coerced treatment on philosophical or constitutional grounds. Others argue against coerced treatment on clinical grounds, maintaining that treatment can be effective only if the person is truly motivated to change; a variation of this position is that addicts must "hit bottom" before they are able to benefit from treatment, a circumstance that is not true of most coerced clients. According to this view, it is a poor investment to devote resources to individuals who are unlikely to change because they have little or no motivation to change. Furthermore, in situations where treatment slots are limited, it may also violate notions of distributive justice to provide treatment to addicts who don't really want it—even if they might benefit from it—ahead of (or instead of) those who do desire treatment.

Other researchers (Anglin & Maugh, 1992; Salmon & Salmon, 1983) have argued that few chronic addicts

will enter and remain in treatment without some external motivation and that legal coercion is as justifiable as any other motivation for treatment entry. It also has been argued that because controlling drug abuse and addiction benefits society as a whole, the criminal justice system *should* bring drug-abusing offenders into treatment to safeguard and promote the interests and well-being of the community (Anglin, 1988; Anglin & Hser, 1991). But consideration of legal and ethical questions surrounding coerced treatment do not arise unless it can be demonstrated that coerced treatment is effective and that resources spent on coerced clients do produce desirable results.

Answering the question regarding the effectiveness of coerced treatment is by no means straightforward. A number of conceptual issues need to be addressed in order to design meaningful empirical studies or to interpret existing studies appropriately. Two issues of particular importance are the definition of coerced treatment and the interaction of coercion (external pressure) and motivation (internal pressure).

The terminology used to discuss "coerced treatment" is far from consistent: "coerced," "compulsory," "mandated," "involuntary," "legal pressure," and "criminal justice referral" are all used in the literature; sometimes the terms are used interchangeably within the same article. This would not be a problem if these terms were synonyms. But "coercion" is not a single well-defined entity; it in fact represents a range of options of varying degrees of severity across the various stages of criminal justice processing. "Coercion" can be used to refer to such actions as a probation officer's recommendation to enter treatment, a drug court judge's offer of a choice between treatment or jail, a judge's requirement that the offender enter treatment as a condition of probation, or a correctional policy of sending inmates involuntarily to a prison treatment program in order to fill the beds. In other cases, a treatment client's merely being "involved with the criminal justice system" is sufficient for him to be brought under the umbrella of "coercion."

Coercive treatment approaches for drug addiction have been applied consistently throughout the twentieth century, beginning with the morphine maintenance clinics in some communities during the 1920s. The 1930s marked the establishment of the federal narcotics treatment facilities in Fort Worth, Texas, and

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A version of this article was presented and distributed at the Office of National Drug Control Policy's Conference of Scholars and Policy Makers, Washington, DC, March 23-25, 1998. The authors wish to acknowledge Dana Baldwin, Ph.D., for her valuable contributions in preparing the manuscript.

Lexington, Kentucky. During the 1960s broad-based civil commitment procedures were implemented in the federal system, as well as in New York and California. The present system, beginning in the 1970s, relies less on formal civil commitment procedures and emphasizes community-based treatment as an alternative to incarceration or as a condition of probation or parole. More comprehensive historical reviews of coerced treatment

in the United States can be found elsewhere (Anglin & Hser, 1991; Inciardi, 1988).

Despite some variation in findings, empirical studies have largely supported the use of coercive measures to increase the likelihood of an offender's entering and remaining in treatment. The following section describes the results of 11 such studies, which are briefly summarized in table 1.

TABLE 1. OVERVIEW OF COERCED TREATMENT ARTICLES

Authors	Year	Modality(s)	Comparison	Assessed Motivation	Findings
Anglin et al.	1989	Methadone	High, moderate, and low legal coercion	No	Main effect for treatment across all three coercion groups, with regard to drug use and criminality during and after treatment.
Brecht & Anglin	1993	Methadone	No CJ pressure vs. moderate CJ pressure vs. strong CJ pressure	No	All groups showed improvement. Retention and drug use outcomes were similar regardless of coercion level.
Collins & Allison	1983	OP and residential	No CJ pressure vs. TASC vs. other CJ referral	No	Retention rates were lowest among voluntary clients, slightly higher among CJ referrals, and highest among TASC referrals—presumably due to the closer supervision of the latter.
Harford et al.	1976	Residential—adolescent, residential young adult, OP—adolescent, OP—young adult, methadone	Probation, parole, or pretrial vs. voluntary	No	Depending on the program, retention rates were the same or worse for CJ referrals.
Howard & McCaughrin	1996	Non-methadone	Programs 75%+ court-mandated clients vs. those w/ 25% or fewer	No	CJ-dominated programs reported lower compliance. Providing CJ clients w/information and choices was associated w/better outcomes.
McLellan & Druley	1977	90-day VA residential	Court-referred vs. voluntary	No	Overall, no significant differences. Trends indicate that court-referrals are more withdrawn early in treatment but become as engaged as voluntary admissions during later stages of treatment.
Rosenberg & Liftik	1976	Outpatient—alcohol	Probation referrals vs. voluntary patients	No	Probation referrals had higher attendance rates than voluntary admissions. However, only 16% of probationers continued in treatment beyond probation period.
Salmon & Salmon	1983	Outpatient drug-free and methadone	TASC referrals vs. voluntary	No	Mixed. Coercion associated with better outcomes for subgroups (e.g., older, chronic opiate users), but not others. Effective for OP, but not MM.
Schnoll et al.	1980	Residential	Legal status vs. no legal status at admission	No	Clients entering treatment directly from prison had higher completion rates than those with no legal status.
Siddall & Conway	1988	Residential	Voluntary vs. involuntary (undefined)	No	Involuntary admission associated with successful discharge.
Simpson & Friend	1988	Methadone, TC, OP, and detox	Legal status vs. no legal status at admission	No	Retention and drug use outcomes were similar for legal status and non-legal status clients.

Review of Coercion-Based Treatment Studies

For purposes of this article, we reviewed 11 published studies involving the relationship between various levels of legal pressure and substance abuse treatment (see table 1). Of these, five found a positive relationship between criminal justice referral and treatment outcomes, four reported no difference, and two studies reported a negative relationship. How do we account for these different findings? Closer inspection of these studies shows considerable variation in the legal pressure applied, different outcome measures, and a range of types of programs and substances treated.

Of the five studies that found a positive relationship between legal coercion and substance misuse treatment, two involved Treatment Alternatives to Street Crime (TASC referrals). TASC attempts to identify drug abusers who come into contact with the criminal justice system, refer eligible offenders to appropriate treatment, monitor clients' progress while in treatment, and return violators to the criminal justice system. The first study involving TASC clients, by Collins and Allison (1983), assessed the impact of legal pressure on a drug abuser's length of stay in treatment. The investigators focused on individuals who entered outpatient drug-free and residential treatment programs through referrals by TASC, through other referrals from the criminal justice system, and through non-legal sources. The investigators found that the effects of being referred to drug abuse treatment by TASC and of being involved with the criminal justice system at the time of treatment intake were statistically significant for both modalities. In addition, the study found that legally referred clients entered treatment earlier in their addiction career than would otherwise have been the case and that they stayed in treatment longer—both circumstances that are conducive to better outcome.

The other TASC-related study, by Salmon and Salmon (1983), explored the impact of TASC referrals on the rehabilitation of drug abusers in a methadone maintenance clinic and a drug-free treatment setting (clients abusing only alcohol or marijuana were excluded). Unlike other studies, which relied primarily on treatment retention and successful discharge as outcome criteria, this study employed frequency of drug use, times arrested, abstinence, and time worked on the job. They found that coercion facilitated success under certain circumstances: for certain population groups (older, long-term heroin addicts), for certain criteria (arrest and abstinence), and for certain treatment settings (drug-free versus methadone maintenance programs).

In another study finding a positive relationship between legal status and treatment outcomes, Schnoll et al. (1980) examined a modified therapeutic community treating both alcoholics and drug-dependent clients in inpatient and residential programs. They grouped clients into one of four mutually exclusive categories in-

volving degree of legal involvement: (1) a "directly from prison" group, (2) an "open cases" group, regardless of probation or parole status, (3) a "parole and/or probation" group, and (4) a "no legal involvement" group. Schnoll and colleagues found that residents admitted directly from prison were more likely to complete inpatient treatment than any other group since they faced the possibility of incarceration if they did not do so. Siddall and Conway (1988) reported similar results in their study of 100 substance abuse clients in a residential treatment center, 42 of whom were involuntary admissions. They found that clients who successfully completed treatment were more likely to have been admitted on an involuntary basis. Unfortunately, definitions of "voluntary" and "involuntary" were not given. The last study reporting a positive relationship between legal coercion and treatment outcomes focused on outpatient treatment of alcoholism (Rosenberg & Liftik, 1976). The investigators found that the weekly attendance patterns of drivers who were convicted of driving under the influence and who were mandated to treatment were significantly better than those of involuntary admissions.

Four of the studies reviewed found that legal coercion made no difference in substance misuse treatment outcomes (Anglin et al., 1989; Brecht & Anglin, 1993; McLellan & Druley, 1977; Simpson & Friend, 1988). The samples used in these studies were more homogeneous than the studies described above. The majority of the subjects were male opiate addicts and the programs evaluated were primarily methadone maintenance programs, though inpatient rehabilitation and outpatient programs also were included. Outcome measures differed among these studies, however. Two of the studies relied on measures that did not involve treatment retention or successful treatment completion, but rather involved criteria such as criminal involvement, drug involvement, and social functioning (Anglin et al., 1989; Brecht & Anglin, 1993), while another study examined disruptiveness by measuring number of contacts with staff (McLellan & Druley, 1977). Despite these differences in outcome measures, these four studies concluded that clients who enter treatment under some degree of coercion did as well as clients entering treatment voluntarily or under minimal levels of coercion.

Two studies reported a negative relationship between legal coercion and substance misuse treatment outcomes. In the first, Harford and colleagues (1976) found that four measures of legal pressure were either unrelated or negatively related to treatment retention and outcome in five drug abuse treatment modalities: (1) a residential program for adolescents, (2) a residential therapeutic community for young adults, (3) a day program for adolescents, (4) an outpatient abstinence and narcotic antagonist program serving primarily young adults, (5) and a methadone treatment program. Legal

pressure was defined to exist if the applicant reported being on probation, on parole, or awaiting trial at the time of admission. The fourth measure of legal pressure was a logical composite of these three legal coercion status groups. The investigators found that older methadone clients and adolescent clients who were admitted for treatment while on probation were retained in treatment for shorter periods of time than were clients who were not on probation. No other differences in retention or graduation rates involving any of the four measures of legal pressure were statistically significant. The authors suggested the possibility that legal pressure inhibits rather than facilitates treatment for addiction among some clients.

The final study differed from the others discussed here in that it surveyed organizations, not individuals. This study asked whether outpatient substance abuse treatment organizations have different outcomes for court-mandated and voluntary clients depending on the mix of clients (Howard & McCaughrin, 1996). A nationally representative sample of 330 non-methadone outpatient substance misuse treatment organizations was surveyed in 1990 using two outcome variables: meeting the goals of treatment and failing to comply with the treatment plan. The investigators found that organizations with 75 percent or greater of court-mandated clients had a greater rate of clients failing to comply with their treatment plan than organizations with 25 percent or less court-mandated clients, but there were no differences in clients meeting the goals of their treatment.

This discussion highlights the fact that, despite their addressing an apparently similar issue—coerced treatment—these studies have concerned themselves with treatment of different kinds of substances (drugs, alcohol, or both), different program types, different outcome measures, and various measures of legal involvement or coercion. While the relative robustness of this finding provides overall support for coercing substance-abusing offenders into treatment, there are several equally important lessons to be learned from the variation among these studies.

Reasons for Cross-Study Variations

Based on our review, we propose that the majority of the variation in coerced treatment outcomes is due to (1) inconsistent terminologies, (2) neglected emphasis on internal motivation, and (3) infidelity in program implementation. These are summarized below:

Inconsistent Terminology

“Criminal justice referral” does not necessarily mean that a client is entering treatment involuntarily. The importance of this distinction is clearly evident in studies of psychiatric populations, which show that the majority of patients whose official records indicated that they entered treatment voluntarily actually were under

some form of official custody and were under the threat of involuntary commitment if they failed to enter treatment “voluntarily” (Gilboy & Schmidt, 1971). Conversely, other studies have indicated that clients entering mental health treatment under involuntary status are not necessarily involuntary. For example, one study of committed psychiatric patients revealed that approximately one-half did not know their commitment status, and among those who said that they were denied the opportunity to enter voluntarily, approximately one-half said that they would have chosen to enter voluntarily if they had been given the choice (Toews, el-Guebaly, Leckie, & Harper, 1984).

Likewise, the assumption that all criminal justice clients are entering treatment involuntarily has little empirical support. In a study of 1,030 male prison inmates in Texas, 50 percent of the general population inmates said that they would be interested in participating in a drug or alcohol treatment program at that time. Among those indicating an interest in treatment, approximately 50 percent reported that they would be willing to participate in an in-prison drug or alcohol program *even if it meant extending their stay in prison for 3 months* (Farabee, 1995). Clearly, in spite of their criminal justice status, these potential clients would probably be entering treatment voluntarily.

Recent data from the NIDA-funded Drug Abuse Treatment Outcome Study (DATOS)¹ provide further evidence that clients entering community-based treatment under a legal referral are not necessarily involuntary. In fact, 39.8 percent of clients referred to treatment by the criminal justice system reported that they “think [they] would have entered drug treatment without pressure from the criminal justice system.” Among clients for whom treatment was required (rather than suggested), 42.6 percent reported that they would have been willing to enter treatment even without the use of criminal justice pressure. When the sample is limited to criminal justice referrals, a second level of diversity becomes apparent related to the *level* of criminal justice pressure. Among this subgroup, 23.3 percent were merely referred to treatment without a formal mandate and without drug testing (low pressure). Twenty-two percent of the criminal justice referrals were mandated to treatment, but without drug testing (moderate pressure), and 54.6 percent were mandated to enter treatment and to undergo periodic drug tests (high pressure). However, Hiller et al.’s (1998) recent study of retention in long-term residential programs suggests that the level of criminal justice pressure may be less important than its mere presence.

The Role of Internal Motivation

According to Miller (1989), a client entering treatment before recognizing his or her substance use as being problematic is unlikely to be open to therapeutic

intervention. In this early stage, a client is most likely to benefit from nondirective feedback and information to help raise awareness of the problem. Direct challenges to the client will be perceived as aversive and will typically disrupt therapeutic progress. Over time, these clients tend to shift between acknowledging and denying that they have a substance use problem. Again, direct challenges by a counselor may only serve to shift the client's perception back to denial. However, more direct recommendations toward taking action can be made during the client's ephemeral phases of problem recognition. Thus, both external and internal motivation play important roles in the treatment process and relapse. Failure to address both types of motivation results in inferior treatment participation and less favorable outcomes than if these motivational sources are treated as complementary. Leukefeld and Tims (1988, p. 243) have suggested that:

Recovery from drug abuse is an interactional phenomenon involving . . . client factors with nontreatment factors, such as social climate, as well as treatment itself . . . Client factors include . . . external pressure and internal pressure. Legal referrals belong in the external pressure category. A stable recovery cannot be maintained by external (legal) pressures only; motivation and commitment must come from internal pressure. The role of external pressure from this point of view is to influence a person to enter treatment.

One study comparing voluntary and criminal justice-referred substance abuse clients entering treatment showed both groups to be almost identical on a battery of psychosocial measures, with the primary difference being significantly lower self-assessments of drug problems, desire for help, and readiness for treatment reported by those who had been legally referred (Farabee, Nelson, & Spence, 1993). Involuntary clients also are more likely to claim that their substance use is purely recreational and does not pose a problem for their lives (Schottenfeld, 1989). Consequently, a large proportion of clients currently entering community-based treatment under criminal justice referral have treatment needs similar to those of their voluntary counterparts, but lack the internal motivation to readily engage themselves in the treatment process. This lack of internal motivation for change is associated with lower treatment retention rates (De Leon & Jainchill, 1986) and inferior outcomes (Simpson et al., 1997).

Fidelity of Program Implementation

Even among similar types of programs there is exceedingly high within-group variation in actual implementation (Britt et al., 1992; Jones & Goldkamp, 1991; Visher, 1992). The level of coordination between treatment providers and the criminal justice system is often inconsistent between programs—a difference that has been associated with treatment retention (Hiller et al., 1998). This lack of interorganizational coordination and communication negatively affects two critical aspects of

the legal coercion process. First, many offenders deemed eligible for treatment by the criminal justice referral source may not necessarily be appropriate candidates for a given modality or for treatment in general. According to a large-scale evaluation of the TASC programs, TASC referrals with the lowest problem severity demonstrated the least improvement overall. In contrast, substance abuse treatment appeared to have more favorable effects on “hardcore” TASC referrals, as defined by baseline drug use before TASC involvement (Anglin et al., 1996). As a result, interprogram variations in screening and referral criteria can have a profound impact on the measurable success of these programs.

The second crucial impact of implementation relates to interagency communication. Poor communication between treatment and criminal justice organizations inevitably diminishes the provider's ability to enact immediate sanctions for nonattendance or noncompliance. A notable example of this problem was observed in the administration of the federally funded Narcotic Addiction Rehabilitation Act of 1966 (NARA), which included, among other treatment-related sections, 6 months of narcotics addiction treatment through the U.S. Public Health System hospitals in Lexington, Kentucky, and Fort Worth, Texas. A commonly cited problem with these programs was the providers' lack of autonomy and their inability to communicate efficiently with the court system. In fact, any movement or status change of an addict in these programs required court approval, which, in turn, required that the addict be transported to and from the federal court for the case to be presented (Anglin & Hser, 1991). Despite some positive findings for these programs, the cumbersome administrative structure and poor linkages between the treatment providers and the court system led to their eventual closure in 1972.

Conclusions and Recommendations

In general, our review of 11 empirical studies of compulsory substance abuse treatment supports the use of the criminal justice system as an effective source of treatment referral, as well as a means for enhancing retention and compliance. However, the divergence among these results—with five of the studies reporting a positive relationship between legal coercion and treatment outcomes, four reporting no difference, and two studies reporting a negative relationship—leads to a number of additional conclusions.

First, from a methodological standpoint, we reiterate De Leon's (1988) contention that research in this area has been confounded by the misuse of terms such as “legal referral,” “legal status,” and “legal pressure.” De Leon suggests that *legal referral* should be used to express an explicit procedure in which an offender is referred to treatment via probation, parole, diversion, or specific sentencing stipulations. *Legal status* should be

used to describe clients with any form of legal involvement, ranging from warrants to incarceration. Finally, De Leon suggests that the term *legal pressure* be used to describe the extent to which the offender experiences discomfort over the potential consequences of noncompliance. Future studies should avoid using subjective terms such as “involuntary” or “coerced” without directly assessing the client’s perception of the referral process.

Second, the research emphasis on external pressure to enter treatment, and its relative success, has largely eclipsed the potential role of internal motivation. There is strong support for the role of internal motivation as a predictor of program retention and positive treatment outcomes. Examining the role of coercion for clients in an alcohol treatment program, Freedberg and Johnston (1978) found that, while external sources of coercion played an important role in bringing the client into treatment, the *decline* in perceived external coercion over the following year was a significant predictor of abstinence 1 year later. Likewise, Simpson et al. (1997) report that a client’s internal motivation for change at the time of program admission significantly predicted long-term post-treatment outcomes. Clearly, the relative success of external motivators for treatment (i.e., legal coercion) should not preclude our efforts to enhance the internal motivation of coerced clients.

The variation in outcomes by the type of offender referred to treatment suggests another conclusion regarding the type of offender most likely to benefit from legal coercion. According to a panel of experts commissioned by the Center for Substance Abuse Treatment (CSAT, 1994), substance-abusing clients in the criminal justice system can be grouped into four major categories: (1) young offenders who have recently begun abusing substances and have not yet experienced any serious consequences of that behavior, (2) offenders who have abused substances for 5 or more years, have experienced some negative consequences of their substance abuse, but have not yet “hit bottom,” (3) offenders whose substance abuse has resulted in a personal crisis such as losing a job, going to jail, or losing an important personal relationship, and (4) career criminals who abuse substances. The CSAT panel recommended that treatment priority should be given to offenders in the first and third groups: young substance abusers who have used for a short period of time and substance abusers who have experienced some kind of major negative consequence of their substance use and, therefore, would be most willing to change their behavior. However, according to the nationwide TASC evaluation mentioned above (Anglin et al., 1996), low-level offenders are less likely to benefit from treatment than those with more extensive drug use and criminal histories. Therefore, we would argue that, while both of these groups should be targeted for treatment, substance-abusing offenders early in their criminal careers may

be best served with briefer interventions, rather than mandating them to programs targeted for more impaired populations.

The final conclusion derived from the variation in the reviewed studies is the importance of fidelity in program implementation. As we have learned from the Title II and III NARA hospitals, program administration must be designed to facilitate the treatment process, rather than the converse. Programs serving criminal justice clients must maintain close linkages with these referral sources if the threat of criminal justice sanctions is to be taken seriously. Based on NARA and other historical examples, Anglin and Hser (1991) recommend four important considerations for the design and implementation of programs serving legally coerced clients:

- *The period of intervention should be lengthy* since drug dependence is a chronic, recurring condition. Prior research suggests an ideal treatment of 3 to 9 months (Gendreau, 1996; Wexler, Falkin, Lipton, & Rosenblum, 1992), and several episodes of primary treatment, aftercare, and relapse should be expected.
- *Treatment programs should provide a high level of structure*, particularly during the early stages. This period should require either a residential stay or close urine monitoring in an outpatient program. Other ancillary services that enhance retention should be offered on an individual basis. These include psychological/psychiatric services, vocational training, and GED courses.
- *Programs must be flexible*. Among community-based treatment clients, occasional drug use that does not appear to seriously disrupt the overall recovery process should be handled on a client-by-client basis. However, detection of relapse should be addressed immediately by returning the substance abuser to detoxification, if necessary, and an intensive level of treatment (e.g., residential or methadone maintenance).
- *Programs must undergo regular evaluation to determine their level of effectiveness and to detect changes in the client population they serve*. Recurring process and outcome evaluations, ideally by an external evaluator, help to ensure program fidelity or, as dictated by program retention and outcomes, to identify the need for change. Periodic research exposure also can help keep treatment staff up to date on new treatment strategies being developed or practiced at other programs.

Although the majority of the studies reviewed here examined the relationship between legal status, legal referral, or legal pressure to treatment retention and outcomes, coercion undoubtedly accounts for some of the variance in all of these measures. We have suggested that terms like “involuntary” and “coerced” not be used without first measuring the subjective percep-

tion of the clients in question; these assessments should also include internal motivation. High internal motivation for change before treatment is predictive of two-fold increases in the likelihood of positive outcomes for substance use and criminality (Simpson et al., 1997). Consequently, while external motivators such as criminal justice pressure, and presumably coercion, are often associated with positive treatment outcomes, the role of internal motivation and treatment engagement must not be overlooked. Given that intrinsic motivation for change is the primary distinction between voluntary and criminal justice-referred substance abuse treatment clients (Farabee, Nelson, & Spence, 1993), treatment protocols of legally coerced substance abuse clients should reflect our knowledge that, in the end, it is the client who decides upon the outcome.

NOTE

¹DATOS is a comprehensive multisite prospective study of drug treatment effectiveness. Among several other objectives, one of the main purposes of this study is to examine the effectiveness of the drug abuse treatment programs through a study of treatment clients in 11 cities in the United States followed longitudinally over a period of 36 months. A population of 10,010 DATOS clients have been interviewed at entry to treatment in a sample of 99 programs within the United States from 1991 to 1993. Cities and programs were purposively (not randomly) chosen for participation; they were representative at the time of their selection of typical, stable drug treatment programs in large and medium-sized U.S. cities. Clients were selected from four drug treatment modalities, which were presumed to reflect the current treatment system: 3,122 clients from 14 short-term inpatient programs, 2,774 clients from 21 long-term residential programs, 1,540 clients from 29 outpatient methadone maintenance programs, and 2,574 clients from 35 outpatient drug-free programs.

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Monitoring Prescription Medication Use Among Substance-Abusing Offenders

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A RELIABLE drug detection program is essential for success in holding offenders accountable for their decision to use drugs. Also, early detection is critical if the probation or parole officer is to intervene swiftly and decisively. Quick detection, in itself, increases the risk and cost of drug use and deters some offenders (Torres, 1996, p. 18).

I have noted previously (Torres, 1996, p. 23) that the use of legal prescriptions to “get loaded” or to mask the use of illegal drugs presents a challenge to the probation officer because these drugs are prescribed by a physician and not easily within the officer’s control. Getting high on prescription drugs is one method offenders use to avoid complying with the condition requiring them to abstain from the use of illegal drugs. Prescription drug abuse can be an effective way for offenders to avoid addressing treatment issues while remaining dependent on mind-altering chemicals.

Reliance on prescription medication, even if these drugs are not abused, can hinder treatment and long-term sobriety and abstinence. In most cases, probation officers inform offenders that they have serious concerns about the offenders’ prescription for codeine, valium, barbiturates, or other mind-altering drugs and request that the offenders ask their physicians to prescribe an alternative medication. Most of the time this simple request to change medications suffices. However, in a small number of cases, the probation officer encounters offenders who do not respond to the officer’s request or physicians who insist that they and not the officer are the doctor and will therefore decide what medication is appropriate. At other times, officers encounter doctors who refuse to respond to a request for medical information. This article addresses this unique supervision dilemma and provides specific techniques to deal with the situation.

Using Prescription Drugs to Mask Illegal Drugs Use

The use and abuse of legal medication is one way in which substance abusers manipulate their special drug

testing condition. Offenders whose drug of choice has been an opiate, such as heroin, will occasionally seek a prescription for codeine. Since both heroin and codeine will metabolize into morphine, the laboratory and probation officer are unable to determine definitively if the positive test for morphine results from heroin or other illegal opiate use or from prescribed medication. In the case of offenders who use this as a ploy to continue their opiate habit, they will use both legal and illegal drugs and, when found to be positive for morphine, they will show the codeine prescription to the officer and drug counselor and say that the prescription must be the reason for the “dirty.” These offenders respond very cooperatively and eagerly present whatever documentation the officer requests.

The “speed” or methamphetamine user, on occasion, will obtain a prescription for diet pills or some over-the-counter medications that contain amphetamines as part of the active ingredient. It is common knowledge that a Vicks inhaler may result in a positive test for amphetamine. Therefore, a prescription for any medication containing even minute quantities of amphetamine/methamphetamine may be sufficient to provide a defense for a test found positive for amphetamine/methamphetamine.

Problems with prescription medication use primarily involve the above two substances. On rare occasions, a positive test for cocaine may be justified by nasal, dental, or bronchoscopic surgery because of cocaine’s ability to constrict blood vessels and reduce bleeding during surgery. The use of prescription medications to “beat” the test is not an uncommon strategy used by sophisticated offenders, and the degree of sophistication will vary dramatically. Therefore, it is incumbent on the probation officer, to the extent possible, to monitor closely the use of prescription drugs.

Legitimate versus Illegitimate Prescriptions

The initial challenge facing the probation officer is to determine if the offender is in fact ill and visiting a doctor for legitimate treatment. Oftentimes, this determination is easy to make because the offender demonstrates overt symptoms. In other cases, however, the symptoms may not be so obvious. Needless to say, it is always advisable to review the file to determine if the offender pre-

*The author wishes to thank the following for making this article possible: James D. Baer, drug coordinator for the Central District of California; Dennis McGorman, past director of ICI Enterprises; and Chief U.S. Probation Officer Robert M. Latta, Central District of California.

viously has experienced problems with prescription drugs. That is, is there any history of the offender abusing prescription medication or is there documentation showing that the person previously attempted to manipulate the testing program by using prescription drugs. If a clear assessment cannot be made, the officer should give the offender the benefit of the doubt and then wait to see what further activity occurs or whether the offender obtains refills for the medication.

Illegitimate use of prescription medication to mask illegal drug use often is accompanied by "red flags" or indicators of subterfuge. For example, persons may report for drug testing and immediately present a prescription for codeine medication, informing the drug counselor or probation officer that they hurt themselves, pulled a muscle, had dental work done, or, if they are females, experienced severe cramps or other gynecological problems that require medication for pain and discomfort. A urine test may be found to be highly diluted (specific gravity under 1.010), a drug evaluation (skin check) may detect marks or evidence of drug use by injection, the offender may stall (claim to be unable to produce a urine test), or exhibit signs of opiate intoxication such as lethargy, slurred speech, and constricted pupils that do not react to light. The presence of any of these signs immediately should cause the officer to examine closely the circumstances surrounding the use of prescription drugs, consider increasing the testing schedule, and, *at the minimum*, confront the offender about the other indicators present.

The need to confront the offender is emphasized because all too frequently officers do not want to bother with the extra effort it takes to determine if someone may be beating the test by using one or more of these techniques. For some officers, it is much easier to accept the offender's excuse, justification, or defense at face value. If we know anything about substance abusers, it is that they will go to extraordinary lengths to continue the use and abuse of drugs. I believe that officers do a disservice to offenders by allowing them to beat officers without being confronted. If officers do not confront offenders, they will not detect illegal drug use, and if officers do not detect illegal drug use, they will not be able to intervene early enough to prevent further criminality. Further, by neglecting to confront some of these complex deceptions offenders use, officers fail to meet their fundamental obligation to protect the public.

Offender Does Not Inform the Doctor of Probation/Parole Status

In most cases, when offenders receive a prescription from a doctor, they do not inform medical personnel of their prior substance abuse history and current status on drug testing and supervision. Most of the time, offenders do not want to experience the additional problems associated with volunteering this information. If

officers reach the conclusion that the medication is for a genuine illness, they may opt to do nothing and allow the offender to take the medication until finished. However, if officers are concerned about the medication for any reason—such as the offender's recent release from prison, prior abuse of prescriptions, unstable adjustment, or uncertain nature of the medical problem—then officers may instruct the offender to return to the doctor and request a substitute, non-opiate or non-amphetamine medication.

Officers may advise offenders to tell the doctor whatever they choose to obtain a substitute that is not a mind-altering drug. Offenders may report to the doctor that they do not want something that strong or that they do not like taking opiate derivative drugs, or offenders may tell the doctor that they have a history of substance abuse and wish to avoid any drugs that may cause them to relapse. Alternatively, offenders may inform the doctor that they are on federal supervision and have a drug testing condition and that the prescribed medication interferes with participation in the testing program. Any of these reasons are generally sufficient to persuade a doctor to prescribe a non-controlled substance drug, if such a substitute will not adversely affect the offender's medical treatment.

Offender Signs Release of Confidential Information and Officer Obtains Medical Data

In some cases, offenders may not wish to inform the doctor of either their drug testing or their status on supervision. Offenders may inform the officer that they sought medical treatment for a legitimate ailment and the doctor felt it was appropriate to prescribe the narcotic or other medication. Offenders may be cooperative but decline to inform the medical staff of their drug testing or supervision. In this situation, the officer should request that the offender sign a form for release of medical information to request verification from the doctor. The officer may choose to verify the illness and therefore the need for the medication or may take the opportunity to request, if appropriate, a substitute non-narcotic medication. By virtue of the formal request for medical information, the physician and physician's staff will be made aware of the offender's status and, in the future, may take greater care in prescribing medication. Many offenders, in an attempt to avoid what they consider an embarrassing situation, promptly will agree to return to the doctor to request a substitute prescription without intervention or correspondence from the probation officer.

Offender Signs Release of Information and Doctor Does Not Provide Information

Perhaps the most troublesome situation arises when the offender informs the probation officer that the doc-

tor feels the medication prescribed is appropriate and will not consider other alternative drugs. The issue may be complicated further when the offender signs a release of medical information and the doctor fails to respond. This situation arose for me when one of my cases on dual probation and parole supervision was taking several prescribed medications for a back ailment and associated pain. The prescribed drugs included codeine, muscle relaxants, and tranquilizers. The offender was quite sophisticated, and I strongly suspected that he was abusing the multiple medications he was receiving. In fact, he had prescriptions from more than one doctor and informed me that he had been required to see specialists for his back injury. I sent several letters to one particular doctor requesting information about the offender's diagnosis, the medication prescribed, and the prognosis. A signed release for medical information was included in these requests, but the doctor did not respond. I also made several telephone calls in an attempt to talk with the doctor, but still there was no response.

After being repeatedly frustrated in my efforts to obtain medical information, I requested the assistance of the U.S. Attorney's Office in Los Angeles. I informed the assigned assistant U.S. attorney (AUSA) of my efforts to obtain medical information for the purpose of assessing the offender's need for the prescribed drugs. The request for assistance from the AUSA was to determine if a subpoena could be issued to obtain the requested information. At the same time I was requesting the assistance of the AUSA, I was arranging for the probation office to pay for an independent medical examination for the offender. I must emphasize that it would have been much easier to do nothing since the medication the offender was taking was legitimate and since he was under the care of a physician. The route that I took was time consuming and perhaps even fraught with the potential for litigation. Some bright defense attorney might appropriately have made the argument that I was interfering with the medical treatment of the offender.

This particular case, however, required close supervision. The offender was a bank robber with a lengthy criminal record and an equally long substance abuse history. He was bright and sophisticated and also had a history of probation and parole violations. After learning from the AUSA that a subpoena could be issued for the medical information, I sent yet another letter requesting the medical information I previously had requested. The brief letter informed the doctor that the probation office had consulted with the U.S. attorney and that a subpoena was being issued for the medical information. Immediately upon receipt of the letter, the doctor's nurse contacted me and informed me that the medical information had been sent.

Subsequently, the offender called and informed me that he had become addicted to the prescribed medica-

tion and was entering a detoxification program. He later failed to report for drug testing, failed to notify the probation officer of a change in residence, and absconded supervision. He was arrested and charged with committing two armed bank robberies.

Imposition of an Appropriate Drug Aftercare Condition

As a result of experiences with prescribed medication abuse, the Central District of California (CDC), headquartered in Los Angeles, has developed a very specific drug aftercare condition for use by the district's judges. The *core* special drug aftercare condition orders that: "The Defendant Shall Participate in Outpatient Substance Abuse Treatment and Submit to Drug and Alcohol Testing as Instructed by the Probation Officer and that the Defendant Shall Abstain From Using Illicit Drugs, and Alcohol, *and Abusing Prescription Medications* During the Period of Supervision" (Supervision Manual, p. A-400-51(c)). An order for the defendant to pay the cost of testing as directed by the probation officer supplements the condition.

The case discussed above illustrates that situations in which physicians choose not to cooperate can present complications and challenges for the probation officer. The above condition gives officers the necessary authority to monitor and investigate cases in which they suspect that offenders circumvent the testing requirement by masking illegal drug use with legitimate medication or by abusing prescription medication.

ICI Enterprises Drug Aftercare Program

The ICI Enterprises Drug Aftercare Program has been the CDC's primary drug aftercare provider for approximately 18 years and, after this length of time, has acquired a distinguished reputation for high standards. To deter offenders from abusing prescription medication or masking illegal drug use, ICI developed two forms for use by offenders who have been prescribed medication.

The first is a *Medical Disclosure Regarding Drug Testing* form that authorizes all medical care providers to disclose information to the probation officer. This form is more specific than the medical disclosure form the U.S. probation office uses and also requires the physician to sign the form acknowledging that the offender has informed the doctor of the offender's drug testing status.

The second form is used by drug counselors to monitor offenders' medications. The *Medication Log* includes the offender's name, the date the offender advised of his or her prescription, the specific name of the medication and the reason for use, the date of the prescription, the unit, the instructions, and the expiration date. The same form also contains columns with the date the offender was seen, medication presented, time, quantity

before administration, quantity after administration, and the offender's initial. This form is used to monitor closely the progress of the medication the offender is taking and allows the drug counselor and the probation officer to determine whether additional information is needed from the doctor, what amount the offender is ingesting, and when the offender has completed taking all the medication. This close monitoring also allows ICI and the officer to determine if the offender has refilled the prescription(s) and whether further information may be needed from the doctor.

The excellent teamwork between ICI and U.S. probation officers makes offenders aware that their prescription drug use will be monitored closely to prevent abuse.

Sample Letter Requesting Doctor to Prescribe Non-narcotic

Since approximately 1982, the CDC has had concerns about prescription use and abuse by offenders participating in drug aftercare testing. Historically, probation officers have dealt with the problem in a number of ways. Some officers simply may give the offender the benefit of the doubt and allow the prescription to run out, or they may allow the drug aftercare provider to address the situation. Other officers may instruct offenders to bring the medication to the testing center each and every time they test and to tell the drug counselor how many pills they have ingested since the last test. The counselor counts the number of pills at each testing date to ensure that the offender's version is consistent with the number of pills remaining in the container and that the offender still is taking the medication from the initial prescription.

If officers suspect that a doctor is operating what is commonly called a "prescription mill," they may contact the state agency responsible for overseeing the medical profession. In California, for example, the agency would be the Board of Medical Quality Assurance. Officers, with some effort, also may be able to determine whether a particular doctor is being scrutinized or currently is under investigation.

As I noted earlier in describing my experiences with a doctor who refused to respond to a request for medical information, the issue of monitoring prescription medication is delicate from a legal perspective. *The officer should never instruct an offender to stop taking prescription medication or direct the offender to take a different medication.* I believe the reasons for this are apparent. The officer is not a physician and cannot make these decisions. The officer, however, is authorized to monitor, investigate, and report the potential abuse of prescription medication to the court. The officer may instruct offenders to return to their physician and request an alternative medication. Furthermore, the officer can and should, if necessary, request medical information from the doctor to determine the diagnosis,

treatment, and prognosis and also to determine if the doctor, in prescribing medication, has been made aware of the patient's drug history or current drug testing status. Officers should take care, however, to maintain federal confidentiality requirements about the offender's *treatment status*.

In 1982, the CDC recognized that many opiate abusers were obtaining prescriptions for codeine, which would mask the use of heroin. A sample letter was prepared and circulated to the district's substance abuse officers:

Ms. Little is under the supervision of the United States Probation Office. She has a special drug aftercare condition which includes urinalysis testing.

Ms. Little indicates she has been under your care and has obtained from you a prescription for codeine or a compound containing codeine.

I request that you seriously consider prescribing a non-narcotic drug if possible for the following reasons:

First, many of our clients have histories of narcotic abuse. Narcotic addiction is often cited by drug using individuals as the direct or contributing cause of their illegal activities. In January 1982, John Hoos, an FBI spokesman, reported that the Southern California area led the nation in total bank and savings and loan robberies, up 52% over 1980. He estimated that 60% of the 1981 robberies may have been drug related.

Second, our clients have admitted to the increased abuse of codeine. Some are obtaining codeine simultaneously from several doctors who unknowingly prescribe to the same individual. Many are then injecting the codeine. This abuse is consistent with an increase in codeine-related overdose deaths in Los Angeles County. A *Los Angeles Herald-Examiner* article on April 15, 1982, also noted a study by the Drug Abuse Warning Network between 1976 and 1979, which reported that the rate of codeine overdoses in California was eight times greater than in the rest of the nation.

Third, use of urine drug screening to detect the presence of illegal opiate use is frustrated by a legal prescription for an opiate. Clients are aware that codeine is biotransformed to morphine in humans. In fact, it has been established that by the fourth day after codeine intake, only morphine may be detected by thin layer chromatography. Since the presence of morphine may be an indicator of heroin abuse, it is essential that our clients who are subject to drug testing not be given a prescription for codeine if alternative drugs are available.

Thank you for your consideration in this matter. Please contact me if you have any questions or comments. (CDC memorandum, 1982, pp. 2-3)

This letter was an early attempt to address the problems of prescription medication; however, a more concise letter to fit the particular situation can be easily

designed for this purpose. In drafting this letter, the CDC had two critical concerns. The correspondence to physicians was intended to inform them of the potential for addiction to prescription medications and, secondly, to communicate the technical problems of laboratory analysis associated with attempting to monitor an offender's use or abuse of drugs. Today, while codeine continues to be a problem, the use and abuse of stimulants such as amphetamine and methamphetamine are perhaps of greater concern. In addition, the abuse of the benzodiazapine (tranquilizers) category of drugs poses a difficult problem. In 1993 I wrote a letter to a physician regarding a parolee patient who was receiving medical treatment. I indicated my concern about the multiple medications prescribed for him including Xanax, Flexeril, Voltgaren, and Codeine. In the letter, I indicated, in part:

Enclosed for your information, please find an Authorization to Release Confidential Information signed by Mr. Jones. . . .

At this time, we are in need of information relative to his medical condition and his need for the above medications. Please be assured that it is not our intent to interfere with legitimate treatment. However, physicians as yourself often are unaware of their patient's problems with controlled substances. Your assistance in providing the following information would be greatly appreciated.

1. Please provide medical records and/or a letter advising of the specific medical problem and diagnosis in this case.
2. Please advise if the patient can be taken off opiate-based medication and whether a non-opiate painkiller can be prescribed, if necessary.
3. What is the prognosis for improvement or treatment of this case?
4. Please advise if any other doctor, to your knowledge, is treating Mr. Jones.

The treating physician in this case responded promptly to my letter and was most cooperative, providing the necessary medical information to properly assess the case:

Dear Mr. Torres:

I am in receipt of your letter of 5/24/93 concerning Mr. Jones. Thank you very much for the information.

As you can guess, Mr. Jones revealed none of his past history concerning his drug addictions.

Rest assured that Mr. Jones will have no more Tylenol with Codeine or any other opiates prescribed for him by me. He has been also [*sic*] using Darvocet N-100 which we will continue to give him for his pain.

With respect to his medical problems, enclosed you will find copies of his orthopaedic reports to the Highland Insurance Company delineating his medical care to date.

If I can be of any further assistance, please do not hesitate to contact me.

Conclusions

Offenders' use of prescription medications either to mask their illegal drug use or to rely on legitimate drugs to get high is a problem that long has perplexed probation officers. Some officers choose to do nothing since the medication is legally prescribed and monitoring can be time consuming and complicated. However, it is incumbent on officers to monitor, investigate, and intervene if they determine that offenders are using this ploy to continue destructive substance-abusing behavior. To the extent that officers can uncover this ruse, both the community and the offender will be better off. The community will benefit from the prevention of further criminality associated with drug addiction, and the offender will benefit by rapid intervention/treatment and the potential avoidance of a new conviction and associated prison sentence. Many offenders with substance abuse histories are likely candidates for prosecution under "three strikes" laws that require mandatory minimum sentences of 25 years to life. I hope this article will help officers meet their obligation to protect the community by providing them with some of the specific techniques they can use to combat this troublesome supervision problem.

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The Probation and Pretrial Services Automated Case Tracking System: A Review of Operations*

FEDERAL CORRECTIONS AND SUPERVISION DIVISION,
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Introduction

VARIOUS ADVISORY groups representing the federal probation and pretrial services system petitioned the Administrative Office of the United States Courts in the late 1980s to establish a uniform local data collection system. The national systems installed in the early 1980s to enable phone access from one or two terminals to a central mainframe computer in Washington, DC, did not serve the needs for local data. "I need something that I can use to determine the proper staffing level in my district" was a common statement of chief probation and pretrial services officers. Others talked of the need to distribute their workload equitably among divisional offices and among officers.

Moreover, as Congress began to scrutinize the national budget more closely, it became imperative for local offices to be able to justify their expenditures with hard data and supply those data to the Administrative Office in a common format for national budget formulations and reports. "Most people don't understand the work we perform for our courts and the effort that goes into each case" was a recurring theme. As chiefs noted many times, not only have caseloads grown and investigations reached record levels, but many new laws passed by Congress have added complexity to the process. The staffing formula developed by the Administrative Office has further emphasized the need to track a broader range of specific activities performed by officers in federal cases.

The Probation and Pretrial Services Automated Case Tracking System (PACTS) was initiated in two sites in 1989. By 1997, it had expanded to 90 courts. PACTS was developed to meet the critical need for local tracking of case events. PACTS tracks activities from case activation in a pretrial services office to the termination of post-incarceration supervision by a probation office. Significant case events recorded in PACTS include preparing pretrial services investigations and presentence reports, opening both pretrial and post-conviction

supervision cases, and tracking special conditions of supervision. PACTS also records case termination information to help determine outcomes of supervision. A module was added in 1996 to track expenditures for substance abuse and mental health treatment and alternatives to detention. The Administrative Office continues to collect data for the national systems through monthly extractions that are made by local personnel and submitted electronically.

The Federal Corrections and Supervision Division (FCSO) manages the PACTS project in cooperation with user groups of court representatives as well as programmers and other technical specialists in the Administrative Office. A vital part of the growth and maintenance of PACTS has been site visits by project team members to review and assess PACTS' impact on local office operations. Post-implementation reviews began in June 1983. By September 30, 1997, 59 districts had been visited and 89 reports prepared for chief probation officers and chiefs in separate pretrial services offices. Pretrial services reports and supervision activities were provided through a separate pretrial services office with a chief pretrial services officer in 42 districts. In the remaining districts, pretrial services activities were performed by the probation office (combined offices).

During the period September 1995 through April 1997, 23 probation offices and 7 pretrial services offices were reviewed for PACTS operations. The recommendations that resulted were reviewed and tabulated to provide a basic picture of common areas that need more focus. A summary report of the recommendations is the basis of this article. The districts included in the summary have no special characteristics other than that they were visited during the period selected. A review generally was scheduled 12 to 18 months after a district had begun operating a "live" database.

Review Methodology and Report Format

Each post-implementation review was conducted by a two-person team. The team was led by either the project manager or the associate project manager from FCSO, who was accompanied by a trainer from the

*This article is based on *PACTS: Post Implementation Reviews Consolidated Report, September 1995-April 1997*, which was published in December 1997.

Technology Training and Support Division (TTSD). The purpose of the review was to: interview relevant staff to determine PACTS use and impact on the daily routine of all levels of staff; examine standard reports and queries produced from the database either as part of a pre-review assessment or during the visit itself; and compare the status of PACTS implementation in the district to that in other PACTS districts.

The review team introduced itself to, and conducted an interview with, the chief probation or pretrial services officer, then met with the systems manager (SM) or other PACTS coordinator. In larger offices with additional automation staff, other automation staff members involved in PACTS operations also were interviewed. Other interviews were conducted with one or more of the following: supervising probation or pretrial services officer, data entry staff, data quality analyst (DQA) or other staff person with responsibility for data quality, drug and alcohol treatment specialist (DATS), and line officer.

The following questions highlight the issues addressed:

- Is the application fully operational and available to all staff members?
- Are staff members familiar with the data in PACTS and with the possibilities for employing PACTS data in their routine work?
- Who performs the data entry and what procedures are in place for quality control?
- Has the staff been trained? Are there training opportunities that the project team can make available to the staff or to specific personnel?
- Do the supervisors use PACTS reports to track officers' workloads and assignments?
- Does the chief have a feel for PACTS as a management tool and is it meeting the chief's expectations?
- Is the automation staff familiar with the needs of the office and encouraging PACTS use by providing standard and special reports when appropriate?
- Is the office maintaining alternative systems that duplicate the data in PACTS?
- What implementation problems have occurred and have they been resolved?
- Are there suggestions for enhancements to the application that could make it more useful?

The information gleaned from the answers to these and other questions was used by the review team to draft a report to the chief. The report provided to the chief probation or pretrial services officer was composed of four sections, with subcategories as shown in figure 1. The report summarized the team's findings and ended

with recommendations for changes or improvements to office procedures intended to help the probation or pre-trial services office gain the maximum benefit from the PACTS application. The team discussed the report with the chief in an exit interview the day following the interviews and delivered a copy of a rough draft at that time. The final report was mailed later.

FIGURE 1. FORMAT OF STANDARD PACTS POST-IMPLEMENTATION REVIEW REPORT

- I. Introduction
- II. Automation Planning and Management
 - A. Statistical Analysis
 - B. Staffing
 - C. Communication
 - D. Training and Documentation
- III. PACTS Application Utilization
 - A. Office Operations
 - B. Substance Abuse Treatment Module
 - C. Quality Control
 - D. Reports
 - E. Requests for System Enhancements
- IV. Recommendations and Summary

Progress in PACTS Implementation

Many of the initial implementation problems consequent to distributing a new application had been resolved by the end of fiscal year 1995. Nationally, the project had moved from a focus of collecting the data to making greater use of the collected data in daily operations. As a result, the focus of the reviews was wider than perhaps it had been in the early years. Districts generally were entering the intermediate phase of PACTS implementation, i.e., accomplishing data entry, beginning regular data extractions, and exploring data uses. "I like PACTS because I can control the data and get reports right here" was one chief's statement reflective of the change in emphasis from national data to local data that PACTS implementation had accomplished. The Form 5 Quarterly Account of Reports became available as a standard PACTS report during the period of these reviews, enabling probation chiefs to have all of the workload factors locally.

Data in PACTS are stored on a local server and can be accessed by all staff members using terminal connections and networks, or dial-in modems in very small offices. The officer assigned at each step in the progress of the case, the office in which he or she works, and the officer's supervisor are all recorded. Reports can be produced on demand by office, by officer, and by supervising officer and printed immediately on local printers. Supervisors in some of the offices reviewed were using standard reports to track investigation assignments, case reviews, and other scheduled events in cases as-

signed to officers under their purview. In one district, a supervisor, in preparing annual performance evaluations, was using PACTS summary data to compile the accomplishments of each of his officers.

The probation offices visited were entering all cases into PACTS, and most had been released from further entries into the Federal Probation Supervision Information System (FPSIS) maintained by the Administrative Office's Statistics Division (SD). A few offices still were making double entries into both PACTS and FPSIS. All but one of the districts visited, both combined and separate offices, also were entering pretrial services data into PACTS although most were still making double entry into the Pretrial Services Act Information System (PSAIS) maintained by SD. In most instances, offices visited were in various phases of reconciling the data in PACTS with the PSAIS data to gain release from PSAIS entries. The vast majority since have completed the reconciliation and been released from making entries directly into PSAIS.

In most offices, PACTS was available through network connections to all staff in the main office. The staffs in divisional offices also had connections to the PACTS server, either on a wide-area network or through a local-area network linked to the PACTS host machine by a dedicated leased phone line. In most instances in which the entire staff in a divisional office did not have a network connection to PACTS, at least one staff member was able to dial in to the host machine via a phone modem.

Nearly all probation offices visited had designed forms for collecting PACTS data or had employed forms developed in other districts. Officers were involved in completing at least those portions of the form for which their expertise was required. In most pretrial services operations, data entry staff members were performing data entry directly from the PS 2 worksheets completed during interviews. Several offices had redesigned this form to follow more closely the screens in PACTS. Some offices had contacted these districts and obtained the redesigned forms for use in their districts. In more than half of the offices, the data entry task had been distributed to the various divisional offices and to multiple staff members in the headquarters office. Data entry staffs were well trained and well versed in all PACTS operations. Data quality was consistently good, even though most offices had not documented their quality control programs.

The first two workshops for PACTS custom report writing, both training 30 students, were completed before the period covered in this summary, and a third session was completed during the period. These workshops trained SMs to create custom reports to supplement the standard reports available for both probation and pretrial services operations. A Remote Network Access Library (RNALib) maintained by TTSD contained

141 custom reports by April 1997. SMs from 12 offices had produced 107 of the custom reports, and the TTSD staff members had added 34 they had written to address expressed or perceived needs. Other reports that had not yet been submitted for sharing also were presented during the reviews. In other districts, the SMs had reviewed the reports available in RNALib although they had not created any themselves. The review teams made appropriate recommendations for those who had neither written nor reviewed custom reports. In addition, 380 modifications requests (MRs) to the PACTS application had been submitted by technical staff members, data quality analysts, and others involved with routine PACTS operations. The high number of MRs testified to the wide use of the application and to the depth of knowledge many users had gained during the implementation process.

Recommendations for Improvements

The 30 reports surveyed contained 225 recommendations, which is an average of 7.5 recommendations per report. Individual reports contained as few as 3 and as many as 14 recommendations. The number of recommendations was not necessarily indicative of the status of PACTS implementation, however. The scope of the recommendations and their relationship to the overall program were of more importance. Some recommendations indicated severe problems that could not be summarized and for which multiple small suggestions would have been useless. In other cases, several points may have been made separately because they were not as easily summarized, but the application in general was operating satisfactorily.

The recommendations are listed individually and aggregated into categories that represent the basic subject areas of the reports. Although many recommendations could be used in multiple districts with little change in the wording, others were tailored for special situations. Similar recommendations that differed in their wording to suit a particular situation were aggregated for purposes of the consolidated report.

Operations

General Operations. Nearly half of the recommendations fell into the area of operations. A typical recommendation, which appeared in 23 out of 30 reports, was to *eliminate redundant systems*. Many districts were keeping card files and other personal data files that can be obtained from the PACTS client screen. Other districts were tracking investigations, hearings, or supervision activities in alternative database systems, in spreadsheets, in lists kept manually, or in WordPerfect files. PACTS data storage and query capabilities allow districts to eliminate alternative systems or files that formerly captured the same data. Using PACTS as the sole source for case information produces maximum ef-

iciency in administrative operations and frees clerical staff members for other tasks.

The recommendation to *create or update a local procedures manual* appeared in 22 of the 30 reports. Most offices were using the standard PACTS procedures manual that is distributed with each version of the application software to guide their data entry procedures. However, local procedures are needed to define the roles of officers and support staff in collecting information for PACTS data entry. A collection of distributed memos and messages distributed by e-mail can serve as an informal manual. The formal table of contents and index can follow later. A local procedures manual should detail the manner and establish time frames for submitting information for data entry and entering it into PACTS. A local manual also should establish conventions for entering defendant names in cases of hyphenation or foreign formats and for corporations as offenders. Guidelines should specify uniform abbreviations for streets or cities that are common to a particular area. For example, one address should not indicate "NYC" while another record shows New York City or Manhattan.

The recommendation to *distribute data entry tasks*, which appeared in 13 reports, was directed toward what the review teams saw as an obstacle in encouraging support staffs to adopt PACTS as an everyday tool. Nearly half of the offices visited had concentrated PACTS data entry tasks under the responsibilities of one or two persons who were trusted to make entries correctly. In these districts, although the clerks and other support staff often were participating in completing forms for their officers, only "key" personnel had system privileges on PACTS to add and modify data. PACTS was designed for distribution to all support staff for data entry. Relying on one or two staff members to make data entries causes delays in data processing. Moreover, it disenfranchises the clerks from an important part of office operations and gives rise to comments by clerks in these districts that PACTS is someone else's system, not theirs.

Technical Operations. The subcategory of technical operations accounted for 24 recommendations. Seven of these referred to special situations where separate pretrial services offices did not have their own SMs and needed more support from the automation staff in probation. The total is misleading because in all but one instance, the recommendation was made to both the chief probation officer and the chief pretrial services officer to ensure that an agreement was reached. Eight recommendations were directed to connectivity problems concerning network, electronic access to criminal data in the clerk's office, printers in satellite offices, and ensuring that the PACTS application is available via Windows with ongoing background access. Two offices were not operating with the

latest version of PACTS and were advised to load it immediately.

Statistical Reporting Operations. A total of 15 recommendations concerned statistical reporting, another subcategory of operations. The recommendation to *ensure timely entries* was made in eight districts where few or no records were found activated in pretrial services or opened or closed for probation supervision within the preceding 2 weeks or more. Untimely data entry is one of the primary complaints expressed by persons who are reluctant to rely on data collection systems. Other recommendations concerned the use of true names in sealed cases and updates of special conditions and other statistical fields in data records.

Substance Abuse Treatment Module (SATM). The SATM was initiated in April 1996 with the release of Version 5.1. The SATM allows for the entry of case treatment plans for each offender as well as vendor data and rates for each contract. Invoices received after all preparatory data are completed can be entered directly into the module, which then calculates expenditures according to program codes. Among its other benefits, the SATM informs the user when more treatments have been charged than are authorized in the treatment plan. Of the 26 offices visited after the SATM was available, 11 had not implemented it, and 2 others were not entering profile and outcome data. Recommendations were made in these districts to enter all relevant information into the SATM and work toward phasing out previous methods of capturing treatment plans and payment data. With all of the time and planning that went into this module, it is most important that districts implement it fully. The SATM will enable the FCSD to report to Congress on the results of distributing some \$38 million in substance abuse treatment funds annually. Implementation and use of the SATM, voluntary during the period of these visits, has been mandated beginning with fiscal year 1998.

Training and Documentation

Thirty-one recommendations concerned training. The need to train officers was noted in 16 reports although there were many districts in which officers had been trained and many of them were using PACTS reports regularly. For offices with problems, more training is required in using PACTS to research individual case data and to organize caseloads and investigation assignments. Although most districts were successfully performing data entry functions, retraining all staff or more support staff was indicated for five offices. This recommendation was made in support of one cited above under general operations concerning data entry task distribution. In seven other offices, training was recommended for specific individuals such as the SM or the DQA. In several instances, the review team leader

made a commitment to arrange for these staff to visit other districts for one-on-one training with more experienced colleagues.

Three offices were advised to distribute the PACTS operations manual and the PACTS statistical reporting guide to the support staff members performing data entry to provide them with easier access to resource materials. Although there were other districts that had not fully distributed these materials, the review teams avoided making a separate recommendation in more recent reviews because the teams were able to provide to the SM a disk with files of both manuals for immediate loading on the network.

Reports

Thirty-three recommendations addressed more complete use of PACTS standard and custom reports. In general, the reviews revealed that most districts had implemented data entry, but not many were making full use of the data. PACTS was designed to be much more than a data entry tool. Its greatest utility is its ability to aggregate the data to provide reports on case-load totals, investigations pending, detention rates, and many other management issues. In five offices, the SM had not made reports available to the staff on a regular basis or had delayed answering requests for custom reports. Recommendations were made to distribute reports to all staff at the end of the next reporting month and to review requirements to address requests for reports in special formats.

Chiefs were advised to take steps to *integrate PACTS into routine operations* in 17 of the 30 reports. Officers and supervisors in these districts still were using other methods in place before implementation of PACTS to track daily activities. In many instances, they continued to rely on pen and paper. Such practices not only deny them the benefits of a modern database application, but also create inaccuracies in the reports that are produced due to late reporting and a lack of focus on the database.

Eleven reports made the recommendation to *review and use the Remote Network Access Library (RNALib)*. One of the major benefits of instituting a national database application is that everyone can benefit from the advances made by SMs locally. The UNIX-based PACTS application is designed to allow local development of special reports to supplement the standard reports. Annual workshops are sponsored by the FCSD to train SMs and other PACTS coordinators in custom report writing. The review teams often found that the SM had not accessed the RNALib to review its contents or make the custom reports available to office staff so that determinations could be made as to which reports might benefit the district. In some cases, the SM had written several useful reports but had not submitted them to TTSD to include in the RNALib.

Communication

Only one major recommendation was classified as primarily falling into this category, although many of the other recommendations certainly affect this area as well. The recommendation to *establish a PACTS users committee* was recorded in 22 reports. The teams found that many districts initially appointed groups to determine implementation procedures but that these groups were disbanded when data entry became routine. Since 22 of the 30 reports recommended a users group, it is fair to say that, as with most things, more attention should be paid to incorporating user concerns. Extending committee membership to representatives from all levels of staff also encourages wider ownership of the PACTS application.

Quality Control

The only major recommendation in the area of quality control (QC), but cited in 23 of the reports, was to *establish or document a quality control program*. Personnel in some districts were not fully aware of the QC reports PACTS can produce. The review teams spent time with these persons to establish a basic routine for them to validate PACTS data. Most districts had informal QC programs in place based primarily on the edits programmed into the PACTS application and the QC reports that can be produced on demand. The review teams performed queries and reviewed reports during these visits and found a minimum number of obvious errors such as duplicate records, invalid birth dates, and records with missing data. The PACTS application edits specifically were directed at these types of errors. Districts need to structure a more comprehensive program to prevent errors that are not invalid or incompatible but, rather, represent information that is simply wrong for the record itself.

In addition, the number of offices in which officers and supervisors were not using PACTS reports was high. As a result, the quality control that naturally flows from officers' review of reports was not in place in these offices. The review teams highlighted in the exit interviews that procedures were necessary to ensure that all staff members understood their roles in maintaining data quality. The teams also stressed the importance of double checking PACTS entries and of comparing a random sample to the information in the case files.

Many districts had a tendency to place the responsibility for data quality on one or two DQAs or clerical supervisors who do not document the methods they use for quality assurance. Procedures are necessary in case the person with primary responsibility for data quality in the district is unavailable. Moreover, in several districts, the DQAs perform much or all of the data entry. Most often, no procedures were in place for reviewing their entries.

Other Accomplishments of the Review

The review process provided excellent opportunities for direct contact between the Administrative Office and the court units visited. The public relations value of this contact and its effects in refreshing relationships were considerable. The review teams gave the offices guidance in implementing and utilizing PACTS that could not be included in standard instruction manuals. The teams, in turn, were able to gain insight into office operations by personal observation, which is an invaluable supplement to reviewing written materials and summaries. Issues were resolved that could not have been adequately presented through a phone call or by e-mail. The team discovered advanced uses of PACTS and taught them to others.

The review teams were able to supplement the training provided in the classroom with individualized instruction. The TTSD trainer who provided initial training for a particular office was included as a member of the review team whenever possible. As a result, office staff members often were familiar with the review team members. Thus, the teams often were able to encourage staff members to anonymously report problems or make comments that the staff members may have hesitated to offer to the chief or other managers. The teams translated this information into ideas for revisions to PACTS programming and instructions and then provided it to the chiefs in a way that allowed the chiefs to understand problems and resolve them locally. The review team members were able to share ideas for PACTS uses with personnel in other districts and to present these ideas in various seminars and meetings. The teams also were able to facilitate contact among colleagues in different districts to help resolve problems common to each. Moreover, the teams identified personnel who had adapted well to the PACTS application. These personnel were called upon to provide technical guidance and leadership in visits to courts just beginning the implementation process. Providing “mentors” from more experienced districts is important for advancing the progress of a nationwide application.

Summary

The post-implementation reviews made as a part of the PACTS implementation process have uncovered both successes and problems. As a national program, PACTS certainly has been overwhelmingly successful at helping districts collect case data and transmit data to the national programs maintained at the Administrative Office. A positive commitment by the chief probation or pretrial services officer and by other management staff is significant indication of successful PACTS implementation. Training provided to SMs has encouraged them to distribute standard reports and to write or use custom reports that are not part of the core package. Dispersing PACTS access and data entry responsibilities is another key factor in gaining wider acceptance of the database by all staff members.

Offices have been slower to use PACTS as a management tool that produces current reports on caseload trends and investigation assignments. Officers need to be trained to incorporate PACTS queries and case reports into their routine activities. Supervisors are more likely than officers to be using PACTS reports but still need to use them more in their management activities. Once officers see their managers using PACTS data, they will be encouraged to use it themselves. Many offices visited recommended establishing a local PACTS users group to facilitate the integration of PACTS data into routine office work.

Procedures need to be formalized in most offices to ensure that all staff members know their role in providing data, reviewing reports, and promoting data quality. Redundant systems that contain the same data as PACTS should be eliminated in all offices. The effort spent to maintain these systems can be better directed to ensuring that PACTS data are complete and correct. As offices accomplish the objectives put forth in these reviews, all staff members will become comfortable in using PACTS as the primary source for research on individual cases and workload trends.

REDUCE: The Six Aims of Financial Investigations for Probation Officers

BY ARTHUR L. BOWKER

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TRADITIONALLY, THE core curriculum for corrections professionals has not included financial investigative techniques. Many probation officers pick up their financial expertise on their own without any base or frame of reference to build upon. Others muddle through by taking financial information at face value. Increasingly, courts are requiring more than just numbers. Probation officers must realize that merely gathering and regurgitating figures is not conducting a financial investigation. They entail much more than that. Financial investigations are one tool used in making appropriate sentencing recommendations and supervising offenders.

Defining Financial Investigation

According to a 1993 Internal Revenue Service (IRS) publication, financial investigations entail identifying and documenting “specific events involving the movement of money during the course of a crime” (p. 4). Financial investigations for probation officers entail *looking at the movement of money in an offender’s life* (see figure 1). Probation officers must look at how offenders obtain money and how they spend it. Do they earn a leg-

itimate income? Do they spend funds on illegal items, i.e., drugs? Did they obtain their assets (bank accounts, cars, homes, etc.) by legitimate means? What impact will financial conditions have on their lives?

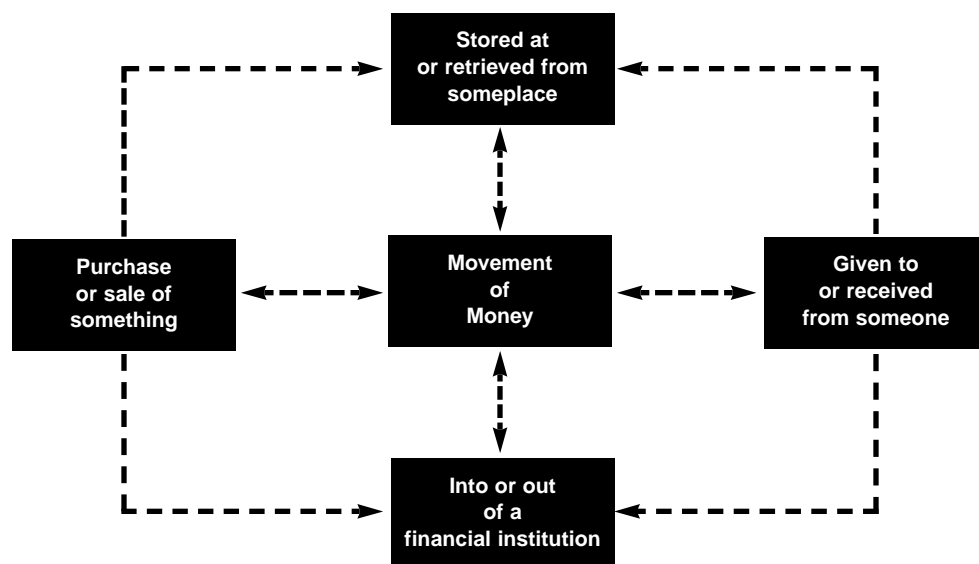
These issues and more can be addressed through financial investigation. Consistent with the federal probation system’s Enhanced Supervision Model (enforce conditions, control risk, and provide correctional treatment), financial investigation has six aims. These aims—*Reveal, Establish, Define, Uncover, Compliance and Enforcement*—**REDUCE** for short, can be grouped by the two major duties of probation officers, presentence investigations and supervision.

Presentence Investigations

The presentence aims of financial investigation are *Reveal, Establish, and Define*. The first aim requires the probation officer to *Reveal* the full extent of the offender’s benefit from the conviction offense, as well as detect collateral issues of concern such as substance abuse, gambling problems, or mental health disorders.¹ Financial investigation can help probation officers and courts understand how much benefit the offender gained from the offense or if the conviction offense is “just the tip of the iceberg.” Financial investigation also can reveal problems that offenders are not willing to acknowledge, but which courts need to be aware of, such as substance abuse or a mental health disorder.

The second aim calls for the officer to *Establish* the offender’s financial status and the offender’s ability to meet court-imposed financial conditions (fines, restitution, and supervision and treatment costs). Establishing an offender’s income, expenses, liabilities, and assets provides information the court needs to consider before imposing financial conditions. Financial investigations also establish a reference point for offenders’ supervision later. For instance, if the presentence report reflects

FIGURE 1. MOVEMENT OF MONEY



Source: *Financial Investigations: A Financial Approach to Detecting and Resolving Crimes* (IRS, 1993)

that an offender has a negative cash flow and no assets, how can he or she afford to buy an expensive new car? Or, if offenders have been shown to have a positive cash flow and numerous liquid assets, why aren't they meeting their financial conditions? A presentence investigation that initially establishes an offender's financial picture alerts supervision officers to changes in the offender's lifestyle that may be inconsistent with the offender's finances or the conditions of supervision.

Finally, presentence investigators must use financial investigation to *Define* appropriate financial conditions, i.e., how much the offender should pay monthly toward an outstanding restitution balance or how soon after sentencing the offender should pay a fine in full. Should the offender pay the supervision or drug treatment costs? Other conditions that may be considered based upon financial investigation are requiring that offenders obtain financial or debt counseling or requiring that offenders not have credit cards or incur new debt unless granted permission by the court or probation officer. Financial investigation enables probation officers to make informed recommendations that do not set offenders up for failure or require that fellow officers go back to court for modifications.

Supervision

The aims of financial investigation for supervision of officers are threefold: *Uncover*, *Compliance*, and *Enforcement*. *Uncover* entails not only detecting new illegal activity but also supervision issues. It mirrors the *Reveal* aim previously discussed but takes on new meaning in the supervision context. Specifically, financial investigation can result in revocation because the officer is looking for new criminal activity. Issues of what can be proven and how evidence is gathered now become very important. Collateral issues of concern that require action also may develop during the course of supervision. For instance, a substance abuse or gambling problem may be the reason why an offender now is falling more and more behind in paying bills.

Traditionally, *Compliance* has meant using financial investigation to determine whether offenders are paying their financial conditions as required, i.e., fines and restitution. Financial investigation, however, is more than just checking to see if the offender is making proper payments. Financial investigation can be used to determine compliance with other conditions as well. For instance, obtaining access to an offender's gas credit card statements may reveal out-of-jurisdiction charges, which may indicate that the offender has left the court's jurisdiction without permission. In another case, examining an alcoholic offender's canceled checks or credit card statements may indicate that the offender is frequenting a bar in violation of a treatment or abstinence condition.

Enforcement is the last aim. Financial investigation provides an "enforcement presence" to supervision. An

officer asking to see pay stubs, canceled checks, and credit card statements reinforces that an offender is being supervised and that engaging in criminal behavior or deviating from supervision conditions is a bad idea. This concept is very similar to that of companies who conduct routine audits to deter possible wrongdoing. Obviously, the approach will not work with all offenders, but some will modify their actions to conform to their conditions of supervision.

Factors to Consider

Probation officers must consider six factors before initiating a financial investigation. Probably foremost is what the focus of the investigation is. Is there a specific allegation or is the investigation a general inquiry? Focus also entails identifying what financial records are required and who needs to be interviewed regarding the records or transactions to resolve the allegation or inquiry.

Second, how much time does one have to devote to a financial inquiry? Some financial investigations can be quite time consuming. In addition, financial records are not always available on a moment's notice. For instance, bank copies of canceled checks or credit card statements/invoices may take weeks or months to retrieve. Copies of tax returns take even longer.

Third, what period is the investigation going to deal with? Should the investigation look at the offender's finances for the last month, 6 months, or year, or just one particular transaction?

Fourth, what type of offender is the probation officer dealing with? Is the offender a sophisticated stock manipulator or a young, street-level drug dealer with no financial acumen? Does the offender have the expertise to hide assets or income beyond burying it in the backyard or lying on a Monthly Supervision Report?

Fifth, what offense has the offender been convicted of? Is a financial investigation beyond the basics warranted for a minor offense that had little to do with finances? Few, if any, offenses warrant a complete audit of every aspect of the offender's finances.

Sixth, what type of expertise does the officer possess to complete a financial investigation? Most officers are capable of general financial inquiries. Other investigations, particularly those involving allegations of money laundering or major tax violations, are beyond the expertise of most officers and warrant contact with law enforcement agencies that can help resolve these issues.

Initiating FI

There are numerous techniques for completing a financial investigation. A good idea is to start with a written plan that clearly defines the investigation's focus, the issue(s) that need to be resolved, and the investigative steps or techniques to resolve those issues. General inquiries into an offender's finances may war-

rant only certain routine investigative procedures (see figure 2). More indepth investigations require more thought and planning. The key to understanding financial investigation is to know that they are “paper-intensive” and to plan accordingly.

FIGURE 2. INVESTIGATIVE PROCEDURES

Basic Investigative Steps	Presentence Investigation	Supervision
Obtain signed financial statement and affidavit.	X	
Obtain signed Monthly Supervision Report.		X
Obtain credit check.	X	X
Registration checks (autos, boats, etc.)	X	X
Real estate title searches	X	X
Review original supporting documentation (pay stubs, bills/receipts, income tax returns, etc.) provided by offender and/or third party.	X	X
Examine records for inconsistencies and investigative leads.	X	X
Resolve inconsistencies and/or pursue leads.	X	X

The IRS publication previously cited notes:

Financial investigations by their very nature are record intensive; specifically, records pointing to the movement of money. Bank account information (checking and savings account records), motor vehicle registration (title, place of purchase, and lien-holder records), and real estate files (records showing mortgages and deeds records) are documents or records commonly found in this type of investigations. However, records such as computer disks, utility bills, divorce decrees, and credit card carbons can play important roles in financial investigations. Any record that pertains to or shows the *paper trail of events* (emphasis added) is important to a financial investigation. (pp. 4-5)

Conducting financial investigations requires the ability to overcome obstacles, something probation officers as a whole are quite good at. Many times offenders will state that they don't have requested documentation. Most, if not all, financial records can be retrieved from other sources besides the offender. For instance, tax returns and W-2 Forms are maintained by not only the IRS, but frequently by financial institutions at the time a mortgage application is accepted. (Copies can usually be obtained quicker from banks than from the IRS, and loan applications are particularly good for uncovering

additional assets or income sources.) All financial institutions maintain copies of statements, canceled checks, deposit slips, and deposit detail (checks deposited).

Often offenders report that they have no bank accounts. If offenders are receiving any income by check (employment or public assistance), find out where they cash their checks. Check-cashing businesses frequently keep track of all checks cashed by a customer for a given period of time. Contacting these businesses not only will establish the amount of the offender's income but may disclose additional income sources not reported by the offender. If offenders maintain that they have no income, consider periodically conducting surprise “cash counts.” (Cash counts routinely are used by auditors to detect embezzlement of unrecorded receipts.) Count all cash on the offender's person and control and document the date and amount. The results of cash counts over time can be used to determine if offenders have more income than they are reporting.

Probation officers also should be aware that any financial record can be falsified. In this age of computers and laser printers, this is particularly true. Offenders have been known to manufacture false tax forms, pay stubs, even canceled checks and bank statements to accomplish their objectives. Probation officers should view all documents that offenders supply as open to alteration and should be willing to contact third parties to verify the accuracy of records supplied.

There are numerous good financial investigation publications that probation officers should read and study for information on specific techniques and financial terms. The Federal Judicial Center has published two excellent resources, *Financial Investigation: New Officer Orientation Workshop Participant Guide* and *Financial Investigation Desk Reference for U.S. Probation and U.S. Pretrial Services Officers*. In addition, numerous fraud organizations provide low-cost fraud training to members that can be useful to probation officers as well.

Conclusion

Financial investigation can play an integral role in sentencing and supervising offenders. By utilizing financial investigation, presentence writers can *Reveal* and *Establish* an offender's financial condition and *Define* appropriate financial conditions to recommend. Supervision officers can use financial investigation to *Uncover* criminal activity, ensure *Compliance* with conditions, and provide an *Enforcement* presence. The manner in which probation officers use financial investigation depends on six factors: focus, time, period, offender, offense, and officer expertise. By understanding these factors and that financial investigations are paper-intensive, probation officers can plan and use investigative techniques effectively to REDUCE inappropriate recommendations and ineffective correctional supervision.

NOTE

¹Certain mental health conditions, such as mood disorders, include activities involving finances as one criterion for making a diagnosis. For instance, “engaging in unrestrained buying sprees or foolish business investments” are considered criteria for a manic episode. (See the *Diagnostic and Statistical Manual of Mental Disorders*, 4th edition, American Psychiatric Association, Washington, DC.)

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The Failure of Correctional Management: Rhetoric Versus the Reality of Leadership

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THE FIELD of corrections has been sustained over the years as a result of dedicated, visionary administrators—persons who routinely manifest leadership. They are persons previously described as “progressive managers” (Cohn, 1995, 1987). Unfortunately, there are other top-level executives who do not provide their staffs with direction, are reactive rather than proactive in dealing with problems, and are those persons previously described as “pedestrian managers” (Cohn, 1995). Yet, competent management is not synonymous with leadership; the distinctions are significant.

For many administrators whose priority is to “keep the lid on,” their agencies, at best, provide adequate to mediocre service delivery systems. Staffs are not held accountable for working toward goal attainment, and they respond to crises as would “Chicken Little.” They apparently fail to understand that staff members really want direction, they genuinely look for additional resources to do their jobs competently, and they want to take pride in organizational success.

Correctional administrators and the superordinates they serve, unfortunately, perpetuate the myth that a criminal justice *system* actually operates in any given jurisdiction when, in point of fact, we have come to recognize that what we really have is a *non-system* (Freed, 1969; Cohn, 1974): a collection of individual agencies and programs loosely held together under the criminal justice umbrella, each dealing with the same clients, but each having created its own competitive turf. As a consequence, jurisdictional planning for a true system of criminal justice administration not only falters, it just does not happen as it should.

The Criminal Justice Non-System

I was asked recently by the chief justice of a mid-western supreme court to design a conference dealing with this issue. He expressed considerable concern that the non-system in his state worked against effective crime control and that, as a consequence, funds were being inappropriately spent, coordinated programming toward consensual goals was absent, and system-wide planning did not occur. For this chief justice, the issue was not the identification of what worked; rather, the critical concern was that of why agencies were not working as collaboratively as he thought they should.

In anticipation of a workshop in which representatives of all aspects of the criminal justice continuum in the state would come together to discuss goals, relationships, and communications, the design for this training session almost naturally fell into place. I designed a questionnaire for each of the participants to complete before the workshop. Each was asked to identify the three most critical problems facing his or her discipline. Thus, prosecutors had to identify what they believed to be their most pressing problems. Judges, probation and parole staffs, chiefs of police, sheriffs, and public defenders were asked the same question.

A second question asked participants the following: What, in your opinion, do you believe the other incumbents will identify as their most critical problems? They were instructed *not* to list what they believed to be the problems, but what the other respondents would identify and list related to their own disciplines. The findings, of course, were aggregated according to discipline.

For purposes of this article, the actual identification of problems is irrelevant to the significant conclusion that *no discipline by group came anywhere near identifying what the other groups identified as their critical problems, even though there was considerable consensus on the identification of problems as listed by their colleagues within the discipline.*

During the course of the workshop, it was not uncommon to hear: “I didn’t know that!” “Are you sure that’s the law?” “I didn’t know you had that program.” It became obvious that the major players in criminal justice administration in that state had blindspots and were ignorant of other agencies’ programs and activities and that there was no routine process of communications among and between them.

One chief of police was astounded to learn that juvenile detention workers were governed by law regarding intake. He had reported that one of his problems was that his officers always believed that youths brought to a detention center were routinely released even before paperwork could be completed. A member of the parole board admitted to being unaware of how parole violators could contribute to jail overcrowding because hearings for such inmates were frequently delayed—at the convenience of the board. A public defender complained that she was not routinely made aware of cases to be assigned to her due to faulty communications from the court, prosecutor, and jail.

All of the participants recognized that in the absence of an appropriate Management Information System, or some other data collection and analysis system, there was no way to determine overall cost-effectiveness of their various programs and services, nor was there any process in place to measure program effectiveness in terms of goal attainment. They also clearly admitted that there was no vehicle in place to communicate with one another to discuss problems of a mutual or inter-agency nature.

Parenthetically, it is notable that had there been some kind of coordinating council in the state, this workshop would not have been designed in the manner it was; rather, manager-leaders would have been given an opportunity to review how they communicate and problem-solve and otherwise develop appropriate solutions for defined problems.

Management Effectiveness Versus Leadership Effectiveness

The success of any organization whether it be public or private is measured by the degree to which products or services are produced in ways that achieve explicit goals as well as by its effectiveness. As one attempts to examine "success," it is important to distinguish between *management* and *leadership*. As Hersey and Blanchard (1977, pp. 111–112) suggest, leadership is a broader concept than management—a special kind of leadership in which the accomplishment of organizational goals is paramount.

Leadership, on the other hand, is the process of attempting to influence the behavior of someone else. Therefore, it becomes obvious that all leadership behavior is not directed toward achieving organizational goals. It is also a fact that when one attempts to influence someone else in the organization, the "influencer" may not even be a manager.

As will be discussed later, all managers are not leaders and all leaders are not managers. The leader is one who is an effective communicator, someone who has vision, and certainly one who is willing to understand and respect the roles of other persons with whom he or she should and does work. Thus, the participant at the above-discussed workshop who indicated that he didn't know something of importance, not only was sharing his ignorance; he revealed that he might have been a manager, but certainly not a leader.

Power

Although research findings in the area of leadership are often confusing if not contradictory, there is some agreement that one of the characteristics of leadership is that leaders exercise *power*. Etzioni (1961) many years ago discussed the difference between *position power* and *personal power*—a distinction that springs

from his concept of power as the ability to induce or influence behavior.

He claims that power is derived from an organizational office, personal influence, or both. Therefore, individuals who are able to induce other individuals to behave in a certain way because of their positions in the organization are considered to have position power. An example here is that of a chief probation officer instructing staff on how to complete a presentence investigation. Individuals who derive their power from their followers, however, are considered to have personal power; in fact, such persons may not have any positional power in the organization. Examples here include the manager who has charisma and staff willingly follow his or her lead, as well as the correctional officer who inspires inmates to want to attain more education. It is also possible, moreover, that some individuals exhibit both position and personal power

Position power can be elusive if not temporary even though a manager is believed to have sufficient control over the work of staff. But, in most public agencies, this kind of positional power is also *derivative*. Chief probation officers usually are answerable to a judge or a county executive, who at any time can reduce the chief's power even though he or she continues to occupy that top-level position. The same would hold in the case of a jail administrator who is appointed by a sheriff. Therefore, while authority attaches to the position and power attaches to the person, both can be stripped or changed by a superordinate.

Personal power is undeniably linked to leadership and can be described as the extent to which followers respect, feel good about, and are committed to their leader and who see their personal and organizational goals as being satisfied by the personal goals of their leader. In other words, personal power is the extent to which people are willing to follow a leader. As a result, personal power in an organizational setting comes from below—the followers. According to Hersey and Blanchard (1977, p. 113),

Although managers certainly can influence the amount of personal power they have by the way they treat their people, it is a volatile kind of power. It can be taken away rapidly by followers. Make a few dramatic mistakes and see how many people are willing to follow. Personal power is a day-to-day phenomenon—it can be earned and it can be taken away.

Pomrenke (1994, pp. 37–38) links managerial effectiveness with leadership skills that need to be combined in order to achieve a successful organization. He examines three basic areas of activity (as obtained from Kotter, 1990, p. 4):

1. Establishing Direction: developing a vision of the future (often the distant future), as well as strategies for producing the changes needed to achieve that vision.
2. Aligning People: communicating the direction to those whose cooperation may be needed, so as to cre-

ate coalitions that understand the vision and are committed to its achievement.

3. **Motivating and Inspiring:** keeping people moving in the right direction—despite major political, bureaucratic, and resource barriers to change—by appealing to very basic, but often untapped, human needs, values, and emotions.

From a simplified, managerial perspective, then, leadership in an organization is indeed *influence*—influencing others to complete tasks as effectively and as efficiently as possible and according to explicit organizational programmatic goals.

Leadership Traits, Characteristics, and Skills

Whether leaders are born or are trained is a debate without significance. Kotter (1990, p. 5) suggests that while any manager can be trained in leadership principles, it is the ability to *utilize* those skills to influence others. In fact, in a study of successful executives conducted by Kotter (1990, pp. 106–107), he found that these persons shared common characteristics, including:

- high drive, ambition, or energy levels (to achieve and succeed)
- above-average intellectual skills (most important in direction setting)
- no mental/emotional health “baggage” (allows manager to interact with others with a minimum of distortions or problems)
- integrity (contributes to direction setting and satisfies needs of others)

Caroselli (1990, p. 4) (as quoted in Pomrenke, 1994, p. 38) produced a list of leadership traits that are behavioral in nature and further enhance the notion that personality and life experiences are an integral part of leadership development. According to her, an effective leader is intelligent, mature, self-confident, and ethical; welcomes change; and is able to communicate, follow through, develop teams, energize and motivate staff, share knowledge, and envision the future.

Behavioral Dimension of Leadership

Whether right or wrong, many researchers as well as practitioners believe that they understand management. In fact, volumes of research over the past 50 years have defined management in terms of tasks or activities such as planning, coordinating, and staffing. While debate continues over details, textbooks all tend to discuss the management process, with descriptions essentially the same.

Leadership, on the other hand, has been far less well defined, partly because we have decided that a leader has *charisma*. But the concept of charisma undoubtedly

falls into the same category as “beauty” or “love”—impossible to define due to its abstract nature and almost totally “in the eye of the beholder.” Thus, as Zenger (1985, pp. 45–52) delineates, there are six behavioral dimensions to leadership that separate the manager from the leader, including:

1. Leaders create values through communication.

Leaders are universally good communicators, especially when discussing organizational values and mission. They are articulate and express themselves persuasively, if not passionately, when in groups. Leaders also focus on emotional issues that connect them with their followers; that is, they focus on values that appeal to employees, enlisting them in a cause that gives purpose and meaning to their work. They convey a vision of the future while serving as catalysts to define the organization’s mission and potential, transmit that vision to their associates, and enlist their help in attaining it.

2. Leaders develop committed followers.

Leaders develop emotional connections with associates, who become their followers. They involve others, provide positive feedback, and build a climate of trust. People who work for manager-leaders feel responsible for making the organization successful. Further, when leadership is present, staff members know that they truly are empowered—because they are trusted and because they are treated as competent. The manager-leader appreciates and recognizes talent and thrives on the success of others.

3. Leaders inspire lofty accomplishments.

A manager-leader is willing to accept responsibility for ensuring that organizational goals and objectives are attained. He or she sets standards that are realistic and understandable, but high enough to demand creativity on the part of staff. Further, they use small wins to build confidence and motivate people to do more. Then, they move on to larger challenges, always trying to go beyond past achievements.

4. Leaders model appropriate behavior.

Leaders tend to be accepted by their colleagues, in part, because they reflect the values and norms of the group members, who, in turn, emulate leader behavior. Because of high trust, they will move as fast or as slow as the leader insofar as goal definition and task accomplishment are concerned. Followers want to see in their manager-leaders talent, a sense of direction, and one who is capable of taking action, but not precipitously.

5. Leaders focus attention on important issues.

Leaders are capable of defining problems and working toward feasible solutions. They are focused and, in effect, follow the river without being distracted by trib-

utaries. Leaders do not spend only 25 cents on a dollar issue, but, conversely, will not waste a dollar on a 25-cent issue. They have the ability to recognize that only a limited number of goals and activities can be pursued at any given time, so they take great care in determining what issues need emphasis and what the priorities should be.

6. Leaders connect their group to the outside world.

A leader clearly recognizes that there are internal and external environments, both of which need to be understood and which require special relationships. Leaders stay in touch with representatives of both groups, always sharing appropriate information. By keeping staff apprised of developments and issues, the leader helps colleagues to understand what others believe and are doing. Leaders, in fact, tend to spend more time away from their offices than behind their desks. They are constantly listening and communicating.

Zenger (1985, pp. 51–53) states that:

... organizations need both leadership and management. All leadership and no management would leave us without the required systems for analysis and control that make our organizations run efficiently. If we assume, however, that managers are in place, and we wish to add leadership skills to their repertoires, the following strategy can help promote those behaviors at all levels in the organization.

- Teach managers the nature of leadership.
- Train managers in leadership skills.
- Put managers in the proper environments to learn leadership.
- Train executives and managers to coach their subordinates on leadership skills (mentoring).
- Train subordinates to help train their managers in leadership.

However, all the reviews of leadership training (e.g., Gordon, 1985; Burke & Day, 1986; Bass, 1990; Lewis, 1995) stress that we know very little about the processes in leadership and managerial training that contribute to organizational performance. At least one reason for this lack of knowledge, according to Fiedler (1996, p. 244), is the scarcity of meaningful and rigorous research. The sole evaluation of most management training too often consists of no more than asking trainees how they liked the program or whether they thought they had learned something (Saari et al., 1988).

Insofar as leadership training is concerned, Fiedler (1996, p. 245) argues:

... that we are most likely to make important further progress in selecting managers less by assessing leader abilities and knowledge than by fully using the abilities and knowledge they already have.

He goes on to state (p. 245) that predictions of how a leader will perform in a particular job that are based on

the individual's intelligence have been marginal at best. Further, experience and job knowledge have been shown to be completely unrelated to leadership performance (see, for example, Fiedler & Garcia, 1987, pp. 31–48; Fiedler & House, 1994, pp. 1–16).

Leadership Style

McCall (1977, p. 4) summarizes the literature up to that time and reports that data show that leaders change their behavior in response to situational conditions as well as subordinate needs and behaviors. That is, leaders are not perceived by subordinates as having only "one style." Thus, the search for invariant truth—the one best-way-approach—may not hold answers for all situations and conditions. Most leaders, it appears, have numerous behaviors to choose from as they face a wide variety of circumstances; yet, a number of leadership behaviors may be equally effective in the same situation.

If the situation requires compassion, the leader is capable of being compassionate. If the situation requires toughness, the leader is capable of being tough. This does not make the leader either fickle or unable to make a decision. Rather, since there is a repertoire of behaviors available, he or she responds to situations appropriately. Subordinates clearly recognize that manager-leaders are willing to confront issues and seek resolutions that are in the best interest of the organization and the personnel involved.

For organizational leaders, according to McCall (1977, pp. 9–10), the data indicate that their worlds consist of many activities, most of which are of short duration, frequent interruptions, a large number of contacts beyond the immediate work group, and a preponderance of oral communication. And, "what observational studies have shown us is that the leadership we react to—the inspiration, or lack of it, the autocratic or democratic behavior—is only a part of the larger and more complex set of phenomena comprising the role of the leader" (p. 10).

Leadership Training

A review of the literature suggests that most leadership training is based on the behavioral science approach, which seems to repeat the mistakes of leadership research. As examples, training tends to focus quite narrowly on the relationship between the leader and the group and specifically on the issue of leadership style. It fails to take into account the nature of managerial work: many activities, fragmentation, variety, nonhierarchical relationships, etc. Also, when situational considerations are included in training, they tend to be limited to the situation of the immediate work group (e.g., the task of the group or the nature of the immediate problem).

It may be useful for managers who strive to become leaders to develop a knowledge of leadership styles and a sensitivity to their contingent application, but applying such learning on the job undoubtedly is a different matter. If this is the case, then I would suggest that instead of teaching content, leadership training might better focus on creating situations that truly reflect the daily demands of the manager-leader role and, through the use of extensive and intensive feedback, allow the trainees to study, understand, analyze, and practice their performance—and the impact on the self and others (not too dissimilar from assessment center practices).

One result of the hectic pace of managerial work is that managers seldom have time to reflect on their behavior, and this is also true for the manager-leader. On-the-job feedback is likely to be fragmented, badly timed, vague, sometimes hostile, and occasionally lacking altogether. Further, there are always “hidden agendas” that interfere with critical decision-making and problem-solving.

Therefore, one valuable anticipated outcome of a training experience (for leadership or management) is that it can provide the opportunity to examine and explore the process of how to be a leader. However, to maximize this potential, the training must generate behavior that approximates the leader’s actual role as well as provide valid feedback on what the behaviors were and their impact and significance.

Core Ideology and Envisioned Future

While the manager attends to daily functions to ensure that the organization fulfills its mission and according to declared processes, it is the leader who looks to the future, anticipates and attempts to control the future, and otherwise has a vision that is not only acceptable to subordinates, they do their best to ensure it becomes a reality.

Collins and Porras (1996, p. 66) discuss this aspect of leadership and write:

A well-conceived vision consists of two major components: *core ideology* and *envisioned future*. Core ideology, the yin in our scheme, defines what we stand for and why we exist (organizationally). Yin is unchanging and complements yang, the envisioned future. The envisioned future is what we aspire to become, to achieve, to create—something that will require significant change and progress to attain. . . . Any effective vision must embody the core ideology of the organization, which in turn consists of two distinct parts: core values, a system of guiding principles and tenets; and core purpose, the organization’s most fundamental reason for existence.

It appears, then, that core purpose is the organization’s reason for being; that is, what it is expected to accomplish. Moreover, an effective core purpose reflects people’s idealistic motivations for doing the organization’s work. The leader, therefore, understands that the core purpose does not just describe the organization’s output or services, it captures the *soul* of the organiza-

tion. Purpose, however, should not be confused with specific goals or agency-based strategies; the former is enduring and unchanging while the latter constantly changes. “The core purpose is forever pursued but never reached” (Collins & Porras, 1996, p. 69).

Core ideology is not created, it is *discovered*. It does not come from an administrative order, a court decision, or a law. It does not come from the external environment. You understand it by looking inside, for it has to be authentic. It reflects core values that are truly and passionately held. And it is the leader who helps subordinates to identify and embrace these core values. The manager, on the other hand, is only concerned with output and numbers, not with why the organization exists at all. It is the leader, furthermore, who attracts to his or her organization potential staff who are predisposed to share core values and purpose, retains them, and pushes out those who do not embrace these values. *Thus, the successful leader is one who views the building of strength of the organization as a primary way of creating the future.*

According to Collins and Porras (1996, pp. 76–77):

Many executives trash about with mission statements and vision statements. Unfortunately, most of these statements turn out to be a muddled stew of values, goals, purposes, philosophies, beliefs, aspirations, norms, strategies, practices, and descriptions. They are usually a boring, confusing, structurally unsound stream of words that evoke the response “True, but who cares?” Even more problematic, seldom do these statements have a direct link to the fundamental dynamic or visionary [organization] . . . *preserve the core and stimulate progress.* (Emphasis added)

The concern of the leader then becomes one where the vision or mission of the organization is cast into an effective context for building a visionary organization. He or she leads and subordinates (and colleagues) follow because they are motivated to want to, because the vision is congruent with personal values, and because they want the organization to prosper.

Intellect and Performance

The finding that intellectual abilities and experience do not seem to predict performance has major implications for management. Effective leadership requires sound judgment, wise decisions, the ability to evaluate both simple and complex information, and a commitment to create and translate a vision for the organization. These and similar attributes are intellectual functions. Yet, we seem to place more trust in leaders who have experience and expertise than in those who are relatively inexperienced and know very little about the task.

The fact that these intellectual resources and leadership performance are unrelated suggests that they contribute to performance about as often as they fail to contribute or are detrimental to performance. Therefore, Fielder (1996, p. 245) asserts that “helping leaders

to make effective use of their cognitive resources, for which they were hired in the first place, would also be the most efficient and cost-effective method for improving leadership performance.”

Discussion

Whether leaders are born or are created is an academic argument that does not help us understand how leadership skills can be enhanced within an organizational context. While we recognize the difference between leadership and management, a successful organization strives to have manager-leaders: intelligent and experienced practitioners who not only define core values and purpose, they translate these into viable strategies that subordinates and colleagues accept and attempt to implement. They are motivated by the manager-leaders to create and sustain an organization that reflects their own values as well as those of the organization.

Although the research literature does not tell us conclusively what a leader is, how she or he operates, or training required to create or enhance leadership skills, somehow within organizations “we know leadership when we see it.” But leadership is more than that which is in the eye of the beholder, however important that is. It is a sustained approach to organizational prosperity; it is an environment in which creativity exists; it is an organization that has vision, has direction, and anticipates the future for the changes that are likely to—and should—occur.

In the final analysis, the literature on leadership suggests not only that leadership is a complex phenomenon, but that it reflects an interaction between the leader and the leadership situation. However, this principle still must be translated into practice. Fiedler (1996, p. 249) states: “We cannot make leaders more intelligent or more creative, but we can design situations that allow leaders to utilize their intellectual abilities, expertise, and experience more effectively.”

Rhetoric about leadership in terms of what is desired for the organization is not helpful. The reality of leadership, how leaders behave and how they can be trained, on the other hand, is what we need to understand and translate into practice.

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Changing Lives Through Literature*

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THIS EVENING I am going to share with you the origin and nature of a program that, in my opinion, is a genuine revolution in the field of criminal justice. It is a revolution that requires serious criminal offenders to be brought to college and university campuses to read and discuss some of the great masterpieces in literature and some of the classic texts in philosophy. This program is also revolutionary in its rejection of the prevailing paradigm regarding the reasons or causes that explain why these persons commit criminal offenses. In my concluding remarks I will explain why I truly regret that I did not have the vision to create this program in Texas nearly 10 years ago when I was hired as an adjunct professor for the University of Houston at Clear Lake. All of my students are prison inmates.

The genesis of this program was in 1991 during a discussion between two friends following their completion of a game of tennis. More specifically, District Court Judge Robert Kane of New Bedford, Massachusetts (the location of the early pages in Melville's *Moby Dick*), and Professor Robert Waxler of the University of Massachusetts at Dartmouth were discussing Judge Kane's frustration with the lack of meaningful sentencing options for repeat offenders. Professor Waxler ventured a suggestion in the form of a daring challenge, namely, sentence some of those bad guys to me at the university and I will direct them to the transformative power of the humanities and great works of literature. Judge Kane accepted the challenge and the experiment of "Changing Lives Through Literature" was born. "Go to school and read books or go to jail" was soon to become a new choice for repeat criminal offenders in New Bedford, Massachusetts. My commitment to this program is best understood in the context of the time in my life when I was directed to the transformative power of the humanities.¹

In 1960, I was a freshman in college, and near the completion of the first semester I was giving serious consideration to quitting and making an attempt to become a professional bowler. During an afternoon walk to class, I encountered one of the recognized campus intellectuals. In response to my greeting of "Hello, what do you know?," he made an abrupt stop in front of me and said, "Mr. Jablecki, I do not know anything, I am simply attempting to understand." He then marched past me. Not having a clue as to the meaning of his curt remark,

I probably articulated a response in very unscholarly language. Several days later, I asked a senior who was majoring in something called philosophy to explain to me the distinction between knowing and understanding. After his learned discourse, most of which I failed to comprehend, he suggested that in the spring semester, I should take Introduction to Philosophy. I decided to remain in college for at least one more semester, and I enrolled in Introduction to Philosophy. In that class I was introduced to the life and teachings of a man named Socrates. Consequently, in the spring of 1960, I learned the meaning of the distinction between knowing and understanding, my thinking, my conduct, and my ambitions changed and I sold my prized black beauty bowling ball and purchased some philosophy books.

Sixteen years later, I was a resident of Texas and seeking employment as a classroom philosopher or an opportunity to bridge the enormous gap between theory and practice. The opportunity, in 1979, to make the transition from theorizing about the concepts of justice and punishment to participating in their creation and administration was a totally unanticipated new chapter in my life.

Now, as I remarked earlier, the Changing Lives Through Literature program involves the rejection of the prevailing paradigm regarding the reasons or causes that explain why persons commit criminal offenses. More specifically, the paradigm is the medical model of human conduct, and using nearly 18 years of experience in dealing with thousands of criminal offenders, I will unpack the reasons why I believe this model to be false. In 1988, I wrote an article that was published in *The Houston Post* under the title of "Why Criminals Can't Be Rehabilitated." I remain persuaded of the truth of the following:

I am going to expose a myth by telling a closely guarded secret that should have been released to the public long ago: Criminals cannot be "rehabilitated." To "rehabilitate," according to *Webster's New Collegiate Dictionary*, is to "restore to a former capacity" or to "restore to a condition of health or useful and constructive activity." Using this definition, my experiences with several thousand criminal offenders on adult probation and many hours of discussion with a significant number of inmates in two of our prison units confirm the absence of a prior healthy or constructive condition to which to restore them. More specifically, due to a combination of their total environment and voluntary decisions, they

*This is the text of Dr. Jablecki's presentation on November 20, 1997, to the Houston Philosophical Society, Rice University.

have never learned to think clearly and live responsibly. This means that it would be a serious mistake to restore or to “rehabilitate” them to what they were.

This claim can be illustrated by describing the typical felony adult probationer in Texas, who is an Anglo male between 17 and 26 years of age. This individual does not give a hoot over the loss of his rights to serve on a jury, to vote, or to hold an elected public office. He becomes indignant, however, and thinks he should be allowed to withdraw his plea when we inform him (his attorney did not bother to do so) that when the next deer season rolls around he will not be able to participate unless he does so with a bow and arrow.

This young high-school dropout, who is abusing himself with alcohol and/or drugs, has no real appreciation for or understanding of the words “rights” and “obligations” and their crucial role in our system of government. He is restricted to manual labor, has no concept of the future beyond tomorrow, and has an immediate need for the kind of material possessions that it has taken 20 years for the rest of us to accumulate. His father taught him the Archie Bunker view of the world, failed to teach him to respect the rights and feelings of others, failed to encourage him to read and think clearly about significant issues, and failed to emphasize the importance of education and becoming a genuinely civilized person.

In addition to the fact that the rehabilitative ideal presupposes an unrealistic view of the majority of criminal offenders, it involves a commitment to the equally false model of human behavior advocated by some psychiatrists, psychologists, and so-called behavioral scientists. Criminals are not “mentally ill” or “sick,” and they are not “determined” by causes over which they have no control to commit crimes.

The basic assumptions of our society and legal system are that individual citizens can make free choices and that they ought to be held responsible for the consequences of any decision involving unlawful conduct. More specifically, our society operates on the assumption that the individual human is a moral agent capable of initiating occurrences or actions, and this capacity is what is meant by freedom.

Joined with the idea of freedom is the idea of responsibility, which, in practice, involves approval and disapproval, rewards and punishments. Moral judgments and the application of legal rules assume that the individual is free and the burden of proving in any specific case the absence of freedom rests upon the individual to produce some excusing conditions or prove a state of abnormality. We assume, therefore, that people who commit a criminal offense could have acted otherwise—that they were not forced or coerced to commit a crime.

Criminal offenders are in conflict with the norms of society; they are not suffering from psychological disorders that both explain and excuse their conduct. They have

consciously and deliberately chosen to commit a crime, or, in numerous cases, they consciously and deliberately set themselves up for committing a crime by altering their normal mental and physical capacities. They were free to do otherwise and should be held responsible.

I am not advocating an insensitive and unmerciful punishment of criminal offenders, many of whom have very real and serious psychological problems. In numerous cases, their conduct and degree of personal happiness have been adversely affected by poverty, lack of education and job skills, peer pressure, racial discrimination, broken homes, physical or sexual abuse, drug addiction, and alcoholism.

My experiences, not theories, have led me to the following views. A seasoned adult probation officer has supervised people who are mentally retarded, mean and violent, chronic liars, profoundly ignorant, highly educated and sophisticated, wealthy or in the upper income bracket, economically and culturally impoverished, drug addicts, alcoholics, sexual deviants, and con artists. All of these individuals make free choices and should be held accountable. All of the factors, however, that constitute their unique environment produce a wide variation in the number of choices and options that are available to them.

This means that the degree to which they are free and responsible must be determined on a case-by-case basis. For example, the highly educated and upper income offenders, regardless of the nature of their crimes, possess more freedom or options of conduct from which to choose, and this involves a greater degree of accountability for their actions. It is, in my opinion, a sad and tragic contradiction that multitudes of people who are less free and responsible receive the harshest punishment.

Now that I have told our secret—criminals cannot be rehabilitated—the question is, what (if anything) can be done to change them? We should use every available resource to assist in the process of “habilitation”—in other words, a civilizing process in which they must voluntarily accept the responsibility for developing new habits of thinking and conduct.

Popular myths do not die easy deaths. But unless we abandon the myth of rehabilitation in favor of a realistic account of the causes of criminal behavior and the actual character traits of the people we attempt to help, our alleged failures will continue to be magnified in the news media. We cannot perform miracles, and it is time to point the finger of blame in the direction of a chaotic society and an educational system that is graduating uncivilized illiterates.

I have discussed and debated my arguments with hundreds of criminal offenders, many of whom are prison inmates. With few exceptions, even those with vivid memories of the lowest depth of their struggle with drug and alcohol abuse acknowledged that they were always making choices, i.e., their alleged addic-

tion did not force or compel them to commit a crime. I hasten to make it abundantly clear that I am not advocating a cavalier dismissal or minimization of the value of the services provided to numerous persons by professional substance abuse counselors and other professional counselors. At the same time, however, I must insist that if they counsel any of their clients as if they are victims of society or of a mental disease or illness over which they have no control, they are wrong. I am very cognizant of the fact that my academic credentials impose a definite limit on my ability to critique what has been described as the invasion of contemporary psychiatry and psychology into the area of criminal justice. That critique, however, is being articulated by an increasing number of psychiatrists and psychologists, notably, Thomas Szasz and Stanton Samenow. My position, for the most part, is a restatement of the arguments in Szasz's *Law, Liberty, and Psychiatry* and Samenow's *Inside the Criminal Mind*. Szasz, as some of you know, is a psychiatrist who has focused his career on attempting to demolish what he calls the myth of mental illness.

According to Szasz, the concept of mental illness which lies at the core of virtually all psychiatric theories and practices ". . . is a metaphor which we have come to mistake for a fact."² We call people physically ill when their body-functioning violates certain anatomical and physiological norms; similarly, we call people mentally ill when their personal conduct violates certain ethical, political, and social norms. This explains why many historical figures, from Jesus to Castro and from Job to Hitler, have been diagnosed as suffering from this or that psychiatric malady.³

Psychiatric maladies or problems, Szasz insists, are not medical problems, and psychiatry is not a branch of medicine. Instead, psychiatric interventions are directed at the universal, moral problems in daily living, e.g., personal needs and wants, social aspirations, and the formulation of opinions and values. Calling mental illness a "myth" or metaphorical disease, therefore, is not calling it a fairy tale. Rather, as the British philosopher, Gilbert Ryle observes, a myth is the "presentation of facts belonging in one category in the idioms belonging to another. To explode a myth is accordingly not to deny the facts but to re-allocate them."⁴ As indicated in my earlier comments on why criminals can't be "rehabilitated," I agree with Szasz's claim that almost the entire range of human problems studied by psychiatrists, psychologists, and counselors is best described as universal moral problems in living, i.e., the "human situation."

The relevance of Samenow's views to *Changing Lives Through Literature* is located in the preface to his *Inside the Criminal Mind*, where he says:

The essence of this approach is that criminals choose to commit crimes. Crime resides within the person and is "caused" by the way he thinks, not by his environment. Criminals think differently

from responsible people. What must change is how the offender views himself and the world. Focusing on forces outside the criminal is futile. We found the conventional psychological and sociological formulations about crime and its causes to be erroneous and counterproductive because they provide excuses. . . . From regarding criminals as victims we saw that instead they were victimizers who had freely chosen their way of life.⁵

I believe that Samenow is committed to the erroneous position that choices are made in a causal void and that he fails to give due recognition to the fact that the majority of criminal offenders have a small number of choices or options available to them.⁶ I am in complete agreement, however, with his view that they make real decisions, and it is through a process of "habilitation" in which they must develop new patterns of thinking in order to act responsibly in society.⁷

In July 1996, while attending the American Probation and Parole Association annual conference in Chicago, I was surprised by the joy of learning of the existence of the program of *Changing Lives Through Literature*. My instant perception was that this bold and unconventional initiative is an application, in practice, of every key concept in my philosophy of crime and punishment. Fired with a fresh burst of enthusiasm, I discussed the program with Judge Robert E. May, of the 149th District Court in Brazoria County, and in September he agreed to accompany me to Massachusetts to meet with Judge Kane and Professor Waxler.⁸ It is doubtful if one can exaggerate the passion and reasoned conviction with which Judge Kane and Professor Waxler explained the experiment they created in 1991. Recalling his friend's challenge to discover if reading and discussing significant issues, ideas, and concepts in an academic environment could cause criminal offenders to change their thinking and conduct, Judge Kane told us that this program has proved to be the most rewarding and successful sentencing initiative in his career as a judge.

Who to allow in the program, the number and duration of the classes, and the selection of texts were major decisions to be made during the birthing process. Judge Kane agreed to Professor Waxler's request that the participants be 8 to 10 male offenders with a history of serious criminal conduct, the only exclusions to be active drug users, sex offenders, and murderers. A screening procedure was developed in which probation officials, prosecutors, defense counsel, and victims were invited to consider the attitude, risk, and criminal history of the candidates. Verification of at least an eighth grade reading ability is also a part of the screening process. To provide the reality of a major accomplishment, the course was designed to span a period of 12 weeks, with meetings every other week and the sessions 2 hours in length. The six classes are discussions of short stories and major works of literature in which the characters demonstrate and struggle with the issues of male identity, violence, and the individual in society and author-

ity. The required readings include *The Old Man and the Sea* by Ernest Hemingway, *Of Mice and Men* by John Steinbeck, *The Bluest Eye* by Toni Morrison, *Deliverance* by James Dickey, and *Animal Farm* by George Orwell. Those who complete the program are honored at a graduation ceremony to which family and friends are invited, they are given a framed certificate signed by Professor Waxler, and Judge Kane reduces their sentence by 6 months.

In response to the obviously critical question if this program really works to reduce the recidivism rate of criminal offenders, Judge Kane and Professor Waxler gave us copies of an independent study by Professor G. Roger Jarjoura of the College of Criminal Justice at Northeastern University in Boston. In April 1993, "the program had been operating for two years, graduated five classes and had forty graduates."⁹ Professor Jarjoura focused his "data analysis on the first four classes or thirty-two students."¹⁰ Making large claims for the success of a program dealing with criminal offenders is a risky and potentially embarrassing business. Cognizant of these facts, Professor Jarjoura compiled a comparison group¹¹ for the 32 men (the study group) who completed the first four classes. Selected from the list of active probation cases in the New Bedford District Court, 40 men were placed in the comparison group. Documenting the similarities and the significant differences between the two groups,¹² Professor Jarjoura concludes that the "program is successful when the outcome being measured is number of convictions."¹³ More specifically, 18 of the men (45 percent) in the comparison group were convicted of new charges, compared to 6 (18.75 percent) of the men in the study group who were convicted of new charges.¹⁴

Acknowledging that the majority of the men in the study group had probably reached "a point in their lives when they were ready to make a change to a non criminal lifestyle"¹⁵ and that it is not feasible to argue that their success is a direct result of the literature program, Professor Jarjoura correctly observes that "a recidivism rate of less than 20% is quite impressive and certainly not a common finding in evaluations of alternative sanctions in adult corrections."¹⁶ What he implies, but does not explicitly state, is that it is undeniable that the timing of their success is the direct result of the opportunity to participate in the program. In our discussion with him, Judge Kane made it abundantly clear that he would have sentenced all 32 men to prison if they refused to volunteer for the program.

Another critically important dimension in the effort to change lives involves the perception by the offenders that their identity as a person and their thoughts and beliefs are of genuine meaning to those who created and actively participate in the classes. More specifically, in the classroom environment, the power of ideas and concepts to grab a human mind and shake the

foundation of a person's life requires the inspired communications of a person who has experienced that transforming power. During his interviews with the men in the study group, Professor Jarjoura became cognizant of the positive influence of Judge Kane, Professor Waxler, and Wayne St. Pierre, the probation officer who attends the classes. Professor Jarjoura comments that they "left their mark on the program and its graduates," i.e., "they have combined their creativity and dedication and shown the participants genuine interest and concern."¹⁷

Reflecting on the genesis and development of their creation, particularly the vital role of Judge Kane, Professor Waxler says:

No doubt it took considerable courage on the part of the judge, a feared prosecutor in an earlier phase of his life, to agree to such an apparently soft idea, but once we got going we realized that the judge himself was not only an important administrator in the process, but a central participant in the drama of changing the lives of all those seated around that seminar table. He too claims that it's been one of the best experiences of his life.

As a professor of literature, I could engage in discussions with these men as part of my expected role, but this judge, Bob Kane, proved unusual in this context. For the criminal offenders, a judge traditionally represented the enemy, a criminal justice system that punished them. Ordinarily the image of the judge confirmed their alienation from the mainstream of society. He was an authority figure that menaced them, one who refused to validate their humanity; he was the dark robe that simply passed judgment on their criminal behavior, often with only a few perfunctory words.

Judge Kane rewrote that story for these men though. Not only did he give them another chance by recognizing their promise, but he often sat at the table with us, contributing his insights and interpretations of the literature. He became a voice equal to the other voices around the seminar room. For the criminal offenders, the judge became a man among other men, still a representative of the authority of the criminal justice system, but a representative with a human heart ready to certify and validate these other men as part of a group that included him. In open court, as part of a final graduation ceremony, these men received praise and certification of their work from the judge. As a result, the story of the relationship between these men and the criminal justice system changed its meaning.¹⁸

Standing in front of a high bench facing a person usually clothed in a black robe and who possesses the authority to sentence them to prison or jail or control their lives during a period of probation gives criminal offenders good reason to perceive the judge as an enemy. This inherent reality of the criminal justice process means that Judge Kane's decision to attend the final three sessions of the class, to read the assigned texts, and his ability to convey a genuine concern for the lives of the participants is a very notable accomplishment. It also means that it will be no easy task to duplicate his accomplishment.

The New Bedford experiment that I have called a bold revolution¹⁹ in the field of criminal justice is now a reality in 10 district courts in Massachusetts, and 62 seminars, some for female offenders, have been com-

pleted with 434 graduates.²⁰ In 1992, following meetings with Judge Kane and Professor Waxler, a program for female offenders was created by Jean Trounstone, professor of humanities at Middlesex Community College in Lowell, Massachusetts. Currently, this is a 14-week literature seminar with meetings every other week and a 6-week self-reliance seminar that meets every week. I was somewhat astonished to learn that the commitment of District Court Judge Joseph I. Dever is such that he reads all of the assigned readings and attends every meeting of the class. Professor Trounstone informed me that the female offenders are very appreciative of his participation and his concern for their success.²¹ Programs for female offenders are now available in four district courts in Massachusetts.

The readings for the female literature seminars focus on the major issues of women's struggles in the 20th century, e.g., female identity, the family, and domestic violence. The required readings include *The House on Mango Street* by Sandra Cisneros, *The Bluest Eye* by Toni Morrison, and *Their Eyes Were Watching God* by Zora Neale Hurston. Reflecting on her first class with six female offenders, Professor Trounstone says of them:

Women, without much formal education, without transportation or support, they had been arrested over and over, been in and out of jail. They came armed only with hope. They had a desire to try once and for all to find a way out of crime through a deceptively simple program that I had the nerve to think might actually do what it advertised, change their lives. They all had done some prison time and had knocked around the criminal justice system, having served sentences for crimes such as drugs, prostitution, assault and battery, shoplifting, and theft. But these women were different from their male counterparts. They had no support from worried wives and no encouragement to find jobs. Their drinking and drugging had often brought them abusive boyfriends who threatened their lives and parents who kicked them out of the house. Most had managed their pregnancies and young children alone. They all had lives of failed commitments, longings and unfulfilled dreams. They all had ceased to believe in themselves.²²

Having met and heard presentations by Judge Dever and Professor Trounstone, I am confident that their influence is the decisive factor inspiring many of these women to take control of their lives.

In January 1997, the politically courageous decision of District Court Judge Robert E. May allowed the birth of the Texas version of Changing Lives Through Literature. Greatly impressed by its creators in Massachusetts and its documented success, he permitted the writer to screen and select 8 to 10 male felony probationers from his court to participate in a pilot project. Judge May's decision was an act of political courage because, in Texas, district court judges are elected every 4 years, and the elections take place in the heat of partisan politics, i.e., many judges are elected or voted out of office simply because of the changing perceptions of the words Democrat and Republican.

Exercising political prudence and caution, offenders selected for the program were not obliged to volunteer

in lieu of being sentenced to jail or prison. Although all of them were guilty of committing serious felony offenses and some of them had a fairly extensive criminal history, they were chosen because their probation officers were persuaded of their genuine desire to change the direction of their lives. Verification of at least an eighth grade reading level was required and, like the Massachusetts program, active drug users, murderers, and sex offenders were not eligible.

The *Texas Code of Criminal Procedure* contains too many roadblocks for a timely and inexpensive procedure to reduce a probated sentence by 6 months. The attractive carrot capable of eliciting volunteers was located in one of the standard conditions of probation. Unless there is good cause to waive the requirement, all probationers are judicially ordered to complete a minimum of 24 and a maximum of 1,000 hours of unpaid community service work. The range for felony offenders is 120 to 1,000 hours. Calculating the number of hours in the classroom and the time required to read the assigned texts, the decision was made to extend the generous offer of 75 hours of community service work to those who complete the seminar. Potential students were eager to volunteer as most of the available community service work involves physical labor. The controversial aspect of this decision is the argument that all offenders should perform all of their community service work in the publicly demeaning tasks of picking up litter from the highways and beaches. The reasoning and hope of the author and Judge May were that, regardless of their motive for attending the class, it will change their thinking and conduct and reduce the number of new victims of crimes.

Fortunately, the finding of a qualified and successful educator and a college or university that would allow the use of a classroom and the issuance of an official certificate to criminal offenders proved to be relatively easy. The writer contacted a graduate of this university who had retired recently after many years of greatly acclaimed teaching of literature in a local high school. Described by her former students, two of whom are local judges, as a tough, demanding, and inspiring teacher who guided them to college-level performance, Ms. Carolyn Huff graciously agreed²³ to be the teacher for our first literature seminar. I received a very positive reception from Dr. Millicent Valek, the president of Brazosport College in Lake Jackson. With no hesitation, she approved my requests for the use of a classroom and an official college certificate for the participants. She requested and I readily agreed to a minimal fee of \$10 per student.

Adopting the format of six classes of 2 hours, meeting every other week, Ms. Huff chose four short stories and two novels. The short stories included "Greasy Lake" by T. Coraghessan Boyle and "Barn Burning" by William Faulkner. The novels were Steinbeck's *Of Mice and Men* and Morrison's *The Bluest Eye*. Given the lim-

ited educational accomplishments of the participants, Ms. Huff was understandably somewhat skeptical of their ability to read, comprehend, and critically evaluate the issues and characters in the texts. To her great surprise and delight, most of them evidenced a good grasp of the issues and were able to articulate a reflective evaluation of the strengths and weaknesses of the major characters. The writer read all of the assigned material and attended all of the classes. Judge May read the texts for the last three classes and attended them.²⁴ Eight of the nine members of our first class completed the program. A graduation ceremony attended by spouses, parents, and others was held in Judge May's courtroom, and he and Dr. Valek presented the eight graduates with framed certificates from the college. Comments of appreciation from the graduates and family members allow the claim and hope that their accomplishment will mark the beginning of a permanently changed life.

For more than 30 years, I have taught a variety of courses in philosophy to college/university students in this country and in England. Greatly inspired by what I observed in our first literature seminar, I decided to discover if I could succeed in playing the role of a Socratic mid-wife with a similar group of offenders. I chose two works containing some of the most influential thought in the history of Western philosophy: four of Plato's dialogues documenting the life, death, and teachings of Socrates, namely, the *Euthyphro*, *Apology*, *Crito*, and *Phaedo*, and, second, the *Enchiridion* by Epictetus, the former slave and Stoic philosopher. These writings address the paramount issues and concepts in the human quest for meaning and purpose in this life and the desire to know what significance, if any, we have in the life of the universe. More specifically, these writings describe our struggle with the questions, what does it mean to be pious or religious, why should we obey the law, why and to what extent should the state have authority to limit and control the freedom of the individual, what is justice, what is the nature of what we call the soul and does it survive our bodily death, what are the principles of right conduct, in what sense do we make free choices and are we responsible for their consequences, and is the universe the handiwork of one or more divinities or is it a cosmic accident.

Three days ago, my humanities or philosophy class had its last meeting and I am very pleased to be able to claim that using the Socratic method of defining and discussing the above issues and concepts with a group of criminal offenders was a major success. At this point, the word success is unpacked as follows; I am reluctant to invoke the word "magic" due to the unnatural and non-human baggage in its definition, but one must be present to witness the revelations and insights that enter the untrained and undisciplined minds of persons who are guided through a reflective analysis of the

"human situation." At the outset of the first class, I challenged them to analyze and evaluate the admittedly problematic assertion that people who believe that criminal offenders suffer the emotional pain of a poor self-image or low self-esteem are completely wrong. Instead, criminal offenders think and act as if the rest of humanity should passively gratify their needs and desires and all the rules in the serious game of life are to be created and changed by them. In short, they view the universe through the eyeglasses of total selfishness.

I perceived that some of them were offended by this assaultive generalization, but during the final class in which they were asked to express their thoughts and feelings about the program, I was persuaded that most of the nine students had been brought to realize the extent to which it described them. Fully cognizant of the fact that their future conduct will in large measure verify or falsify their statements, I experienced a bolt of profound joy as I listened to their comments. A man with a long history of alcohol abuse stated that our discussions had helped him more than all of the drug and alcohol treatment programs he was obliged to attend, and several others expressed their agreement. Another voiced his view that his active participation in our discussions was of far greater help to him than all of the individual and group counseling sessions he was made to attend. This claim elicited a collective agreement from the entire class. A remark by another was that his mandatory attendance at an anger management course was a total waste of his time compared to the assistance he found in our discussions dealing with anger, violence, and self-control. His claim caused brief verbal applause from three or four others. Not "throwing caution into the wind," it appears that most of these men have reached a genuine understanding of the Socratic dictum that "the unexamined life is not worth living." More specifically, it is not unrealistic to believe that from this point in their lives they will reflect frequently and control their course of action by pondering "What would Socrates or Epictetus think and do?"

We have now completed five seminars with 43 graduates and two more will conclude by the end of this month. Knowing that the march of time will take its toll, to date, none of the 43 graduates have been placed in jail for a violation of probation or the commission of a new crime. All of my seven bosses, four district court judges and three county court-at-law judges, have endorsed the program. Last month our second graduation ceremony was held in Judge May's courtroom, and the 24 graduates were given their framed certificates by the presidents of two colleges.²⁵ Four seminars are scheduled to begin in January 1998, two for females and two for males.²⁶ I am especially pleased and proud to announce that in 1998, Dr. Charles Henry, the vice-provost and librarian of this university, will teach a literature seminar on this campus.²⁷

To begin my closing comments, I will provide a brief explanation of my introductory lamentation. In 1974, the University of Houston at Clear Lake established an undergraduate program for inmates at the Ramsey I prison unit, and in 1988 a master's program was created. Since 1989, I have taught under-graduate and graduate courses in philosophy to several hundred inmates, many of whom have been released on parole. Several studies verify that of those who graduate with one or both of these degrees and are released on parole, 10 to 12 percent return to prison. Within 3 years, 50 to 60 percent of parolees without advanced education are back in prison. Hindsight persuades me that in 1989,²⁸ I should have conceived the idea of a program called Changing Lives Through the Humanities for probationers.

Changing Lives Through Literature is not a panacea or magic bullet capable of curing the thinking and conduct of every probationer, prison inmate, or parolee. I am unequivocally convinced, however, that if this kind of program was an available option to jail or prison to the population of more than 400,000 adult probationers in this state, that in addition to changing numerous lives, it would reduce the enormous size and costs of our prison system. The single indisputable fact concerning the massive problems of crime and punishment is that building more and larger prisons is not the most effective long-range solution. In Texas, however, during the 5-year period from 1990–95, the state led the nation in prison population growth with 127.9 percent. The state also has achieved the status of having the highest incarceration rate in the nation, specifically 653 per 100,000 residents in 1995. Viewed in the global context, the Department of Justice reports that the incarceration rate in Texas is eight to 10 times higher than that of other industrialized nations in Western Europe and is higher than Russia's. The facts of nearly 140,000 inmates in approximately 100 prison units make Texas a national and international embarrassment. The Texas Department of Criminal Justice has an annual budget in excess of \$2 billion, the lion's share of which is consumed by the prison system. In fiscal year 1995, the annual cost of one inmate was \$16,206, and this figure does not include the construction and maintenance of prison units. This expense to feed and house a single inmate for 1 year is close to the amount my wife and I are paying for our son to attend this prestigious university.²⁹

Violent predators and many career criminals deserve to be incarcerated for many years, and some should be sentenced to life without the possibility of parole. I also believe that many of our prison units are functioning as toxic waste dumps occupied by many thousands of non-violent and relatively petty criminal offenders who were not afforded the quality of consideration called for in the following eloquent comments by Winston Churchill:

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of any coun-

try. A calm, dispassionate recognition of the rights of the accused, and even of the convicted criminal, against the State—a constant heart-searching by all charged with the duty of punishment—a desire and eagerness to rehabilitate in the world of industry those who have paid their due in the hard coinage of punishment: tireless efforts towards the discovery of curative and regenerative processes; unfailing faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols, which, in the treatment of crime and criminals, mark and measure the stored up strength of a nation, and are sign and proof of the living virtue within it.³⁰

Considered in isolation from any specific issues in a moment of history, Churchill's words are an unequivocal rejection of a penal philosophy the motto of which is "if we build them, they will be sent." Instead, they embrace the belief that an introduction to the gadfly of Athens and a guided ascent from the cave of ignorance can reduce the rate at which we are effectively destroying multitudes of lives.

NOTES

¹The writer is obliged to point out that his views regarding the causes of criminal behavior have not been discussed with Judge Kane or Professor Waxler.

²Thomas S. Szasz, *Law, Liberty and Psychiatry*. London: Routledge and Kegan Paul, 1974, p. 17.

³*Ibid.*

⁴Gilbert Ryle, *The Concept of Mind*. London: Hutchinson & Co., 1963, p. 8.

⁵Stanton E. Samenow, *Inside the Criminal Mind*. New York: Times Books, 1984, p. xiv.

⁶The majority of contemporary scholars in the field of criminal justice have an unfounded aversion to the word "causation" in human behavior. More specifically, believing that the word "cause" contains too much deterministic and excusing baggage, they argue that there is a "correlation" rather than a "causation" between crime and poverty, lack of education, racism, and unemployment. In his persuasive analysis "Of Liberty and Necessity," David Hume articulates the sense in which all choices are causally determined:

For what is meant by liberty, when applied to voluntary actions? We cannot surely mean that actions have so little connexion with motives, inclinations, and circumstances, that one does not follow with a certain degree of uniformity from the other, and that one affords no inference by which we can conclude the existence of the other. For these are plain and acknowledged matters of fact. By liberty, then, we can only mean a *power of acting or not acting, according to the determinations of the will*; that is, if we choose to remain at rest, we may; if we choose to move, we also may. Now this hypothetical liberty is universally allowed to belong to every one who is not a prisoner and in chains. Here, then, is no subject of dispute.

It is universally allowed that nothing exists without a cause of its existence, and that chance, when strictly examined, is a mere negative word, and means not any real power which as anywhere a being in *nature*. But it is pretended that some causes are necessary, some not necessary. Here then is the advantage of definitions. Let any one define a cause, without comprehending, as a part of the definition, a *necessary connexion* with its effect; and let him show distinctly the origin of the idea, expressed by the definition; and I shall readily give up the whole controversy. But if the foregoing explication of the matter be received, this must be absolutely

impracticable. Had not objects a regular conjunction with each other, we should never have entertained any notion of cause and effect; and this regular conjunction produces that inference of the understanding, which is the only connexion, that we can have any comprehension of. Whoever attempts a definition of cause, exclusive of these circumstances, will be obliged either to employ unintelligible terms or such as are synonymous to the term which he endeavors to define. And if the definition above mentioned be admitted; liberty, when opposed to necessity, not to constraint, is the same thing with chance; which is universally allowed to have no existence.

See Hume's *Enquiries Concerning the Human Understanding and Concerning the Principles of Morals*, edited by L.A. Selby-Bigge, Oxford: At the Clarendon Press, 1963, pp. 95–96.

⁷Although the writer is persuaded that Samenow fails to give enough explanatory significance to degrees or levels of freedom (choices) and responsibility in human conduct, he has acknowledged such in a public discussion. Specifically, on February 24, 1995, in Austin, Texas, the writer asked Samenow to respond to the following question: "If Dr. Samenow commits a crime and a 17-year-old person with no criminal history commits the same kind of crime, should the former receive a more severe punishment than the latter? If so, why; if not, why not?" Prefacing his reply with the comment that this was the first time he had been asked this question, he unequivocally stated that he should receive a more severe punishment because of his extensive education and high level of accountability.

⁸Before our separate meetings with Judge Kane and Professor Waxler, the writer and Judge May were generously received by Dr. Ronald P. Corbett, Jr., the deputy commissioner of probation for the State of Massachusetts. During a luncheon discussion with Dr. Corbett, he expressed his commitment to the program, commented on the important fact that the state legislature has appropriated some funding for the statewide implementation of the program, acknowledged that it is a target of criticism by some judges and chief probation officers, and noted that there is empirical data verifying the success of the program in reducing significantly the recidivism of the participants who completed the course.

⁹G. Roger Jarjoura, *An Evaluation of the Changing Lives Through Literature Program*, October 1993, p. 1.

¹⁰*Ibid.*

¹¹*Ibid.*, p. 4.

¹²*Ibid.*, pp. 4–7.

¹³*Ibid.*, p. 8.

¹⁴*Ibid.*, p. 6.

¹⁵*Ibid.*, p. 9.

¹⁶*Ibid.*

¹⁷*Ibid.*, p. 10. Michael J. Leahy, a probation officer in Fall River, Massachusetts, was present during our meeting with Judge Kane. He reads the assigned texts, attends the classes, and is an obviously committed advocate of the literature program.

¹⁸Robert P. Waxler, *Men in the Changing Lives Through Literature Program*, McGraw Hill, Instructor's Guide, 1995, p. 37.

¹⁹On April 25, 1997, I was privileged to attend and participate in a Changing Lives Through Literature training program in Weston, Massachusetts, near Boston. It was the most rewarding and intellectually stimulating day of my career in criminal justice. Most of the state was represented by district court judges, professors, chief pro-

bation officers, line probation officers, and others. Inspired by the history of the location and enlightened minds, I told the group that another revolution had started in their state, this one in criminal justice. I was delighted by enthusiastic applause.

²⁰Ms. Linda Romano of Romano and Associates graciously provided the writer with the above information.

²¹During the previously noted occasion of April 25, 1997, the writer met Judge Dever and Professor Trounstine.

²²Jean Trounstine, *Women in the Changing Lives Through Literature Program*, McGraw-Hill, Instructors Guide, 1995, pp. 32–33.

²³It is well worth noting that Ms. Huff is currently teaching her fourth literature seminar and refuses to accept any financial compensation.

²⁴A touch of humor is deserving of notice. The morning after our first class, an official at the college called me and stated that she and several others were certain that they could easily identify the probationers by their physical appearance. On the contrary, "they looked like the rest of our students."

²⁵The presence and comments of Dr. Millicent Valek of Brazosport College in Lake Jackson and Dr. A. Rodney Allbright of Alvin Community College in Alvin were much appreciated.

²⁶The female class at Brazosport College in Lake Jackson will be taught by Carolyn Huff, and the writer will continue to teach the male class. Appreciation is due to the contribution of Richard Wilcher, chairman of the Division of Communication and Fine Arts. He conducted a successful class for male offenders in the summer of 1997. Bill Lockett is teaching the male class at Alvin Community College, and Beverlee Jill Carroll, Ph.D. (Rice University), will teach the female class. The presence of the literature seminar on the campus of Alvin Community College was authorized by its president, Dr. Allbright. His decision approved the positive recommendations of Dr. D.R. Potter, dean of instruction, and Dr. Bill Crider, chairman of the Division of English and Fine Arts. The writer and Bill Lockett met with them to discuss the program in the spring of 1997.

²⁷Several months ago, during a luncheon discussion in this room, the writer described the program to Dr. Henry and his immediate response was a request to learn more about its origin and content. Following his reading of a paper by Judge Kane and Professor Waxler and a meeting with me, Dr. Henry decided to offer the literature seminar on the campus of Rice University.

²⁸It is also possible to ponder why I did not think of this kind of program in 1986, my first full year as director of the department. On the adjunct faculty of what was then Brazosport Junior College, I had taught two courses of Introduction to Philosophy to prison inmates. My presentation of the Socratic identification of knowledge and virtue generated some lively discussion. Initially, most of them thought he was a crazy old man because they knew what they were doing when they committed a murder, raped a woman, robbed a store at gunpoint, or cut a drug deal. Once they really grasped what Socrates meant by knowledge or wisdom and the link with his view that immoral and unlawful conduct are involuntary acts of a faulty judgment or ignorance, most of them realized that Socrates was a very smart man.

²⁹See the writer's "Real Battle Against Crime Starts with Education," *The Houston Chronicle*, September 20, 1996.

³⁰The only information available to the writer is that Churchill made these remarks during his tenure as Home Secretary to the House of Commons.

Creating a Probation Automated Recording System: Issues and Considerations*

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MAKING THE best use of technology is not just desirable but necessary if probation is to remain efficient and effective and meet public expectations now and in the future. Some aspects of probation work can be made simpler with help from automation—for instance, the tedious task of completing forms and documenting supervision activities that absorb a significant amount of personnel time. Also, automation can be an important tool in this age when probation officers must do more with less, when they must process more complex cases in a shorter period of time. Nonetheless, probation has been slow to use automation to its full potential.

This article discusses some of the issues and considerations in using automation technology in probation and describes how the U.S. probation office in the Northern District of Illinois successfully implemented a new automated chronological recording system. The article highlights the process of and lessons to be learned from automation implementation and suggests a model for successful automation initiatives in human services organizations.

Resistance to Automation

Automation could be viewed as a boon to probation work. Why, then, have probation agencies failed to embrace full-scale use of automation? The answer may be in probation's traditional status as a human services agency. The work of probation, as with that of all human services organizations, tends to attract nontechnical people. Many of them have a deep sense of closeness to their clients and the confidence that intuitively they understand the clients and can empower them to find workable solutions to their problems. These nontechnical people understand in principle

that, in the process of helping their clients, they might find automation useful. But, in practice, they regard the helping process as more of an "art" than a "science."

The resistance and failure of probation and other human services agencies to embrace the full-scale use of automation is based on the assumption that what human services practitioners do—the decisions they make—cannot be guided by a computer because the process, or the art, of helping is too complex. A computer simply cannot process all the relevant but often nonverbal and nontangible elements that enter into it. This assumption might have been true in the 1970s, when technology was very limited, but it is not necessarily true today.

The nature of probation practice today lends itself to automation. The federal probation system, for example, has a new philosophy of supervision. In complying with the legal execution of the sentence, controlling offender risk in the community, and promoting the law-abiding behavior of all persons released by the court and the U.S. Parole Commission to officers' care, officers work to fulfill specific identified supervision goals.¹ Their activities are not so much a demonstration of the "art" of helping individuals as a series of activities planned to fulfill certain supervision objectives. Automation can be a useful tool in these endeavors, providing evidence that all identified goals are addressed and helping in measuring outcomes. On the surface, it seems that officers should welcome such technology, but many resist it.

Murphy and Pardeck² confirmed the reluctance of practitioners to use automation in the day-to-day delivery of services when they warned that the use of automation in social service agencies could potentially dehumanize the human services profession. Nevertheless, the use of computers in human services has been, and can be, useful. Ferriter³ compared the contents of interviews, carried out under three conditions, with parents of psychiatric patients for the purpose of gaining information for psychiatric social histories. The three conditions were the traditional unstructured approach, a structured interview using multiple choice questions, and the same questionnaire delivered by a computer. Ferriter found that structured interviewing with the computer collected more information than unstructured interviewing. He also found indirect evidence that the subjects were more candid in giving information to a

*An earlier version of this article was presented at the Midwestern Criminal Justice Association Annual Meeting, Cincinnati, Ohio, October 8–12, 1997. Opinions expressed in this article are those of the author and do not necessarily represent the position or policies of the U.S. probation office in the Northern District of Illinois.

The author wishes to thank Kevin Perry, automation supervisor (currently assigned to the Atlanta federal probation office), and the personnel at the Chicago probation office who contributed to the success of the automation program.

computer than to a human interviewer. This was in line with previous research that showed that patients were more honest when giving information to computers than when they gave it to a psychiatrist.⁴ Some subjects commented on the thoroughness of the interview by computer compared with interviews they had with social workers and doctors in the past.

People vs. Products

Human services agencies are social service organizations explicitly designed to process and change people.⁵ These organizations are different, in two fundamental ways, from those that focus on products. First, the “output” of human services organizations is human beings while that of other organizations is not. Second, social service organizations have a general mandate to help people maintain and improve their well-being and functioning,⁶ whereas product-type organizations have a general mandate to produce profits. The probation department is a good example of a human services organization. Probationers are the raw material, and the probation office has a duty to change this raw material to bring probationers’ conduct to an acceptable level.

In our capitalistic system, the success of a product-based organization is revealed in that organization’s financial balance sheet. Such a system has flourished because it is based on competition.⁷ This competition results in the success of companies that are efficient and effective and the failure of those that are not. With human services organizations, the idea of competition has been emerging slowly. In the past, and in some instances today, effectiveness and efficiency have not been critical issues. More and more, funding sources for human services organizations are demanding such results.

Automation has been indispensable to the for-profit companies and has helped them compete. It has enhanced their efficiency, particularly in completing repetitive tasks. Human services organizations will have to adopt automation—automation tailored to meet their unique needs not as product organizations, but as human services organizations—if they too are to compete.

Practitioners used to believe that if the correctional system could be credited for one rehabilitated offender, the goal of rehabilitation still would be worth it. Of course, this philosophy was seriously challenged in the early 1970s when society, the funding source, demanded that all social services organizations be held accountable for effectiveness and efficiency or for producing sufficient results to justify their continued existence. This demand for agencies to be accountable forced social services organizations to adopt some form of automation. Expert systems were developed to aid practice. Management Information Systems (MIS) were developed to gather human services information

so that human services decisions could be made by applying facts from reliable databases.

Neugeboren⁸ observed that the successful development and implementation of automation require an understanding of how the agency’s goals and structures enhance or obstruct automation. These obstructions include anti-automation ideology, staff resistance, failure of management to support the automation initiative, and whether the information and benefits are directed to the line staff, to management, or to both. Successful automation initiatives only can be implemented by resolving the factors or conflicts in the agency that may potentially stymie successful implementation.

Another factor in human services agencies that works against successful implementation of automation is trying to use automation procedures geared for product-type organizations. Human services agencies need a different type of technology than product-type organizations. Taking this into consideration, the U.S. probation office in the Northern District of Illinois took a new approach in developing a chronological recording program. It called for officers (users of the program) to participate in developing data, with a technical consultant on the periphery guiding the technical aspect of the development.

Probation Automated Running Record System (PARS)

Record-keeping in corrections is extensive. In the case of the U.S. probation office for the Northern District of Illinois, considerable resources were being used for chronological recording. Chronological recording refers to the process of documenting supervision activities. The probation officer records supervision activities in the order of occurrence.⁹ These records are usually referred to as chronos. A considerable number of hours was used to dictate and type these chronos. Yet, in some cases, chronological recordings were several weeks behind—partly because of the sheer volume of work and partly because presentence reports and other special reports to the court were given higher priority. Even when the chronological recordings were brought up to date, usually at the expense of other work pending, the question arose as to how these volumes of chronos could be used to improve practice. Most of the chronos recorded the officers’ subjective observations, but sometimes these observations were not relevant to the case plan. For example, consider the following chrono entry:

9-21-97 OFFICE VISIT: Probationer arrived on time for his scheduled office appointment. He was cordial as usual, reporting that there has not been any new development in his life since the last contact. He mentioned that he was quite pleased with his younger daughter’s adjustment in school in that her report card showed all “A’s.” He appeared somewhat concerned about his younger son, who received a suspension for fighting in school. The probationer stated that he had to take off from work on the 9th to attend a school conference with the teacher. We talked in general about the

challenge of being a parent in these troubled times. We also discussed how the probationer might deal with his son's adjustment problem at school.

The above entry reflects that the officer made a contact and that the officer is capable of showing genuine interest in the probationer. What it does not reflect is (1) the identified goal of supervising the probationer and (2) whether the probationer is satisfying the identified goal. On the other hand, the entry may serve other purposes. It may serve to establish and justify the officer's perception of his or her accountability. It also may serve to promote the officer's own goals, perhaps even ignoring the official goals of executing sentence, controlling risk, and promoting law-abiding behavior.

The probation office in the Northern District of Illinois was experiencing problems with the traditional chronological recording system:

- Entries were too long. Officers were dictating stream-of-consciousness material and myriad details of supervision activities, which used clerical resources beyond their capacity.
- Entries were generally not focused, and, often, any references to the supervision plan were more coincidental than planned.
- Entries tended to reflect the probation officer's personal interest. The entries—intentionally or unintentionally—obscured what was in fact occurring in the supervision process. At times, the entries shifted emphasis from the official goals of supervision to the offender's area of interest or concern.

Officers were writing about their observations, but were these observations relevant to executing the probation sentence, controlling risk in the community, or promoting law-abiding behavior? Officers with social work training may have inherited the long-standing practice in social work orientation to use "process recording." Process recording is the almost verbatim description of a counseling session. This technique is useful in social work training in that it allows the instructor to review the information recorded and provide a helpful critique of the counseling interaction. This form of writing is so strongly ingrained in social work education that social workers have been known to continue this writing style in their practice.

In the Northern District of Illinois, the probation office created a new chronological recording system (PARS) to replace process recording and to allow officers to use the computer to record chronos based on the case plans. The administration liked this new chronological recording system because it guaranteed that some relevant and current chronological recording would be in the file. It helped ensure that if an emergency should occur, the most recent information on the probationer would be available. On the other hand,

some officers did not like the new system because although it reduced preparation time for chronos, it required officers to address the goals and objectives of the case plans. Actually, at times, offenders presented immediate issues, which caused the probation officer to deviate from the goals and objectives of the supervision plan. The officer may have felt that responding to these immediate issues was appropriate in the role of service delivery. However, these responses were often inconsistent with the official goals of the supervision plan and with the administration. The point to note here is that although the goals of the administration and those of the officers seemed to be different, they were not; the deviation from the supervision plan simply had to be placed in the proper perspective. This way, officers could respond to deviations without replacing the goals of the supervision plan. Automation was viewed as a promising way to reduce the danger of replacing the goals of the supervision plan with these deviations.

The probation office had five supervision units. The new system was implemented in three stages,¹⁰ and stage 1 of PARS was implemented in one of the five units. Like any other computer program, the system needed data. A running record sheet was developed to collect supervision issues and responses. This first stage was done manually and did not involve the officers' use of a computer. Officers created running records on the sheets. Creating these running record sheets was an ongoing process. Each response was given a number. With the data in and labeled with a number, the computer eventually could simply recall the data. Officers used the sheet to do their dictation and validate the issues or responses on the sheets. They used another sheet to record suggestions for unique situations. These suggestions were added to the sheet of issues and responses.

This initial step introduced the program to a small, manageable group. It allowed the automation specialist to work one-on-one and to respond to individual problems. It also provided an opportunity for users' input and participation in the product.

Stage 2 required the probation officer to submit a running record sheet, showing the offender name, the date of the activity, the contact code, the statement number(s), and relevant contact code data, if necessary. Secretaries then used the form with codes to generate chronos in clear, concise, and relevant language. This stage involved manual and automated processes. It took into consideration that not all officers had access to a computer. It reflected the promise that automation can be initiated even when a full complement of computers is not available—a reality that faces many human service agencies. This stage also provided a smooth transition from the manual process to the automatic. It helped officers see the link and understand the essence of automation, that there is no magic—

garbage in garbage out! Finally, this stage also allowed non-technical officers to move at a slower pace or to make the transition to a more automated level when they felt comfortable doing so.

Stage 3, the final stage, involved the full-scale use of a desk-top computer. The probation officer entered the codes directly into the computer in conjunction with the identified supervision issue. This final stage involved the perception of the program as a tool to make probation work more efficient and effective. Officers then were reminded that there are instances in which the automated process might not be appropriate. In such cases, a manual description of the supervision process is indispensable. The ultimate success of the program is the officer’s judgment of when to use the automated program and when its use might not be appropriate.

How the Program Works

The program promotes the basic legal requirement of running records. It provides an accurate recording of the supervision process that is consistent with the duties of the probation officer: “A probation officer shall . . . keep a record of his work, and make such reports to the Director of the Administrative Office of the United States Courts as the Director may require.”¹¹ The record contains the date, place, and nature of contacts made with the offender and others. Each entry is designed to be a concise statement reflecting the supervision issue addressed, action taken by the officer, and whether the offender’s progress in resolving the issue is satisfactory or unsatisfactory. The running record should not be redundant. It should not contain information that exists elsewhere in the probationer’s file. It is based on results, not pages of telephone calls and meaningless data. Looking at the running record, the reader should be able to grasp whether there is a problem in the case and, if so, what is being done.

The Use of Macros

The program uses a WordPerfect feature called macros. Simply put, a macro is a recorded keystroke that can be played back just as it was recorded, much like the redial feature on a telephone. In this case, clear and concise statements reflecting supervision activities were developed and recorded in macros. Instead of manually typing the activities, the officer invokes the macro to prepare the chrono statement. Statements are selected from a menu, as shown in table 1. The menu is based on relevant goals of supervision dealing with probation conditions, the offender’s risk, and correctional treatment such as special financial, service and confinement, third-party risk, employment monitoring, finance monitoring, residence monitoring, monitoring criminal activities while under supervision, substance abuse monitoring, mental health condition monitoring, monitoring pending charges, correctional treatment,

arrests, court hearings, special reports, appointment schedule, case transfer, and closing summary.

TABLE 1. PARS MAIN MENU	
(OFFICE)—DISTRICT OF (NAME)	
PROBATION RUNNING RECORDS MENU	
1—Retrieve Running Record File	
2—Satisfactory Compliance	
3—Special Financial, Community Service, and Confinement	
4—Community Service	
5—Risk Control	
6—Travel	
7—Employment Monitoring	
8—Finance Monitoring	
9—Residence Monitoring	
10—Monitoring Risk Activities While Under Supervision	
11—Substance Abuse—DAP Monitoring	
12—Mental Health Condition Monitoring	
13—Correctional Treatment	
14—Arrest	
15—Court Hearing	
16—Special Report	
17—Monitoring Pending Charges	
PgUp—Previous Page	
I—Information Screen	PgDn—Next Page Q—Quit
Type Form Number of Your Choice and Press [Enter]	PAGE 1

In using the program, the officer is required to identify the presence of a supervision issue or problem from the case plan. If there are no issues or problems associated with the case, the program defaults to a generic statement reflecting that the officer conducted a contact and identified no issues or problems that required a specific correctional intervention. Officers are required to locate the applicable issues or problems in the main menu (see table 1). In the case where the client is satisfactorily complying with the conditions of probation, the officer chooses number 2, “Satisfactory Compliance,” which then generates the statement: *This contact confirmed satisfactory compliance with all conditions and no changes or problems noted.* In cases in which the client is not satisfying a condition of probation—for example, failure to pay restitution—the officer chooses number 8, “Finance Monitoring.” The program jumps to a submenu on financial issues, prompting the officer to locate and classify the issue or problem that applies to the case. Once the officer selects the issue or problem, the program takes the officer to a *proposed action* table (see table 2), again prompting the officer to select an appropriate correctional intervention to address the problem.

The PARS program, although a simple macro-driven program, if used properly, helps ensure that the probation officers’ activities are goal-directed. The program can help officers resist the natural temptation to write descriptively on their personal interests, or on topics that

TABLE 2. PROPOSED ACTION

(OFFICE)—DISTRICT OF (NAME)

PROBATION RUNNING RECORDS MENU

- 1—PO will check bank records including checking account, if available.
- 2—PO will examine business records.
- 3—PO will examine tax returns.
- 4—PO will submit a Special Report to the court.
- 5—PO will send a warning letter regarding the offender's failure to comply with the special conditions of probation.
- 6—PO will submit a Special Report to the court regarding offender's failure to comply with the special conditions.
- 7—A violation conference will be scheduled to respond to offender's violation.

Q—Quit

Type Form Number of Your Choice and Press [Enter] PAGE 1

crafty probationers lead officers to, instead of addressing the court conditions, correctional treatment, or community risks that may be associated with the probationer.

The reader should note that PARS was based on Word-Perfect 5.1 and makes use of a macro procedure that has been improved. Nevertheless, considering the technology that exists today, more than adequate technical resources are available for even the most ambitious automation initiatives in human services agencies. What is difficult is to develop an automation culture in the service agency that views automation as a helpful tool to bring probation work up to the expectations of the 21st century. Probation staffs need only to brainstorm among themselves about areas in management decision making, case planning, and officer/offender accountability in which automation can improve their operation. In bringing about a successful automation program, a list of some "lessons," presented below, provides a model on which to build a fully functioning automation program.

Lessons to be Learned

1. Involve staff members in the planning so that they may become invested in the project.
2. Differentiate the program goals for the administration from the goals of line officers and staff. The administration, line officers, and staff must derive specific worthwhile benefits from the program to sustain their involvement. For example, the administration may be interested in the improved level of accountability that the program offers—there will always be something in the file that makes sense. The line officers may be drawn to the ease and convenience of operation while acknowledging that official goals instead of substitute supervision goals will be required. The clerical staff should see the benefits of moving away from tedious, repetitious typing to more productive work.

3. Assign a representative core group to study the problem—usually, the problem affects several levels, and all should be represented in the planning process. For example, automating chronos will affect the clerical employees. They will have concerns about being redundant. They may be assured that automation may mean different roles and duties—as in the case of voice-mail freeing up clerical workers from answering phones to participate in more productive assignments.

4. Define areas in which automation can be applied. In some cases, because the computer can handle multiple tasks, agencies are tempted to automate everything—leading to a program that is too complex and unworkable.

5. After everyone understands and accepts the goals, bring in the consultants. Developing automation programs in human service agencies is not a proprietary process for automation specialists. You need specialist technicians to develop the technical portion of the program. However, the line officers are the ones who initially must articulate what the problems and the desired outcomes are. When such preliminary work is completed, it then is appropriate to involve the technical consultants. Let them figure out how to resolve the articulated problems—do not let them define the problems. The technical consultant will be more useful if all or most of the issues and concerns have been identified. The task then is to find solutions. The consultants may know a lot about computers, but they may not know a lot about your particular agency. Computer consultants are usually bright people who have been working with computers—computers do not talk back, tend to be logical, will do exactly what you tell them to do, and have a lot of energy as long as they are plugged in—these are not characteristics all staff members share!

6. Select a pilot group to work with the technical consultant.

7. Implement the pilot. Select a unit where the seeds of automation will grow. Trying to automate an entire office may be difficult. If the program succeeds in the target unit, it will be easier to convince other units to join in.

8. Evaluate and learn from the pilot implementation. Procedures may have to be reworked, and assumptions made may not be valid. Evaluate the program and make modification as needed. Remember that implementing automation is a process; there is almost never a final fix.

Conclusion

Automation in probation is not easy. Tension exists between persons who see the computer as a threat to

their professional role and expertise and those who welcome and seek out its potential for help and support in their work.¹² Management must be fully committed to automation to overcome officers' resistance. In offices where social work staff form the core group, automation initiatives may become a process of working with the staff incrementally. Staff members will need to see the real benefits of automation. For many, it will be like learning a foreign language.

Valuable data on the supervision of offenders are sitting on shelves gathering dust—quite a waste of human effort. Automation promises to bring all this information to use. Automation enables agencies to find out how many offenders are unemployed, have chronic drug/alcohol problems, are considered high risks, have failed to satisfy court conditions, or have failed to report for supervision. Without some form of automation, most offices would be hard pressed to address these issues. Yet, these types of data are information that all offices should have at their disposal to guide and influence program development.

While the probation system, like the other helping professions, has relied on client satisfaction as its primary measure of effectiveness,¹³ in an era of scarce resources, ever more demand will be placed on outcomes based on official agency goals. Automation can help. However, offices that are initiating automation programs should be careful how they adopt the models that have been used for profit-based organizations. The technology, the staff, and the raw material in human service agencies require the use of a new model, a model that takes into consideration the realities of human services agency characteristics. Conspicuous in the model presented in this article is the introduction of the outside consultant or the technical personnel later than usual in the planning process. Human services practitioners have a significant role to play in identifying the problems and goals that the automation program is designed to address. They are the key players who are uniquely positioned to identify critical areas in which automation can solve the core problems that will face probation in the 21st century.

NOTES

¹Probation and Pretrial Services Division, Administrative Office of the United States Courts, *Supervision of Federal Offenders* (Monograph 109). Washington, DC: Author, 1993.

²J. Murphy and J. Pardeck, "Computerization and the Dehumanization of Social Services," *Administration in Social Work*, 16(2), 1992, pp. 61–72. J. Murphy and J. Pardeck, "Technology in Clinical Practice and the Technological Ethic," *Journal of Sociology and Social Welfare*, 15(1), 1988, pp. 119–128. J. Murphy and J. Pardeck, "Technologically Mediated Therapy: A Critique," *Social Casework: Journal of Contemporary Social Work*, 67(10), 1986, pp. 605–612.

³M. Ferriter, "Computer Aided Interviewing in Psychiatric Social Work," in *Technology in People Services*, Leiderman, Struminger, and Monnickendam (eds.). New York: Haworth, 1993. See also R. Lucas, P. Mullin, C. Lunar, and D. McInroy, "Psychiatrists and a Computer as Interrogators of Patients with Alcohol Related Illness: A Comparison," *The British Journal of Psychiatry*, 131, 1977, pp. 160–167.

⁴A. Carr, A. Ghosh, and R. Ancill, "Can a Computer Take a Psychiatric History?" *Psychological Medicine*, 13, 1983, pp. 151–158.

⁵Y. Hasenfeld and R. English (eds.), *Human Service Organizations*. Ann Arbor: University of Michigan Press, 1974.

⁶Hasenfeld and English.

⁷M. Friedman, *Capitalism and Freedom*. Chicago: University of Chicago Press, 1962, pp. 119–120.

⁸B. Neugeboren, "Organizational Influences on Management Information Systems in the Human Services," *Computers in Human Services*, 12(3/4), 1995, pp. 295–310.

⁹Probation Division, Administrative Office of the U.S. Courts, *The Supervision Process* (Publication 106). Washington, DC: Author, 1983.

¹⁰The three stages were duplicated in modified forms in the other probation supervision units.

¹¹Title 18, United States Code, Section 3603(5).

¹²D. Colombi, "Assessment and Provision of Services" (Introduction), *Computers in Human Services*, 12 (3/4), 1995.

¹³L. Gerber, S. Brenner and D. Litwin, "A Survey of Patient and Family Satisfaction With Social Work Services," *Social Work in Health Care*, 11, pp. 13–23.

Strength-Based Practice: The ABC's of Working With Adolescents Who Don't Want to Work With You

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Introduction

THE CLINICAL therapist looks on as a parent drags an unwilling teenager into the therapist's office to begin psychotherapy. A school counselor meets with a disaffected student whose only visible efforts are directed at avoiding compulsory education. In court buildings and detention halls across the country, juvenile justice professionals hope for a good start with newly assigned teen offenders. Hope fades (again) when their positive overtures are met with "couldn't-care-less" attitudes. These practitioners share the frustrating experience of trying to work with adolescents who do not want to work with them.

Many juvenile justice workers feel resigned to resistance and lack of cooperation, believing it "comes with the territory" in working with a younger population. They may become puzzled when outcomes don't match their efforts and expectations. They may even blame the offender rather than question their methods. The source of the difficulty, however, is not the nature of these youth or their family members so much as the nature of the practitioner's problem-focused approach to working with them.

Most practitioners have been trained in the *problem-solving* model that DeJong and Berg (1998) identify as the entrenched paradigm of practice for all of the helping professions. The problem-solving model generally is recognized as a method of procedural steps (stages) for effective decision making. But problem solving as a helping paradigm has one primary interest: It seeks to find, diagnose, and treat *problems*. Critics complain that this problem focus has turned the interest of helping professionals almost entirely to the negative. Consequently, juvenile justice workers have become preoccupied solely with the fault and failures of offenders. What is wrong, what is missing, and what is abnormal keep the attention of field workers while the strengths and healthy patterns are passed over and ignored. But frustrated practitioners are beginning to rail against the pessimism and obstacles that problem-focused work engenders (Berg, 1994; Clark, 1995).

A different paradigm for how best to help youth is emerging and gaining ground. A benchmark article in

1989 by Wieck, Rapp, Sullivan, and Kisthardt coined the term "strengths perspective," which is proving to be a banner under which like-minded theorists, researchers, and practitioners have begun to assemble. This perspective is a mindset to approach clients with a greater concern for their strengths and competencies and to discover mutually how these personal resources can be applied to building solutions. This perspective calls for clients to have equal (or better) partnership in the helping process. Rapp (1997) details how use of this approach is increasing in many disciplines and for various client populations. This article expands this perspective by addressing strength-based work with court-mandated adolescents and outlining six principles of strength-based practice.

Members of different disciplines in the helping professions also are trying more positive approaches. Hoyt (1994, 1996), along with a host of contributors, details how the mental health field entertains "constructive therapies" and discusses the emergence of social constructivism and solution building. The medical field has the alternate focus of "wellness" research that studies the attributes of health rather than illness and pathology. Community building and community-level advocacy employ the term "asset-based" as Kretzman and McNight (1993) call for a more accurate (and eminently more useful) view of communities as storehouses rather than wastelands. The prevention community looks to "resiliency" and research efforts to identify factors that psychologist Lillian Rubin describes as giving someone the ability to "fall down seven times, get up eight" (cited in Butler, 1997, p. 25). The field of education also lays claim to "resiliency" and adds an intense interest in research into self-esteem and methods for building it. Education's interest in self-esteem has spawned a veritable industry surrounding this topic.

All across the country, there is a dramatic shift in interest and inquiry. This change in emphasis is obvious when two book titles are held in contrast: *How Children Fail* (Holt, 1964) and the more recent *Why Some Children Succeed Despite the Odds* (Rhodes & Brown, 1991).

The strengths movement in juvenile justice may seem to be a contradiction of terms, yet this field has contributed much to this alternate view. Although the

juvenile field has not rallied to strengths work to the extent of other disciplines, it can lay claim to being one of the first to try it. A historical view of probation by Lindner (1994) indicates that police were the first discipline in the late 1800s to work with court-mandated clients. Police officers quickly were replaced by social workers, who gained favor because they brought a more positive focus to youth work. Brendtro and Ness (1995) give a good account of early youth pioneers who developed strength-based models for adolescent work. Jane Addams, who was heralded for founding the modern juvenile court system in this country, promoted the principles of the strength perspective. However, the juvenile court system never would embody the youth development principles Addams promoted. Brendtro and Ness (1995) report:

Early experts on youth problems expressed an optimism that contrasts sharply with contemporary writings. These professionals developed interventions based on *strength-building*, rather than flaw-fixing; and they achieved what, by today's standard, appear to be remarkable results. . . . These reformers were powerful advocates of *positive youth development* as the foundation of both prevention and correction. But, if these pioneers were on the right track, why didn't their model endure? Perhaps they were too far ahead of their times. (p. 4)

There may be another plausible explanation as to why these models did not endure. There was not an effective extension from philosophy to practice. The philosophical "first step" is to believe that an adolescent has strengths and past successes that can be utilized to stop troublesome behavior. Just as important is the "second step" of having practice methods to identify and marshal these strengths for the necessary behavior changes.

Strength-based practice (Clark, 1996a, 1996b, 1997) recently has been developed by combining the assumptions and mindset of the strengths perspective (Wieck et al., 1989; Saleeby, 1992, 1997) with the techniques of the solution-focused therapy model (de Shazer et al., 1986; Berg & Miller, 1992; Berg 1994). The strength-based approach will be outlined by discussing six principles organized around the "ABC's" of: Accountability-Action, Believing-Brief, and Cooperation-Competency.

Accountability

This review of strength-based practice begins with accountability, a crucial concern for field workers. Much like the shopper with a limited budget who quickly looks for the price tag, juvenile justice workers engaged in direct practice quickly will look to a new approach to see if it can advance responsible behavior. Their interest is borne out of necessity: They are entrusted to bring about successful outcomes with rising caseloads and relentless constraints on time and energy. If they don't sense improvement, they quickly move on.

This review of accountability is also important to remove a commonly held misconception about strength-

based practice. Some critics believe the ultimate goal of this approach is naively centered on establishing a positive relationship. They also mistakenly assume that even amid obvious wrongdoing and chaos, workers are compelled to find compliments for clients, resulting in Pollyanna-ish absurdities such as the "skillful" shoplifter or the drug dealer demonstrating "fiscal competence." Although it is true that a positive relationship and compliments have an important place in this approach, they are only important for how they can foster behavior change and help people to rise above their difficulties. If complimenting clients to ensure a positive relationship is an end to itself, it becomes a narcissistic enterprise. Juvenile justice workers must challenge adolescents to move beyond their difficulties and must help them marshal strengths to meet those challenges.

Compare how both approaches regard accountability. The problem-solving approach requires hard work to understand the problem, to ascertain who's responsible, how the problem originated, and how it's maintained. Accountability is realized when an adolescent owns up to the wrong. Admission is paramount for the assumption of responsibility. Strength-based practice, on the other hand, does not assume the ownership of guilt is somehow automatically curative.

Consider an idea forwarded by Jacobs (1995) from the sports psychology field. When an athlete has performed poorly, the coach spends little time reviewing the error or fixing blame before beginning corrective work. In the sports model, coaches are discouraged from waiting for the athlete to verbally assume responsibility or to assume responsibility *passively*. Instead, they quickly review the error(s) and focus on encouraging behavior change. Accountability and responsibility for a negative performance are assumed when the athlete begins to *change his performance*.

Insoo Berg, cofounder of the solution-focused therapy model, reports that the problem-focused model and its emphasis on moving the offender to merely "own up to the guilt" about the past does not *demand* and hold the offender responsible enough for change in the future. Too much time and energy are spent determining the causal relationship rather than expecting and demanding changes (Berg, personal communication, October 16, 1995). The strengths approach with challenging teens holds that accountability is realized through behavior change, not passive admission. From the beginning of contact, there is an expectation that the teen will *do something* about the immediate concern. Strength-based practice believes that starting "first steps" and initiating action is all-important.

Action

Consider that when youths have committed a crime, there are two basic questions that they could ask of themselves: "How did I get into this mess?" and "How

do I get out of it?" Waters (1994) reports that over 100 years ago, psychology decided that the first question was the important one. Consequently, much of the history of working with adolescents has shown an interest in causation and the differing ways to answer the first question. In the last decade, a growing number of practitioners have begun to focus solely on the second question. They care much more about initiating behavior change (action) than causation.

Looking for "the cause" hinders our field work, and it's time to expose the obstacles and frustration when working from this problem-solving view. Focusing on the problem and trying to "fix it" has created an industry of causation. This industry applies "deeper meanings" to the problem, which can make the problem more complex. Several deeper meanings that are familiar include the role of the past, behavior *dynamics* (which often require a Ph.D. to decipher), and unconscious motivation. Experts have told field workers that these deeper meanings are important and that workers who consider them have an edge. These deeper meanings may be grist for university writers and federal think tanks, but they become obstacles for line workers.

A double-cross awaits workers who allow themselves to be seduced by deeper meanings. Waters (1994) believes that the first betrayal is that these constructions encourage the thinking, "I'm this way because of my childhood (. . . my situation, my parents, my anger, etc.)," which then becomes the *real* problem. If repeated too many times, these limiting self-conceptions can become fixed and encourage a client to assume the role of passive victim. This role can inhibit the desire and motivation needed to overcome difficulties. When field workers focus on offenders' failures and pose the problem-focused question of "why," they help offenders repeat these limiting stories. Problem solving makes it tougher to introduce competing realities that are optimistic and allow change. The typical question, "How did you become involved in this crime?," is turned to, "How have you survived thus far?," which can offer far richer information on which to build solutions.

The double-cross is completed when problem-focused models do not encourage workers to separate the offender from his problems. "He is a thief" is a very different view from "He steals things." "He is a thief" points to a deeper understanding, an *underlying* aspect of that person, and one that would require a change in personality to correct. "He steal things" suggests that the problem would have a solution if the person in question *stopped* stealing items, a much more achievable goal for field work.

The behavioral and cognitive changes necessary for accountability are brought about by initiating action. Action is defined as efforts ("first steps") that help adolescents and family members to begin change. Fisch (1994) explains that this work has changed from an

"understanding" modality to a "doing" modality so that the goal of this approach is change rather than insight or awareness (p. 126). All efforts in this model look to initiate action to dispense presenting problems. Hoyt (1996) explains that this approach for teenagers is problem-driven but not problem-focused. It is goal-oriented and focused on resolving the problem the adolescent came in with. The worker is responsible for creating and maintaining this focus.

How this focus is created and maintained requires a model of questions. Miller (1994) states: "Over time, we have learned that asking the right question often has more impact on the client than having the correct answer" (p. 93). Nowhere is this point more applicable than with adolescents who resist lectures, "being told what to do," or any approach that puts them in a "one-down" position. A long-held principle in the field of psychotherapy is to "get the client to say it," which conveys that when clients feel it's their idea, then they're far more likely to act on that idea. With this in mind, the primary strategy is to "question for change." To prompt challenging adolescents to talk is important, and strength-based questions can promote more active conversation. However, if getting offenders to talk is important, then it is even more important to influence *what they talk about*. The following strength-based questions conjure up a productive type of talk, which European therapists Furman and Ahola (1992) call "solution talk." Solution talk is productive dialogue that can make offenders aware of what efforts or behavior changes they need to initiate. These solution-focused questions arouse a "can-do" attitude that can help initiate first steps.

Berg and Miller (1992) posit "useful questions" for interviewing that orient families toward solutions. I adapted four of these questions for juvenile court application and have added another question that helps raise offenders' sense that they're better than the current predicament might infer.

1. Pre-Session Change Questions. "After being arrested and petitioned, many people notice good changes already have started before their first appointment here at the court. What changes have you noticed in your situation?" "How is this different than before?" "How did you get these changes to happen?" These are questions that a field worker can use to elicit strengths and quickly find new, productive changes when first meeting an adolescent or family members. Numerous studies (Wiener-Davis et al., 1987; Talmon, 1990; Bloom, 1981) from the family therapy field have found that a majority of mental health clients made significant changes in their problem patterns from the time they set up the initial therapy appointment to actually entering treatment. Just telephoning or making the effort to begin treatment was enough to start positive changes. This is also true of criminal justice popula-

tions that have experienced trouble that ended in an arrest or detention. I found similar responses from teens and families newly assigned to my juvenile probation caseload. These family therapy studies (Wiener-Davis, et al., 1987; Talmon, 1990; Bloom, 1981) found almost 70 percent of their clients reported positive changes when they were asked, but only 20 percent reported these changes spontaneously. The most important idea to remember is that workers *must remember to ask* to find these changes or they remain obscure.

2. Exception Questions. “Have there been times recently when the problem did not occur?” “When was the most recent time when you were able to (perform the desired behavior)?” “What is different about those times?” “When did this happen?” “Who was involved?” “How did this happen?” This approach holds to the adage “nothing always happens” to convey that there are always times when the problem does not happen or is not considered a problem by the family. Offenders and their families typically view the complaints that they bring into court as constant and therefore usually do not notice exceptions. My experience with this model has shown that there are times when the truant attends school, the angry/assaultive child walks away from a fight, the follower has said “No” to the group, or the parent did not berate or harp on the negative. The idea is simple: Look for what teens and families do when the problem is not occurring and get them to repeat those same strategies in the future. Here, the profound difference between solution-focused work and problem-focused models is obvious. In the latter we are asking, “When *does* the problem happen?” “When does it get worse?”

In solution-focused work, there is greater utility in amplifying what is occurring during times when the problem does not happen than when it does. It is very important to note that exceptions need to be purposeful. To find out that during a certain period of time, a substance-abusing teen abstained from using drugs only because the local “dealer” was out of town is certainly an exception that is of no use!

3. Miracle (Outcome) Questions. “What if you go to sleep tonight and a miracle happens and the problem(s) that brought you into the court (detention center) are solved. But, because you are asleep, you don’t know the miracle happened. When you wake up tomorrow, what would you notice as you go about your day that tells you a miracle has happened and things are different?” “What else?” “Imagine yourself, for a moment, that we now are 6 months or more in the future, after we have worked together and the problems that brought you (this family) to court jurisdiction have been solved. What will be different in your life, 6 months from now, that will tell you the problem is solved?” “What else?”

The miracle question is the hallmark of solution-focused therapy. A miracle in this context is simply the

present or future without the problem. It is used to orient the teen and family toward their desired outcome by helping construct a different future. Helping an offender and family to establish goals needs to be preceded by an understanding of what they want to happen. When (if) workers find no past successes to build on, they can help the family to form a different future by imagining a “miracle.” As many criminal justice workers have experienced, it often is difficult to stop a family from “problem talk” and start the search for solutions. The miracle question was designed to allow the adolescent and family to “put down the problem” and begin to look at what will occur when the problem is not present. Furman and Ahola (1994) declare that the single most useful issue to talk about with an adolescent and family members is how they view the future without the problem. If offenders are prompted to imagine what a positive future might look like for themselves, they automatically begin to view their present difficulties as transitory, rather than as everlasting. This question is used to identify the client’s goals for court jurisdiction to end. If the teen begins with a fantasy response of “a new car” or “winning the lottery,” the worker can return to the point of the conversation with humor or by normalizing these wishes. Teens and family members quickly will settle in to describing a more realistic miracle.

This question is followed by other questions that shape the evolving description into small, specific, and behavioral goals. “What will be the smallest sign that this (outcome) is happening?” “When you are no longer (skipping school, breaking the law, etc.), what will you be doing instead?” “What will be the first sign this is happening?” “What do you know about (yourself, your family, your past) that tells you this could happen for you?”

4. Scaling Questions. “On a scale of 1 to 10, where 10 is the day after the miracle and 1 is when you were arrested (petitioned—problem was at its worst), where are you today?” “Numbers help me understand better. On a scale of 1 to 10, where 10 is your problem solved and 1 is when it was at the worst, where are you now?”

How do field workers know that the adolescents they work with are getting better or moving in more productive ways? Scaling questions can gather subjective appraisals quickly and easily. These types of questions are favored by the managed care industry because they are vital to helping workers know what progress clients already have made and what further work needs to be addressed. Scaling questions help establish a baseline against which future progress may be measured. They are used at the end of the initial session and all subsequent meetings. These questions also help field workers to know when someone is satisfied without the workers having to define vague terms such as “communicating better” or “feeling better.”

Once a baseline is established, follow-up questions can be used to identify what *first steps of small efforts*

the offender and family believe are important to initiate. The brilliance and practicality of this model is evident in this line of follow-up questions: "You said a moment ago you were at 3. What would have to happen for you to move to a 4, just up one step?" "Gee, that answer sounded more like when you'd be a 10 and the problem was solved. Think again to what just a 4 would be like." "What will you be doing when you are at a 4?" "What will your friends say you are doing differently when you are at a 4?" "What would be the smallest (first) sign if you were moving to a 4?"

5. "How Did You" Questions. This is one I have added to the previous solution-focused questions. After I have explored "the problem" with the teen and have gone further to search for past successes and strengths, asking the questions, "How did you get into this?" or "How did you end up here?" conveys a tacit opinion to adolescents that they are better than whatever their current state of trouble might seem to infer about them. It's vitally important that this question only be asked *after* several strengths or past successes have been brought up and reviewed. It needs to be asked with a vocal tone and facial expression that convey a feeling of disbelief that someone who has "all these strengths" could have ended up in a courtroom or on this specific "hot seat." The greater the incredulous tone practitioners can summon, the greater the benefit of this technique. What I also have found is that the teens' shoulders will drop in resignation, and what they say immediately after this question is posed will generally be the most accurate "snapshot" of what they believe has caused the current trouble.

Believing

Across the juvenile justice field, practitioners often hear the call to focus on the "positives" and strengths of children. In mission statements and codes of ethics, professional associations and bureaucracies serving the field speak of strengths and of raising competencies. In reality, focusing on offender and family strengths does not make the leap from statement to field work. Strength-based methods in the juvenile justice field are like a mirage: They seem visible and available from afar, only to disappear as one moves closer to access them for daily field work.

Close examination reveals that practitioners lack practice methods that are truly strength-based. Regardless of its stated values, the juvenile justice field continues to find, diagnose, and treat failure and pathology. Practitioners must override the pessimistic outlook that problem-focused work can induce. The famous physicist, Albert Einstein, believed that it is our theories and beliefs that determine what we can see. The familiar adage "seeing is believing" could really be restated as "believing is seeing." If practitioners believe that adolescents and family members have strengths,

this allows practitioners to look for and find them to use. Problem-focused work has brought field workers to a point at which they do not trust the clients they work with. Research cited by Maluccio (1979) found that workers underestimated client strengths and had more negative perceptions of clients and their ability to change than the clients had of themselves. Strength-based work asks workers to forego this pessimism about the nature of clients and allow an optimistic view. Brendtro and Ness (1995) give a good description of this dichotomy:

[S]ome might argue that optimism about antisocial youth is itself a thinking error, a Pollyanna illusion that nasty kids are really little cherubs. However, pessimism is seldom useful and often leads to feelings of powerlessness, frustration, and depression. In contrast, optimism feeds a sense of efficacy and motivates coping and adaptive behavior, even in the face of difficult odds. (p. 3)

Forty years of motivational research has shown a payoff for this optimistic view. Leake and King (1977) found that if you expect that change will occur with your clients, your expectancy of change will influence their behavior. The workers' belief in the clients' ability to change can be a significant determinant of treatment outcome. Cousins (1989) also found helping efforts to be more effective when workers believe in their clients' capabilities and believe that they can surmount the assault on their functioning. Believing is all-important—it becomes the axis this model turns on.

Brief

Strength-based practice is not long-term work that is cut short or abbreviated. Rather, the route to success is shortened by how the problem is calculated. Consider that in the field of juvenile justice, lawbreaking behavior is often regarded as the "tip of the iceberg" and symptomatic of some deeper causal problem(s). Juvenile justice practitioners begin the search for current troubles and past failures within the individual, the family, and their environment. During this search, the practitioners selectively attend to the adolescent and family's defects and failures. This search is generated by the long-held idea that if practitioners can "name the problem, the treatment will follow." This search follows a sequential form: Find and recognize the problems (assessment); work to understand the problems' influence as much as possible (diagnosis) before taking any action (treatment). There is an expectation that the teen and family will agree with both the problems the practitioner names and the solutions the practitioner designates (cooperation). The practitioner also hopes that the offender and his family will work to conceptualize and understand the problem as the practitioner does (insight).

There are three reasons that strength-based practice rejects this extended route to solution. First, the purpose of this approach is not to understand the cause of

the problem(s) that clients come in with, but to find practical ways to solve it. This shift in interest calls for the practitioner to focus only on the presenting complaint rather than the shotgun inquiry of “what else is going wrong.” Problem-focused models lead practitioners to believe that their expertise should be used to spot other departures from “normal” or “average” and work to change them even if the teen or family is not complaining about them.

Second, since this approach focuses on action and change, it considers the future to be far more important than the past ever could be. “Understanding” the problem means having to entertain the past, sometimes the distant past, to resolve the current problem. Strength-based practice does not labor under this weight. Since any presenting problem is seen as occurring in the present, then the information and data needed are limited to the present or current time period. Fisch (1994) calls this “narrowing the data base,” contending that the greater one’s data base, the longer interventions will take because much more information has to be considered and incorporated.

Third, adolescents and families are constantly changing, so this model rests on an assumption that “change is inevitable, not a hard-won commodity” (Berg, 1994, p. 4). This model rejects the notion that large problems must correspondingly require large efforts for solutions. It believes in the “ripple effect” (Spiegel & Linn, 1969) in which a small change can ripple out to bring resolution. I believe if field workers make any mistake, it’s that they usually try to accomplish too much rather than not enough. With the best of intentions they set goals that are too complex and then must initiate too many efforts to reach them for success. They must scale down to start small, achievable beginnings.

Cooperation and Competence

These last two principals are best discussed in tandem. They are closely linked because cooperation can be raised in proportion to efforts made to recognize and forward the competence of an adolescent.

Before proceeding, field workers may find it helpful if I clarify a contextual issue. This is the issue of workers who engage adolescents in positions that call for social control. Occasions will arise in which field workers must take control in heavy-handed fashion or even physically subdue serious acting-out behavior. In these instances, fostering cooperation is *not* a concern so much as “taking charge” and demanding obedience in a crisis situation. Strength-based practice acknowledges these situations and believes necessity and common sense must prevail. Thankfully, these situations are not common or constant. Most interactions with teens are not crisis-oriented and are better served by fostering cooperation and motivation.

The problem-solving approach has tilted the notion of cooperation too far toward the youth that juvenile justice practitioners work with. Practitioners enter most working relationships believing that cooperation is a condition that youth alone can extend (compliance) or withhold (resistance). Strength-based practice posits a different belief that may be shocking to some: Cooperation is not a characteristic of the adolescent. Rather, it is a condition that emanates from the interaction and exchange *between* a worker and youth. Worker attention and responsibilities concerning this interplay must be increased. Cooperation is raised by two efforts: by highlighting a teen’s competency, aspirations, and resources and also by discovering the adolescent and family’s answer to the problem.

There is an adage that all youth workers should remember: They help only those people who give them permission to do so. Berg (1994) reminds us,

Do not argue or debate with the client. You are not likely to change their mind through reasoning. If this approach was going to work, it would have worked by now. (pp. 58–59)

When working with adolescents, practitioners’ work suffers because teens experience these workers “like everybody else”—adults who refuse to listen while they impose their ready-made “answers” without consensus. Practitioners can avoid this tag by using strength-based questions that are asked with a genuine curiosity. It is true that youths might well improve if they only would follow practitioner advice (but they seldom do). For too long, field workers have believed that they have “done their job” when they delivered proper advice (not advice *accepted*, but merely advice offered). Consider that there is a difference between being “right” and being successful. To be more successful with this population, practitioners need to reduce their advice, highlight juveniles’ abilities, and use strategic questions that place them in “one-up” positions (of telling us). Strength-based practice also will conceptualize competence as a belief that an adolescent and family are the experts on their problems. Practitioners believe that youths and their families “have what it takes” to reach solutions as they walk in the door. If they need help or information, practitioners also trust they will ask or somehow let them know. When practitioners allow more of their input, they don’t end up having to “sell” them answers to the problem. Skeptical workers will find that they often have more latitude to include the youth and family in treatment planning than they might think. Duncan, Hubble, and Miller (1997) give a good account of how strength-based workers can validate an adolescent’s competence:

- by viewing the youth as healthy, capable, and able
- by recognizing our dependence on their resources for successful outcome

- by making the adolescent and family's participation central to all helping moves (p. 48).

It is encouraging for practitioners to find that they don't have to drag an adolescent or family member "through the mud" of their failures to get them help. Adolescents quickly realize that practitioners are not out to "dig dirt" and blame them like so many other adults.

Advantages

This approach has four advantages. First, it aids the youth worker in being culturally sensitive. Since the problems that are named and the routes to solutions come more from the offender and family, the practitioner's work has more of a natural fit. This model does not ignore or trample on the offender's personal, familial, or cultural systems, but rather operates in tandem with them. Second, the juvenile justice field does not have to suffer the loss of committed and capable workers who leave the profession because they are pessimistic and feel overwhelmed by the multitude of problems. Problem-focused interviews, with a primary focus on problems and failures, can leave an offender and worker feeling more overwhelmed and less able to take action. Focusing on strengths and what offenders can do or have been successful at raises optimism and hope—vital ingredients for motivation. Field workers are encouraged to find that strength-based methods can help deflate the strength and intensity of problems while increasing a client's sense that problems can be solved.

Third, this approach is not a cure-all. Even with the advantages of strength-based practice, the full continuum of care (and consequences) will still be necessary for work with youth. Also, in certain situations fact-finding and placing blame will be necessary. A good example is in juvenile courts, where the determination of guilt or innocence cannot (and should not) be avoided. There are also crisis situations, as mentioned, where the adolescent's immediate preference will not be allowed to prevail. While granting these situations, field workers also must realize that many adults approach youth with harsh pessimism and suspicion that become ingrained. Practitioners must never lose sight of the fact that a majority of the teens with whom they work do not progress to the adult correctional system. Any approach that can lessen the need for elevated (and costly) services by enhancing cooperation and motivation deserves attention.

Finally, youth workers have heard previous calls to "focus on the positives," and many have tried to adopt more optimistic approaches in the past. Although they intuitively sensed that this kind of approach was the "better way," most ended up turning back, disillusioned and disappointed. They found no methods and techniques to make this theory practical for their daily work. Their experience was much like that of victims of a home improvement scam: They wanted the improve-

ment and signed up for it, but the actual "goods" to complete the project were never delivered. This article asks these workers to take a second look. Strength-based practice finally gives youth workers the necessary "one-two punch" of theory and techniques that has not been available before.

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Rethinking the Assumptions About Boot Camps

BY DALE COLLEDGE AND JURG GERBER*

History and Nature of Boot Camps

THE RELATIVELY recent implementation of military-style correctional programs as an alternative sanction has elicited diverse opinions regarding their ethics, rehabilitative potential, and purpose. Commonly called “shock incarceration” or “prison boot camp” programs, these facilities employ strict discipline and military drill as key elements. For the purposes of this article, the term “boot camp” will be used to describe these programs because “shock incarceration” has been associated in much of the literature with other types of sanctions that cannot be defined as boot camp programs (Cronin, 1994, p. 1). In 1983, Georgia and Oklahoma opened the first modern prison boot camps. By 1994, a total of 29 states were operating 59 separate boot camp facilities (Cronin, 1994, p. 11). Current literature indicates that almost all state governments, along with many counties, are currently operating boot camp programs, have used them in the recent past, or are developing such a program (MacKenzie & Hebert, 1996, p. vii).

According to Parent (1989, p. xii), prison boot camps have a historical tie to earlier community corrections programs such as “Scared Straight” and “shock probation” and challenge programs such as “Outward Bound.” For the purposes of this research, these types of programs will not be included since they differ significantly from present-day boot camp programs. The conditions that past researchers have established for a program to be considered a prison boot camp are not fulfilled by any of these programs.

Boot Camp Core Components

A general definition of boot camp facilities is problematic since programs differ in their basic components. This has caused confusion and debate among researchers as to what programs should be defined as boot camps:

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An earlier version of this article was presented at the 1997 Annual Meeting of the American Society of Criminology in San Diego, California. The authors would like to thank Steven J. Cuvelier for his valuable insights on earlier versions of this article.

There is no widely accepted or official definition of the term “boot camp.” Because boot camps have proven so popular with legislators and other potential backers, no doubt many program developers find it prudent to stretch the term to include as broad a range of programs as possible. (Cronin, 1994, p. 1)

The National Institute of Justice (1996, p. 3) solicited research that specifically addressed the question “What is a boot camp?”

These differences are often problematic for analysts because evaluative results of one boot camp program cannot be generalized to other facilities. The only component that almost all research has identified as being prerequisite for a program to be considered a boot camp is a military type of structure, regimen, and discipline. More generally, common elements of boot camp facilities cited by most researchers (MacKenzie, 1990, pp. 44-45; GAO, 1993, p. 11; Cronin, 1994, p. 1; Parent, 1989, p. 11) are (1) a regimented military-style program, (2) strict discipline and rules, (3) young, first-time, nonviolent inmates, and (4) programs that are a shorter alternative to a prison sentence. The most recent and comprehensive publication on boot camps narrows that spectrum somewhat by removing the offender age and crime stipulations (MacKenzie & Hebert, 1996, p. viii). This softening of the classification requirements solves some of the dilemma in defining what constitutes a boot camp. However, it does little to address the complex issue of variation between facilities.

Program Goals and Objectives

The goals and objectives of prison boot camps have been the focus of much of the descriptive literature. A potential cause of the popularity of boot camp programs may be that they have multiple goals that can satisfy the objectives of different interest groups: “In a sense, shock incarceration is a program that can be—at least in perception—all things to all people” (Parent, 1989, p. xi). The actual or perceived goals provide a basis for analyzing the success or failure of boot camp programs. Most researchers agree (Parent, 1989, pp. 11-12; Osler, 1991, pp. 35-36; GAO, 1993; Cronin, 1994, p. 6) on five basic goals: (1) incapacitation, (2) deterrence, (3) rehabilitation, (4) reduction of prison costs and crowding, and (5) punishment. Whether these goals are achieved successfully is an issue that directly affects correctional policy and critical analysis of these programs. Further, they provide a basis for determining success or failure

of boot camp programs. Program goals or components may have to be altered to make them achievable.

General Accounting Office (1993, p. 20) statistics indicate that administrators vary in their support of these different goals for boot camp programs. Rehabilitation received the highest level of support among administrators, with more than 90 percent ranking it as of great or very great importance. The second most important goal according to administrators was reduction in costs. Nearly 87 percent ranked this goal of at least great importance. Reduction of crowding was ranked as of great or very great importance by more than 81 percent of respondents. More than 83 percent of administrators ranked protecting the public (incapacitation) as a goal of great or very great importance. Deterrence received far less support, with just over 35 percent ranking it of at least great importance. The lowest scoring goal among administrators surveyed was punishment, with only 20 percent of respondents ranking it of great or very great importance (GAO, 1993, p. 20).

Boot Camps at the Local and Federal Levels

Although most research on boot camps has focused on facilities operated at the state level, boot camps also are being operated by federal and local governments. Local governments have begun operating boot camp facilities as a method of diverting some of the jail population away from state correctional facilities. According to Cronin (1994, p. 32), the locally operated boot camp facilities are similar to the state facilities in their goals and services, but are less able to address crowding problems than state-operated boot camps. The jail boot camp programs surveyed by Austin, Jones, and Bolyard (1993, p. 3) were generally smaller and shorter in duration than state facilities. The first federal boot camp for men opened in 1990, and a facility for women opened in 1992. The federal program has a duration of 180 days (Cronin, 1994, p. 33; Klein-Saffran, Chapman, & Jeffers, 1993, pp. 13-14; GAO, 1993, p. 35; Klein-Saffran, 1991, pp. 2-3). Two noteworthy differences in the federal boot camp program are (1) its lack of summary punishments for minor infractions (Cronin, 1994, p. 33; Klein-Saffran, 1991, p. 4) and (2) a relatively intensive and extended aftercare supervision component (GAO, 1993, pp. 43-44).

Evaluative Research

Because boot camps have been operating only since 1983, evaluative research on this subject is somewhat limited. Of the 26 states surveyed by the General Accounting Office (1993, p. 22), only five reported having completed any formal evaluation. Moreover, several validity and reliability concerns have been raised regarding this body of research (Cronin, 1994; Salerno, 1994; GAO, 1988, 1993; Mack, 1992; Osler, 1991; MacKenzie, Gould, Riechers, & Shaw, 1990; MacKenzie, 1990). De-

spite limited evaluation and understanding of the effects of boot camp programs on participants, these programs continue to be popular as new and innovative correctional options. MacKenzie (1994, p. 66) notes the need to "use science to help us decide whether boot camp prisons can achieve the desired goals or, if necessary, be redesigned to reach these goals."

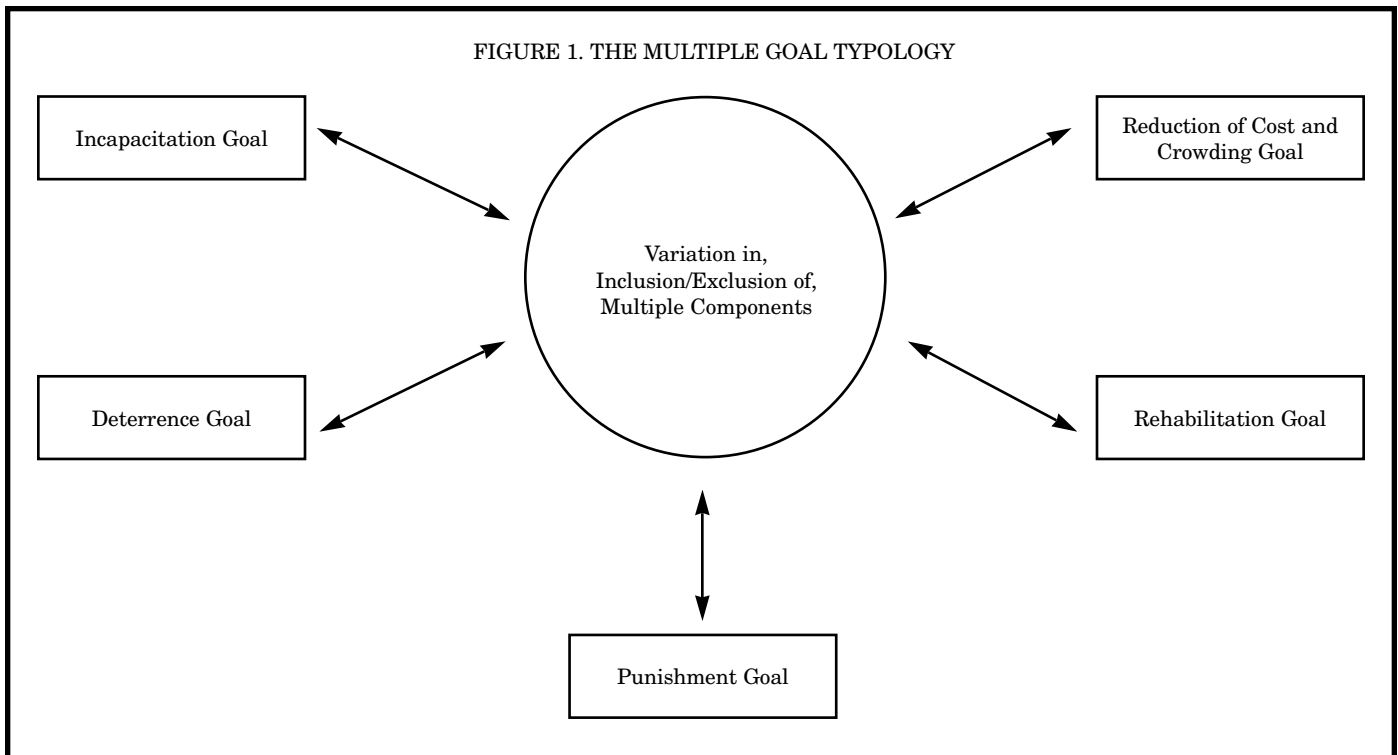
Perhaps the most compelling problem for researchers is the applicability of the results of empirical research of one boot camp program to others. "These differences are expected to result in differences in the success or failure of programs in reaching their goals" (MacKenzie, 1990, p. 50). The validity of interagency comparison is at least questionable if not highly problematic (Mack, 1992, p. 145); however, this type of comparison has fueled the debate and has been used by both proponents and critics of boot camps to bolster their arguments (MacKenzie, 1990, pp. 44, 50-51).

Multiple Goal Typology

This section describes a typology that seeks to explain the differences between boot camp programs as a function of their emphasis on different goals. The typology's theoretical foundation is provided by the work of MacKenzie (1990), who divided boot camp programs according to their level of emphasis on rehabilitation. Boot camps were classified as having a "high" or "low" focus on rehabilitation (programs were considered to have a high level of focus on rehabilitation if the amount of time spent in rehabilitative activities was equal to or greater than the number of hours spent working). Even if modified, this model entails numerous problems. Labor, physical exercise, military regimen, and drill could be considered as punishment (which MacKenzie did not address), but they may in fact have rehabilitative value. More importantly, though, this model only addresses two of the five commonly accepted goals of boot camp facilities (Colledge, 1996). The typology proposed here, the Multiple Goal Typology, addresses some of the shortcomings of MacKenzie's classification system.

Methods

From the 26 state facilities listed by the General Accounting Office (1993, pp. 56-58), the researchers contacted 25 boot camp administrators by telephone and asked them to participate in this study. One facility was not included in this solicitation as the researchers were unable to make telephone contact. The researchers asked the administrators to provide documentation that described their respective facilities. This information included policy manuals, inmate handbooks, internal and external evaluations, and mission statements. Fifteen administrators agreed to participate and sent information describing their respective facilities. This provided a response rate of 60 percent. The researchers



used information in these documents to supplement existing descriptive statistics available in current literature (GAO, 1993; Cronin, 1994). Two locally operated boot camp facilities provided on-site interviews and tours in addition to descriptive information.

Constructing the Typology

The Multiple Goal Typology, illustrated in figure 1, addresses the differences between boot camp programs with regard to their components and how those differences affect the five common goals: incapacitation, deterrence, rehabilitation, reduction of prison costs and crowding, and punishment (Parent, 1989, pp. 11-12; Osler, 1991, pp. 35-36; GAO, 1993, p. 20; Cronin, 1994, p. 6). This spectrum of goals raises questions regarding what boot camps are truly designed to achieve, how greatly they differ in their emphases on these goals, the achievability of these goals (success or failure), and to what extent the programs' components reflect their stated goals. If boot camp programs differ in their stated goals, one should expect variation among program components (GAO, 1993; Cronin, 1994).

Achievability of Goals as a Function of Components

This section addresses the hypothetical relationships between various components and the five common goals of boot camp programs. Differences in program components reflect the focus on, and affect the achievability of, the separate goals. Fluctuations in one or more specific components may have different effects on the separate goals.

Previous research by MacKenzie (1990, p. 47) separated varying characteristics of boot camp programs into four distinct categories: selection decisions, community supervision upon release, program characteristics, and program location. MacKenzie recognized the fact that differences in boot camp program components may represent potential problems and benefits for goal achievement. This research seeks to build upon MacKenzie's work by presenting a more complete picture of hypothetical effects of variation in the multiple components of boot camps.

The multiple components of boot camp programs addressed in this research are broken into five categories similar to those used by MacKenzie (1990). The components will be grouped into selection criteria, participant selection controllers, program characteristics, capacity and location components, and community supervision issues. Table 1 presents these component categories and for each lists the relevant component variables, describes the type and range of variation of individual components, and identifies the hypothetical relationships between each component and the five goals. A positive (+) sign in the table indicates that inclusion of or increase in the component variable hypothetically has a positive effect on the achievability of the specific goal. A negative (-) sign indicates that inclusion of or increase in the component variable hypothetically has a negative effect on the specific goal's achievability. A zero (0) indicates that little or no effect is expected on the specific goal. In some cases, components may have multiple effects upon specific goals, which indicates that

the relationship between the component and the specific goal may be conditional.

Selection Criteria Components

Selection criteria identify the range of possible offenders who could be placed in a boot camp program. Boot camp programs vary on selection components such as age, prior and violent offenses, physical and mental restrictions, sentence type, and original sentence length. Age-related components may have conditional relationships with all of the major goals by providing a larger group from which to select potential participants. Increases in minimum age restrictions can reduce the potential pool of offenders. Conversely, decreases in maximum age restrictions should have a similar diminishing effect on the potential offender pool.

Accepting offenders into boot camp programs with prior or violent offenses, who would ordinarily have been sent to a traditional prison facility, should reduce the ability of a program to achieve the goals of incapacitation, deterrence, rehabilitation, and punishment. A longer incarceration time may allow for greater rehabilitative potential for the offender if effective programs are available in prison. The absence of restrictions on the basis of prior offense(s) should increase the ability to achieve reduction in prison costs and crowding if the original incarceration length would have been longer.

Physical and mental restrictions may reduce the ability of boot camps to achieve all of the five major goals of boot camp programs by reducing the potential pool of offenders eligible for the program. However, the boot camp facility may realize indirect cost and crowding reductions by diverting offenders from the program who do not have the physical or mental ability to complete it and replacing them with more suitable candidates.

Sentencing components have multiple hypothetical effects upon goal achievement. If a boot camp is used as an alternative sentencing option that lengthens the actual time spent incarcerated, the goals of incapacitation, deterrence, rehabilitation, and punishment should be enhanced. Conversely, using boot camp as an alternative to probation should result in a net-widening effect (MacKenzie, 1990, p. 47), thus thwarting reductions in prison cost and crowding. Increasing minimum and maximum original sentence lengths will reduce incapacitation, deterrence, and punishment goals while increasing potential for realizing cost and crowding reductions. Effects of variation in original sentence length on rehabilitation will depend upon success of treatment programs available in prisons versus those in boot camps.

Participant Selection Controllers

The participant selection process also may affect the potential to achieve organizational goals. Selection decisions generally are controlled by the sentencing judge, the correctional authority operating the boot camp program, or a combination of the two entities (GAO, 1993; Cronin, 1994). Hypothetically, judges selecting boot camp participants would be less interested in achieving cost and crowding reductions than correctional authorities would.

Other decision makers in the boot camp selection process are the potential participants themselves. We assume that potential boot camp participants would choose not to participate in a boot camp program if it means a longer period of incarceration. This leads to a negative relationship between voluntary participation components and the goals of incapacitation, deterrence, and punishment. Inversely, programs allowing inmate

TABLE 1. COMPONENTS OF BOOT CAMP PROGRAMS AND HYPOTHETICAL RELATIONSHIPS WITH TYPOLOGY GOALS

Selection Criterion Components							
Component	Type	Range	Incapacitation	Deterrence	Rehabilitation	Cost/Crowding	Punish
Min. Age	Age/Yrs	0–18yrs	-/0	-/0	-/0	-/0	-/0
Max. Age	Age/Yrs	22 yrs–No Max.	+/0	+/0	+/0	+/0	+/0
Prior Offense	Categorical	Yes/No	-	-	-/0	+	-
Physical Restrict	Categorical	Yes/No	-/0	-/0	-/0	-/+	-/0
Mental Restrict	Categorical	Yes/No	-/0	-/0	-/0	-/+	-/0
Violent Offenders	Categorical	Yes/No	-	-	-/0	+	-
Sentence Type	Categorical	Prison./Prob./Parole	-/+	-/+	-/+	-/+	-/+
Min. Sentence	# of Years	0–2.5 Years	-	-	+/-	+	-
Max. Sentence	# of Years	3.0–No Max.	-	-	+/-	+	-

TABLE 1. COMPONENTS OF BOOT CAMP PROGRAMS AND HYPOTHETICAL RELATIONSHIPS WITH TYPOLOGY GOALS—Cont'd.

Participant Selection Controllers							
Component	Type	Range	Incapacitation	Deterrence	Rehabilitation	Cost/Crowding	Punish
Correctional Authority Selects	Categorical	Yes/No	+/-	+/-	+/-	+/-	+/-
Judge Selects	Categorical	Yes/No	+/-	+/-	+/-	+/-	+/-
Selection by Judge and Corr. Auth.	Categorical	Yes/No	+/-	+/-	+/-	+/-	+/-
Voluntary In	Categorical	Yes/No	-	-	0	+	-
Voluntary Out	Categorical	Yes/No	-	-	0	+	-
Governing Authority	Government	Fed/State/Local	0	0	0	0	0
Program Characteristics							
Component	Type	Range	Incapacitation	Deterrence	Rehabilitation	Cost/Crowding	Punish
Counseling	Hours/Day	0-24	0	0	+	-/0	0
Education	Hours/Day	0-24	0	0	+	-/0	0
Edu. Budget	Dollars	0-Unlimited	0	0	+	-	0
Vocational	Hours/Day	0-24	0	0	+	-/0	0
Military Regimen	Hours/Day	0-24	+/0	+/0	+/0	0	+/0
Summary Punishments	Categorical	Yes/No	0	+	0	0	+
Physical Labor	Hours/Day	0-24	+	+	0	+/0	+
Physical Training	Hours/Day	0-24	+/0	+	+/0	0	+
Community Service	Categorical	Yes/No	-	+/0	0	+	+/0
Restricted Privileges	Categorical	Phone, Visits	+	+	0	+/0	+
Induction Process	Categorical	Yes/No	0	+	0	0	+
Progressive Levels	# of and Length	1-Unlimited	0	0	+/0	0	0
Demotion Possible	Categorical	Yes/No	+	+	0	-	+
Graduation Ceremony	Categorical	Yes/No	0	0	+	-	0
Summary Punishments	Categorical	Yes/No	0	+	+/-	0	+
Program Length	# of Days	30-240	+	+	+	-	+

TABLE 1. COMPONENTS OF BOOT CAMP PROGRAMS AND HYPOTHETICAL RELATIONSHIPS WITH TYPOLOGY GOALS—Cont'd.

Program Capacity and Location Components							
Component	Type	Range	Incapacitation	Deterrence	Rehabilitation	Cost/Crowding	Punish
Total Capacity	# of Beds	24–2773	0	0	0	+/-	0
Total Prison Population	Numeric	Unknown	0	0	0	-	0
Number of Security Staff	Numeric	1–No Limit	+	0	+/0	-	+/0
Number of Service Staff	Numeric	0–No Limit	0	0	+	-	0
Volunteer Staff	Numeric	0–No Limit	+/0	0	+/0	+	0
Multiple Use Facility	Categorical	Yes/No	0	0	+/0	+	0
On Existing Prison Site	Categorical	Yes/No	+	+	0	+	+
Capacity Male	# of Beds Male	24–2623	0	0	0	+	0
Capacity Female	# of Beds Female	0–150	0	0	0	+/-	0
Coed Facility	Categorical	Yes/No	0	0	0	+/-	0
Community Supervision Issues							
Component	Type	Range	Incapacitation	Deterrence	Rehabilitation	Cost/Crowding	Punish
Halfway House	Categorical	Yes/No	+	+	+/0	-	+
Job Assistance	Categorical	Yes/No	0	0	+	-/0	0
Training Programs	Categorical	Yes/No	0	0	+	-/0	0
Length Monitored	# of Days	0–No Limit	+	+	+/0	-	+
Post-release Counseling	Categorical	Yes/No	0	0	+	-/0	0
Electronic Monitoring	Categorical	Yes/No	+	+	0	-	+
Intensity of Supervision	Categorical	Yes/No	+	+	+/0	-	+
Urinalysis	Categorical	Yes/No	0	+	+/0	-	+
Partial Confinement	Categorical	Yes/No	+	+	0	-	+

self-selection (voluntary participation) may realize reductions in prison cost and crowding as potential participants with longer original sentences opt for shorter boot camp incarceration. There is no significant information at this time linking the governing authority component to variation in achievability of goals; however, this does not preclude that such relationships might exist.

Program Characteristics

The next components to be addressed are those related to program characteristics. Hypothetically, increases in counseling, education, vocational training,

and educational budgets should result in an increased ability to rehabilitate offenders. A negative relationship is predicted between these four components and cost and crowding reductions due to increased rehabilitative programming costs. This negative relationship may be mitigated by counseling, education, and vocational training provided by community organizations without charge to the boot camp facility. Both county boot camps that participated in the study reported that community organizations provided rehabilitative services to their programs without cost.

Increases in physical training, labor, and military regimen may have a positive effect upon the goals of inca-

pacitation, deterrence, rehabilitation, and punishment. Boot camp facilities devoting more time to military regimen, physical training, and labor should have a greater ability to incapacitate offenders through increased monitoring and control. Likewise, increases in deterrence and punishment goals may be realized by increasing time spent in military drill, physical training, and labor.

The use of inmate labor for community service projects indirectly might reduce government costs by reducing labor costs to public and community organizations. Officials of one of the counties reported using inmate labor to assist low income and elderly members of the community with housing repairs, to restore a local area high school football field, and to perform several other community service projects.

Restricted privileges, induction processes, and possibility of demotion vary among boot camp facilities. Boot camps with extensive restrictions should realize increases in incapacitation, deterrence, and punishment while possibly decreasing costs to the facility. Induction processes, such as head shaving and verbal intimidation of new inmates, should increase levels of punishment and deterrence. Demotion for poor behavior or lack of progress, leading to a longer period of incarceration, should lead to increases in the goals of punishment, deterrence, and incapacitation while increasing cost and crowding.

The use of summary punishments for rule infractions is a relatively common element among boot camp programs (GAO, 1993, p. 18; Cronin 1994, p. 24). The extent to which facilities use these punishments varies. Federal boot camp programs do not use these types of punishments at all (Klein-Saffran, 1991, p. 4). The use of summary punishments are expected to have positive effects upon the goals of deterrence and punishment; however, the effect of these punishments upon rehabilitation are undetermined.

The existence of a graduation ceremony for inmates completing the boot camp program may have some rehabilitative effect on participants by reaffirming their accomplishment in completing the program. Additionally, it may instill confidence and a positive perception of the boot camp experience. We expect that a graduation ceremony will increase costs to some extent.

Maximum program length varies extensively among state-operated programs from a low of 30 days to a high of 240 days (GAO, 1993; Cronin, 1994). Both county boot camp programs included in this study reported lengths of 180 days. Increases in program length should improve all major goals with the exception of cost and crowding reductions. The increased program duration will directly increase cost and crowding levels.

Program Capacity and Location

Variations in total capacity of boot camp facilities directly affect the potential to achieve cost and crowding

reductions. Increasing the capacity of a boot camp facility will increase cost and crowding reductions if the program admits offenders who would have been sentenced to a longer prison term. If the offenders would not have been sent to a correctional facility, or would have spent a shorter time incarcerated, increasing capacity will increase prison cost and crowding. Ability to reduce costs and crowding is mitigated by the total prison population of the jurisdiction. If the total prison population is extremely large in comparison to the total capacity of the boot camp facility, the number of offenders diverted may not have a significant effect on cost and crowding.

Staffing levels have some hypothetical effects upon achievement of boot camp goals. Increasing the number of security staff should lead to increased incapacitation levels by providing closer supervision. This also may increase the punishment and rehabilitation goals of boot camps depending on roles that security staff play (counseling versus control). Greater numbers of service staff should increase the rehabilitative capacity of a boot camp by increasing the number, quality, and intensity of training and rehabilitation programs. Increases in paid staff, however, will increase the costs of boot camp operation. Boot camp location within a multiple-use facility or on an existing prison site should reduce the cost of providing inmate services and programs. Placing a boot camp on an existing prison site should increase punishment and deterrence by providing a reminder of the possible result of future crime and increase incapacitation where greater levels of security are present.

Increasing capacity to house male inmates should reduce prison costs and crowding. Some different problems are presented for boot camp facilities that are designed to house female inmates. Including females in boot camps, especially coed facilities, may result in fraternization if inmates are not kept in check by closer supervision (resulting in possible higher staffing costs). Not admitting females into boot camp programs may present equal opportunity litigation problems (Klein-Saffran, Chapman, & Jeffers, 1993, p. 4).

Community Supervision

Community supervision issues make up the final set of component/goal relationships. Cowles and Castellano (1995, p. 121) note the importance of aftercare in successfully reintegrating offenders into the community. Placing released inmates in a halfway house or some other form of partial community confinement should increase incapacitation, deterrence, and punishment goals and may increase rehabilitation if treatment is continued at the new placement location. The operating expense of a halfway house facility will likely increase costs.

Post-release rehabilitative components such as job assistance, training programs, and counseling should increase the rehabilitative capacity of boot camp pro-

grams by extending treatment and easing transition into the community but also will increase costs. The effects of increased cost of post-release treatment and training programs are mitigated in instances where community organizations provide services without charge to boot camp graduates. Both county boot camp facilities reported that community organizations provided treatment and training services free of charge to participants upon release.

Increasing the length of time that inmates are monitored after release should increase the achievability of incapacitation, deterrence, punishment, and possibly rehabilitation while increasing costs. We anticipate that increasing the intensity of community supervision will have effects similar to extending the length monitored. The use of post-release sentencing options such as electronic monitoring and urinalysis should have positive effects on the goals of incapacitation, deterrence, and punishment, but have a negative effect on cost and crowding reductions. Urinalysis may positively affect the goal of rehabilitation if it helps the offender abstain from drug and alcohol use. Increasing the intensity of post-release supervision should have a positive effect on incapacitation, deterrence, and punishment. It also may increase rehabilitation where the restrictions assist inmates in their transition to life in the community. Increasing intensity of supervision likely will lead to increases in cost of post-release supervision and may increase crowding if it causes a higher level of revocations.

Conclusion

The Multiple Goal Typology presents a method of understanding differences in boot camp facilities based upon variation in components and the resulting differential emphasis on separate major goals. This preliminary typology provides a framework for understanding the relationship between components and goals. The components of boot camps clearly vary among different facilities. These component differences reflect each individual facility's focus upon specific goals and each facility's ability to achieve these separate goals.

The key to determining overall success or failure of boot camps lies in understanding the differences between them and the effect of these differences upon their goals. Program evaluation should be based upon the true goals. A facility scoring high on the deterrence

and rehabilitation goals but low on the cost/crowding should be evaluated based upon recidivism rates rather than upon ability to reduce prison costs. Finally, the proposed typology leads to an increase in generalizability of evaluative research on boot camp facilities. Future research testing the multiple goal scale will be required to provide empirical evidence of the extent of similarity or dissimilarity between programs. Boot camps may be grouped in a rational manner based on real and measurable similarities, enabling generalizations of the results of evaluative studies of similar facilities.

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A New York City Version of Correctional Boot Camp: An Overview*

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THE HIGH Impact Incarceration Program (HIIP) is military or “boot camp”-style training for male inmates that provides tools to reverse the inmates’ compulsion toward criminal behavior. The daily schedule begins at 0500 hours (5 a.m.) and concludes at 2200 hours (10 p.m.) and includes academic/vocational education, substance abuse intervention, discharge planning, independent living skills, and individual and group counseling. HIIP is a “total learning environment” designed to foster involvement, self-direction, and individual responsibility. It focuses on teamwork and functions with the belief that participants can improve themselves, turn their lives around, and eventually positively influence others’ behaviors and attitudes. Members are encouraged to participate fully in the program’s management and direction. Negative behavior is reproached and becomes a focus for modification; positive behavior is encouraged and expected.

The program’s three major areas of responsibility are self-responsibility, responsibility to others, and accountability. In developing self-responsibility, inmates set personal goals and use their skills to accomplish these goals. Participants learn self-assessment, decision-making, and communication skills. In learning responsibility to others, participants learn to maintain healthy, strong, mature relationships and assimilate confrontation skills from group sessions (giving and receiving feedback). This helps pinpoint obstacles to success and reverse the negative effects of dependent/unhealthy relationships often accompanying criminal behavior.

To address accountability, inmates learn the repercussions of negative actions/behavior. HIIP teaches skills for evaluating and organizing including tools for improving relationships with family and friends. Subject matter includes attitudes/behaviors and time management techniques related to work, study, leisure, family, and spiritual development; developing

personal interests/abilities; and what to do when reintegrated into “free” society. The main focus is realization of self-worth.

An Introduction to HIIP

The New York City Department of Correction (NYC DOC) first adopted the HIIP concept as a cost-effective strategy to reduce city-sentenced inmate sentence length, cancel parole violator hearings, and reduce recidivism. The HIIP environment values and supports human development, creating a caring community of members who help each other as they help themselves. Behavioral change and confrontation of destructive attitudes maintain the integrity of the program. Inmates set goals and learn behaviors leading to successful living. They have a disciplined lifestyle and acquire mechanisms to relieve stress. HIIP inspires members to confront mistakes, change what doesn’t work, and accept responsibility for their lives.

As its mission, the program encourages participants to focus on returning as productive members of society by positive involvement. HIIP is conducive to physical, emotional, social, cognitive, and spiritual growth. Negative behavior modification is taught as positive behaviors are cultivated, furthering a sense of self-worth and personal pride.

HIIP’s development began when a NYC DOC committee, “Alternative to Incarceration,” examined the concept of paramilitary incarceration programs during the summer of 1990 and searched for program participants. By late October, the North Module of the Correctional Institute for Men of Rikers Island was designated as a 100-bed HIIP facility. To date it has become a 300-bed command. The population includes city-sentenced and technical parole violator male adult and adolescent inmates.

HIIP’s philosophy includes the following concepts: the point of power is to be in the present; become committed to change; be responsible *to* others for your own actions; you are not responsible *for* others; become attached/committed to society; share a common belief system with the larger society; take responsibility for your behavior; cultivate self-esteem via personal achievement.

The four elements of social control (Hirschi, 1972), which HIIP utilizes, are: *attachment* (affectional re-

*This article is a facet of the author’s doctoral dissertation. Points of view presented are the author’s and do not necessarily represent the official position of the New York City Department of Correction.

The author wishes to thank Fred Patrick, deputy commissioner of strategic planning and programs; Joseph Patrissi, HIIP executive officer; Ann Mayfield, director of training; and Captain Jennifer Antrobus. The article is based on an interview with Mr. Patrissi.

gard for people, places, and things); *belief* (a common value system, being responsible for yourself and to others); *commitment* (functioning according to your own belief system; accept repercussions of not doing so); and *involvement* (conventional activities involving industriousness, teamwork, and participation to exhibit attachment, belief, and commitment). HIIP also integrates Glasser's five basic needs that contribute to one's driving forces: survival (biological, includes reproduction), belonging, power, fun, and freedom (Glasser, 1965, 1984).

Responsibility is the ability to meet one's needs without interfering with others. HIIP excludes blaming, excusing, or justification. If one behaves in a certain manner, one takes responsibility for that action, without exception. HIIP keeps participants responsible for their own actions, refrains from doing for them what they can do themselves (though staff may network or direct inmates to appropriate resources), encourages them to make intelligent choices and experience consequences, and strives for consistency by entitling them to their feelings without reacting, justifying, or blaming.

HIIP provides an environment that invites change as well as a culture that gives participants the feeling of belonging that they experienced in their illegal/drug subculture. Program treatment includes straight talk, reinforcement for good behavior, and commitment to growth/change including confrontation of gross behavior patterns. New participants emulate the behavior of those already in-house.

The HIIP educational model shows that the quickest way to establish self-esteem is to learn. As such, the total learning environment emulates a complete society, helping participants achieve their goals, regardless of obstacles or others' personalities. Coping behaviors are essential, so ways of dealing with stress are a particular focus. Alienation and impulsivity (typical sociopathic functioning) are countered with the following principles: to win for oneself is dependent upon others winning as well; to win personally is easier when the whole society has members who participate productively; and to exercise control over one's destiny, one must utilize thinking and planning.

The concept of family is an essential aspect of HIIP. Participants learn to take care of themselves and when to be taken care of; help take care of others; and have an investment in each others' growth and welfare. Accordingly, cheating, lying, stealing, conning, and withdrawing are all behaviors that should be "nipped in the bud." The cohesiveness of a group is facilitated when its members "call each other" on negative behavior—without violent confrontation or blaming. Further, the program does not encourage fond discussion of criminal behavior or relating all life experiences to prison experiences. Health, wealth, and well-being are in the world at large, not the world "inside."

Goals and Overall Program Structure

As a cost-saving alternative to incarceration, HIIP espouses a threefold goal to reduce the sentence length of targeted parole violators and city-sentenced male inmates through the local Conditional Release Commission; to offset department operating expenses by reducing recidivism; and to empower inmates to live independent and productive lives.

HIIP is a highly structured training environment for city-sentenced inmates and parole violators. Specially trained uniform and civilian staff members give program participants the opportunity to learn and practice behaviors/skills essential to overcoming adverse socioeconomic forces traditionally hindering successful community living.

The program emphasizes community and teamwork, believing that individual empowerment enhances community empowerment and vice versa. HIIP is rigorous and demanding. Members participate in a structured network of program activities including academic and vocational education, substance abuse intervention, independent living skills training, individual/group counseling, and discharge planning. These help members adhere to HIIP program standards, which encourage values, attitudes, behaviors, and skills necessary for successful community reintegration. HIIP standards directly reflect those of the larger society.

Empowerment is the underlying framework for the entire HIIP program. To understand this concept, one must first consider the meaning of powerlessness. Within HIIP, this refers to the inability of participants to direct the course of their lives due to societal conditions, power dynamics, lack of skills, or lack of faith that they really can change their lives. Within HIIP, empowerment is defined as a three-step process by which participants: (1) gain a basic understanding of certain societal forces that hinder their ability to live healthy, successful lives; (2) develop behaviors and skills necessary to transcend or circumvent these negative societal forces in order to assert control over their lives and well-being; and (3) support and become instrumental in the empowerment of participants and members of the larger society.

The program training phase model sets standards for participant growth in the three-step empowerment process. Each phase demands increased practical application of newly acquired knowledge, values, attitudes, behaviors, and skills. Phase I (from weeks 1 through 3) focuses on responsibility for one's self. Participants learn all aspects of the program and discuss how to apply what they learn to overcome adverse societal forces and to live successfully upon discharge. Toward the end of Phase I, community group leaders are assigned to facilitate military drill regimens and cadences, morning meetings, community meetings, and therapeutic videos. Participants also begin to actively support the empowerment of each other.

Phase II (from weeks 4 through 6) focuses on responsibility to others. Participants demonstrate a thorough understanding of program philosophy, community standards, general orders, inspections, evaluations, disciplinary procedures, and facilitation techniques. They apply methods learned in the program and discuss their application to life on the "outside." Participants assume more responsibility for the program's day-to-day operations and support the empowerment of all community members.

Phase III (from weeks 7 through 9) focuses on taking responsibility for the quality of one's own life. Phase III is the same as Phase II, with increased opportunity for peer facilitating and leading in most programmatic components.

Main Programmatic and Treatment Components

All HIIP components are linked by their reinforcement of the empowerment process and provide opportunities for participants to self-discover, confront mistakes, assume responsibility for self and to others; to develop knowledge, values, attitudes, behaviors, and skills essential to successful community living; and to set goals and assert control over their lives.

HIIP staff members demonstrate how each activity leads to the goal of empowerment. It is critical that participants understand *why* they are learning what is taught and *how* to apply their newly acquired information and skills to their daily lives upon discharge.

Participants are bound by community standards and classroom agreements. Community standards require participants to adhere to program rules, goals, and activities; speak supportively; acknowledge others; demonstrate respect; communicate problems; agree to strive for resolution; and focus on what works. Classroom agreements are to direct all attention/communication to the group leader; be clear and concise when speaking; offer solutions; keep time agreements; do not disturb the class; and keep confidential all personal information shared.

Physical training, a military drill regime, and military cadences are an integral part of the program. Within HIIP there are four platoons: senior, junior, sophomore, and freshman. There is a graduation almost every 2 weeks. The progress in eight short weeks is very positive and effective. The daily regimen, which includes calisthenics and running, provides an attainable challenge to ability, encourages a state of physical fitness, and enhances self-esteem. Participants think and act more effectively. Academic scores and attention spans are improved by the physical fitness portion of the program. Military drill helps focusing skills and teaches effective leadership. Military cadences reinforce a common belief system and a commitment to HIIP principles. Intensive military bearing, courtesy, drill, and physical exercises are taught by drill instruc-

tors. All activities are attended in military formation to instill pride and dignity.

The HIIP process addresses the control theory that nonconformity is produced by the failure of the social bond. If participants "attach" to each other, conformity is likely. HIIP bridges the external discipline of the military model with an internalized system of positive values, self-worth, personal pride, and group participation/support.

Tools and Resources

Inmates are offered all of the following tools and resources; however, it is up to each of them to use them effectively.

Substance Abuse Intervention Division. HIIP offers a total of 56 hours of substance abuse intervention. HIIP concentrates strongly upon this subject because it believes that drug addiction is not only a health issue, but also shows a lack of self-esteem and self-motivation.

Group Therapy. The benefits of group therapy include: imparting information, instilling hope, realizing the universality of one's problems, and learning altruism through helping others. Tools used include corrective recapitulation of the primary family group, development of socializing techniques, imitative behavior, interpersonal learning, catharsis, and group cohesiveness.

Morning Meeting. A daily 30-minute morning meeting promotes introspection, good feeling, and a positive tone for the day. Participants raise questions or concerns about the program or their personal lives. They also tell stories, sing, recite poetry, or share feelings. The meeting ends with a moment of silent meditation. Groups are kept as small as HIIP staff coverage permits, and community groups are never divided. Correction officers lead morning meetings during the first 3 weeks of the program. After that, community group leaders are responsible for them.

Academic and Vocational Education. Participants are placed on traditional or nontraditional vocational education tracks, based on assessment conducted during orientation week. The education component also is divided into two sections to maximize performance. While both sections improve basic math and reading skills and prepare for the GED, the section supporting the traditional track emphasizes grammar, punctuation, business letter writing, and office machines while the section supporting the nontraditional track focuses on geometry and measurement. Both vocational and academic education components are bilingual.

Work Detail. Inmates are assigned Rikers Island-based work details that support and develop their assigned vocational education track.

Individual Counseling and Case Management. Individual counseling and case management focus on members' unique concerns. This helps withdrawn/hesitant inmates to assert themselves in group settings; to re-

view and discuss weekly program performance evaluation and help develop weekly program goals in areas that need improvement; and to provide assistance in developing medium-long range goals in conjunction with discharge planning.

Independent Living Skill Workshops. One-and-a-half-hour workshops are offered Monday through Friday. Core workshops offer fundamental knowledge and skills, with titles that include: self-discovery (values, interests, abilities, cultural awareness, personal characteristics, and experiences); self-esteem; listening; verbal and nonverbal communications skills; assertiveness skills and self-advocacy; frustration, anger, stress, and time management; conflict resolution; cultural sensitivity; and decision-making and goal-setting.

General workshops cover many topics, and inmates attend whether or not they feel the topic applies to them. Program specialists provide a list of issues related to the topic of the day. Participants also suggest topics of their own.

Network Meetings. These include “community,” “three-part,” “confrontation,” and “clearing” meetings. They are designed for participants to learn and apply interpersonal skills and responsibility for self and to others in preparation for successful community living.

Community Meetings. “*The only failure is the failure to participate.*” This daily 1-hour meeting helps develop and support a sense of family among HIIP members, focusing on responsibility for self and to others. The format sets a formal tone and provides a structure to confront community issues. Chairs are in a horseshoe arrangement to encourage eye contact. Members raise their hands to be recognized by the facilitator and stand to address the group.

The following areas are covered:

- **General Spirit**—A brief check to see how people are feeling and the overall mood of the group.
- **Reaffirm Purpose of Program**—A member reads the philosophy of the program, followed by personal statements.
- **Regressions**—Personal statements by members regarding behaviors they recognize as negative and in need of change.
- **Teachings**—Teaching statements, usually drawn from personal experience or by analogy, offered by members and staff to those members requesting help.
- **Pull-Ups**—Statements of concern about negative attitudes/violations of the community standards shown by careless behavior. This raises levels of awareness about personal habits and care of the HIIP environment. “Pull-up slips” are written down as general statements, and leaders review these before the meeting to ensure that the larger community can

benefit from the discussion. This avoids nit-picking or personal issues that should be handled in a confrontation group.

- **Progress Reports**—The leader reviews community progress toward living up to community standards, then asks members to report on progress in other areas including education, work detail, and independent living skills.
- **Announcements**—Daily schedule, assignments, etc.
- **Closing**—End on an upbeat note with a teaching theme for the day, group ritual, story, skit, or whatever is appropriate. Teach a “word” for the day, including the definition and its use in a sentence. This motivates inmates to focus on a particular area of community living.
- **Feedback**—All meetings are followed by a feedback session, acknowledging positive things and suggestions for change. Feedback is specific, measurable, attainable, realistic, and timely—S.M.A.R.T.

Three-Part Meetings. “*I am the story I tell myself I am.*” These meetings reinforce basic self-worth and facilitate personal growth. They are run as support groups, with members seated in a circle, and include:

- **Self-Affirmation**—Inmates make statements of self-affirmation in the present tense, positively and potently. This counteracts most offenders’ negative self-image and begins positive self-talk—the first step to self-esteem.
- **Concerns**—After stating strengths, inmates may focus on problems, thinking through them with each other to seek solutions, using the five-step decision-making process. The five steps to making decisions are based on principles of twelve-step programs: (1) see your situation clearly; (2) know what you want; (3) expand your possibilities; (4) evaluate all possibilities before making a decision; and (5) create an action plan.
- **Future Direction**—Inmates identify actions they will take to resolve their concerns. Meeting should end on a positive note, with members summarizing their action plan or reviewing progress on a previous action plan.

Clearing Meetings. “*The point of power is in the present.*” These meetings provide a process for clearing feelings within small groups. Each member says, “What I’m feeling is...” and states clearly his own feelings and the situation that contributed to the feelings. He speaks about whatever he feels for as long as he needs. When finished, he turns to the person on his left and says either “and that’s what I’m feeling” or “I’m clear.” The group responds by saying, “Thank you, [speaker’s name].” This is the *only* response to any feelings expressed.

Confrontation Group Meetings. "People who care don't let you off the hook." These meetings address negative attitudes/behaviors displayed by participants, help clarify perspectives on how negative habits prevent them from being successful in their lives, and provide positive alternatives to dealing with stress. The HIIP definition of "confront" is "to come face-to-face with." Confrontation is only useful in the context of a caring community. Without support and concern, it feels like a hostile attack. Staff and participants watch for scapegoating, personal vendettas, and grandstanding although caring should not be confused with sympathy, rescuing, or excusing.

Confrontation groups provide a setting for resolving misunderstandings/anger between members and use the resources of participants to point out effects of their behaviors on others. They examine their feelings of personal self-worth and notice erosion of self-esteem caused by negative acting out. All members participate in this process to learn new ways of thinking, feeling, and behaving. Members are encouraged to have a positive attitude toward the confrontation process. The whole purpose is to raise self-esteem and carry one's head high.

Milieu Therapy (Therapeutic Community). Initially intended to rehabilitate repatriated prisoners of war, Milieu Therapy has professional staff, nonprofessional staff, and offenders all taking part in the process of changing negative behavior. Group counseling, usually led by trained staff, may be led by offenders at times. Staff may need to adopt a more democratic stance (versus authoritarian role)—acting firmly, yet warmly. Small group size enables intimate interaction, and there is less room for deviant status avoidance. Participation is usually voluntary, and members can remove themselves (or each other) when necessary. To enhance the concept that each member is part of the mainstream, opportunities are available for eligible participants to have ample visits and furloughs, to nurture an attitude of acceptance, and to attain a job with compensation. Guided group interaction is based on socio-psychological learning roles and norm controls via interpersonal communication. The length of stay is usually limited to 6 months.

John Jay College of Criminal Justice in Cooperation with HIIP. The Inmate Education Program provides academic remediation, GED/college prep, computer and building maintenance training, transitional counseling, and aftercare follow-up. Life and job readiness skills as well as individual and group counseling services are offered. These resources have proved invaluable to the HIIP goal of reducing recidivism.

Austin H. McCormick Island Academy. This academy provides education opportunities for HIIP participants. Successful completion of the five General Education Development Tests, including writing skills, social studies, science, literature, and the arts, earn the stu-

dent a high school equivalency diploma. Inmates who apply themselves increase their likelihood of employment opportunities and may pursue higher education.

Small Group Seminars. These are presentations, developed and performed by participants, based on training program content. They have proven helpful to reinforce learning and to promote self-esteem, motivation, participation, creativity, and empowerment.

HIIP participants have 12 to 14 hours of personal time each week, which they may use for community meeting preparation, peer tutoring or studying, informal individual/group counseling, laundry, telephone, personal hygiene, letter writing, or reading.

Parole Officers' Involvement With HIIP

Successful social reintegration is the primary goal of parole, which allows conditional release to an offender who already has served part of his prison sentence. The unexpired portion of the sentence is served in the community under the custody of the state, as supervised by the parole officer. Parole has a legal responsibility to protect the community, so parole violations are likely to result in reincarceration.

Parole wants offenders put into community-minded or drug-oriented programs—either inpatient or outpatient. Ninety percent of the "teammates," as they are called, go into drug rehab. Parole enrolls the teammates, puts out warrants and parole violations, and guides graduates to aftercare meetings. It is the final stage of HIIP.

Graduation

A public graduation ceremony is the optimistic conclusion of HIIP, giving hope that graduates can go from incarceration to contributing beneficially to society, with the assistance of the aftercare program. By receiving respect and congratulations from the very staff members who had authority over them, graduates feel better about themselves, and their diploma tells them they have accomplished something they may never have believed possible. After the ceremony and a shared meal, graduates show their families the compound, take them on a tour of the program, and show them their workbooks. They are sent home with the phone number of the aftercare program. Families thus are involved in their recoveries.

Participants are responsible for the preparations for HIIP graduation (under staff supervision) including the choice and confirmation of a graduation speaker (plus a back-up speaker, if necessary); design of invitations, announcements, and program; telephone invitations to families and friends; selection of the valedictorian and participant graduate speaker; and preparation of graduation step dance(s). HIIP staff members arrange to print announcements and programs, prepare city and

non-city employee guest lists, notify the deputy warden for programs to confirm the location for the graduation and reception, coordinate with the buffet food service manager, and supervise the graduation rehearsal.

Graduation preparation offers an opportunity to apply knowledge, behavior, and skills learned throughout the program including creative writing and expression, organization, time management, discipline, delayed gratification, leadership, and teamwork. Participants experience satisfaction from seeing the results of their hard work.

Aftercare

The South Forty Transitional Services Program provides prerelease preparatory services to HIIP inmates as well as their STEP (Self-Taught Empowerment Program) counterparts at the Rose M. Singer Facility. As a result, they have been afforded a better opportunity to become productive members of society and reduce the possibility of recidivism. Upon release, they are referred to the program's career development program, where they receive subsidized on-the-job training and work experience.

The program also has helped the New York State Department of Correctional Services reduce ex-inmate unemployment by providing: vocational assessment services determining employment suitability; pre-vocational workshops to improve employability and job retention; individual and group counseling to improve problem-solving skills, increase self-esteem, and prepare for independent living; and referrals to training, support services, and educational programs to increase employability.

HIIP graduates are provided additional aftercare that has been specifically designed for them—i.e., extra attention may be paid to their substance abuse histories and issues surrounding maintaining abstinence/sobriety. Aftercare meetings take place every Tuesday, with access to resources that are available during the program's regular hours of operation. HIIP administrators note that the aftercare portion of HIIP is the primary reason for HIIP's overall success.

The most novel aspect of HIIP aftercare is the 24-hour hotline. Prisoners call, inmates call, graduates call—often family members call. Because of the relationships, bonding, and program content, the inmates/participants (now graduates or "teammates") want to let the staff know how they're doing. The hotline is an outside number that officers can pick up at any time. It also is a crisis line for anyone who gets in trouble to call for help or on-the-spot counseling.

Conclusion

HIIP is an effective program to help inmates recover from the problems that led to their incarceration in the first place and help them become contributing members of society. Through HIIP's training and continuing aftercare, participants learn skills, behaviors, and attitudes that lead to greater self-esteem, self-empowerment, and a successful life, thus significantly reducing recidivism.

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Looking at the Law

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Probation Officer Searches

THE SUPREME COURT has recently decided a case that presents a good opportunity to discuss searches and seizures by probation officers. It has been 5 years since the Judicial Conference of the United States authorized the Criminal Law Committee to distribute the “Model Search and Seizure Guidelines” for consideration by the various district courts. A number of courts have adopted the guidelines or a modified version of the guidelines, and some have decided that probation officers should not conduct searches and so have not adopted guidelines. At this juncture, therefore, it might be useful to review the legal and policy bases of the various provisions of the guidelines and subsequent developments that might impact probation officer searches.

The Supreme Court case dealt with the issue of the applicability of the exclusionary rule in parole revocation proceedings. In *Pennsylvania Board of Probation and Parole v. Scott*, ___ U.S. ___, 118 S. Ct. 2014 (1998), a Pennsylvania state parolee was arrested after parole officers received information that he had violated several conditions of his parole by possessing firearms, using alcohol, and committing assault. After the arrest, the officers searched the parolee’s residence and found firearms. At the parole violation hearing, the parolee objected to the use of the firearms as evidence, claiming that they were discovered in violation of the Fourth Amendment protection against unreasonable searches and seizures. The evidence was admitted, based on the condition of parole that stipulated that the parolee consented to a warrantless search of his residence, and parole was revoked. The Pennsylvania Supreme Court, however, held that the search violated the parolee’s Fourth Amendment rights because it was conducted without a warrant and not pursuant to a state statutory or regulatory search provision, and that, therefore, the exclusionary rule prohibited its use at a parole revocation proceeding.

The Supreme Court granted certiorari on the issue of the application of the exclusionary rule, but it also invited the parties to brief the issue of whether a warrantless search of a parolee’s residence required reasonable suspicion in a case in which there was a search condition. The Court did not decide the issue of the necessity of reasonable suspicion, but held that evidence obtained in violation of the Fourth Amendment right against unreasonable searches and seizures need not

be excluded in a parole violation proceeding. The Court explained that the exclusionary rule is a judicially created means of deterring illegal searches and seizures; it is not a constitutionally mandated rule. The Court determined that the deterrent effects of the rule would be less applicable in the context of parole where the parole officer is responsible not only for protecting the public, but also for assisting in the rehabilitation of the parolee. In addition, the flexibility necessary to further these goals justifies informal, non-adversarial, administrative revocation proceedings that retain a good deal of discretion on the part of the decision-maker. This system, the Court reasoned, would be adversely affected by application of the exclusionary rule. Given the similarities between parole on the one hand and probation and supervised release on the other, it is likely that this holding will also apply in the latter situations.¹

Model Search and Seizure Guidelines

Because earlier lower court decisions had held that the exclusionary rule does not apply to probation revocation proceedings,² the recent Supreme Court holding will not have an appreciable effect on United States probation officers. But an equally important reason for this is the policy of conservative use of searches and seizures by federal probation officers embodied in the “Model Search and Seizure Guidelines.” As most officers know, the Model Search and Seizure Guidelines were drafted and approved by the Judicial Conference Committee on Criminal Law and authorized for distribution by the Judicial Conference in 1993. March 1993 *Report of the Proceedings of the Judicial Conference of the United States*, p. 13. While that policy is only a model and is not required to be adopted, it represents the best judgment of the Criminal Law Committee as a reasonable and responsible policy for those districts that chose to allow searches by probation officers.³

The guidelines were approved after extensive study, consultation with chief probation officers, and careful consideration by the Criminal Law Committee. Their various provisions are based upon considerations of the role, responsibilities, authority, and training of United States probation officers. These considerations led to the adoption of the principle articulated by Judge Vincent L. Broderick in his May 3, 1993, cover letter to the model guidelines, that, “while searches by probation officers may occasionally be justified, they are disfavored and should be discouraged.”

This position is grounded in the concerns of the Committee about over-reliance on searches to the exclusion of other probation supervision techniques, the limited law enforcement authority of probation officers, and the limited training and experience in the law enforcement techniques available to probation officers. Again, Judge Broderick described the basis for the Committee's position:

[S]earches should be conducted only where other alternatives to protect the public and to assist the supervisee in complying with the conditions of supervision have been exhausted. Some of these alternatives are counseling the supervisee, modification or revocation of supervision based on existing information, and referral to the United States Attorney's office or other law enforcement authorities for investigation. These techniques are much more befitting United States probation officers' traditional role than the use of intrusive searches and seizures.

A number of legal issues also informed the Committee in drafting the guidelines. Five years after the distribution of the guidelines, it might be helpful to review some of these issues and, though in large part the basic legal issues remain unchanged, describe the few cases that deal with issues relevant to probation officer searches.

Authority for Probation Searches

Any discussion of the authority for probation searches must begin with *Griffin v. Wisconsin*, 483 U.S. 868 (1987). In *Griffin*, the Supreme Court upheld the constitutionality of a warrantless search performed by a Wisconsin probation officer pursuant to a state regulation that authorized such searches on the basis of "reasonable suspicion." Justice Scalia's opinion analogized the Wisconsin probation search procedures to those administrative search procedures that the court had previously found satisfied the Fourth Amendment's reasonableness requirement. That analysis provides that the warrant and probable cause requirements of the Fourth Amendment may be set aside when the special needs of the administrative agency are beyond the normal needs of law enforcement, the privacy interests of the regulated party are diminished, and the agency's special needs make a warrant and probable cause requirement impractical.

The dual goals of probation—rehabilitation and security—justify close supervision to ensure that the various conditions of probation are met. Since the probationer has been convicted and his liberty is dependent on the observance of the conditions, the government's "special needs" outweigh the defendant's interest in being free from searches conducted without a warrant based upon probable cause. The Court held that the Wisconsin state procedure contained sufficient safeguards, including the requirement that the officer have reasonable suspicion to believe that the search will produce contraband or evidence of a violation and that the search must be approved by a supervisor.

Of course, there is no federal regulation like the Wisconsin regulation and no statute that would authorize such regulation. Nonetheless, rulings since *Griffin* have held that the Fourth Amendment's reasonableness requirement may be met, not only by such a regulation, but by a search condition imposed on an individual by the court. *United States v. Wryn*, 952 F.2d 1122 (9th Cir. 1991); *United States v. Giannetta*, 909 F.2d 571 (1st Cir. 1990); *United States v. Schoenrock*, 868 F.2d 289 (8th Cir. 1989); *United States v. Robinson*, 857 F.2d 1006 (5th Cir. 1988); *United States v. Scott*, 945 F. Supp. 205 (D.S.D. 1996).

It is critical to note, however, that those cases that rely on *Griffin* as authority for the probation searches conducted pursuant to search conditions have indicated that those conditions must be "supported by the findings and are narrowly tailored to fit the circumstances of the individual probationer." Only then can "probation searches based on reasonable suspicion . . . have the same indicia of reasonableness as the search upheld in *Griffin*." *State v. Moses*, 618 A.2d 478, 484 (Vt. 1992). See *United States v. Giannetta*, *supra*, at 575. The requirement that probation conditions in general be based on the individual circumstances of the offender has always been the law. See, e.g., *Owens v. Kelly*, *supra*, at 1366–67, and *United States v. Consuelo-Gonzales*, *supra*, at 263. And, as is clear from the legislative history of the Sentencing Reform Act, this remains the law. See S. Rep. 98-225, 98th Cong., 1st Sess. 94–95 (1983), *reprinted* in 1984 U.S. Code Cong. and Admin. News 3277–78:

These conditions (authorized by 18 U.S.C. § 3653) must be reasonably related to the nature and circumstances of the offense, the history and circumstances of the offender, and the four purposes of sentencing set forth in section 3553(a)(2).

In other words, for a search condition to be valid, the court must determine that there is a particular individualized need to subject that probationer to searches and seizures without a warrant or probable cause.

A similar analysis may be applied to search conditions of supervised release, though in addition to protecting the public, supervised release is designed to integrate an offender back into society, instead of rehabilitating him, a subtle distinction at best. While a supervised releasee has served his sentence for the offense for which he was convicted, he is nonetheless at conditional liberty and may be reincarcerated without a full trial type proceeding. 18 U.S.C. § 3583(e)(3).

The model guidelines reflect this requirement of individualized justification for search conditions by directing that search conditions not be routinely recommended by the probation officer and that their imposition be based on whether the offense of conviction and the background of the offender requires such a condition to enforce the other conditions of release or to protect the public. Accordingly, any search condition

must be narrowly tailored to fit the needs of a particular individual.

The Necessity of Individualized Suspicion for Probation Searches

While it now seems well settled that searches may be conducted pursuant to a validly imposed search condition, what kind of suspicion, if any, the Fourth Amendment requires to conduct a search pursuant to a search condition has yet to be authoritatively determined. In *Griffin*, the state regulation at issue required that the probation officer have reasonable grounds to believe that the probationer possessed contraband or that the search might yield evidence showing a violation of probation. This "reasonable suspicion" standard was deemed constitutionally sufficient, but the Court did not indicate that it is required. As noted above, the Supreme Court asked the parties to brief the issue in *Pennsylvania Board of Probation and Parole v. Scott*, and they did so, but the Court did not reach the question.

Lower court decisions, however, have suggested that the reasonable suspicion standard is required for a valid probation search. In *United States v. Giannetta*, *supra*, for example, the First Circuit noted its concern that the search condition at issue in that case did not include a search standard. The court indicated that this lack of a standard may have rendered the condition overbroad on its face. Nonetheless, the court held that the actual search was conducted only after a determination that reasonable suspicion existed and that, therefore, the lack of a standard in the condition itself was not objectionable. *Giannetta*, therefore, suggests that a search condition may not permit an officer to search a client without any basis for believing that something relevant will be found. The Vermont Supreme Court relied on *Giannetta* to uphold the constitutionality of a search by state probation officers under similar circumstances, noting that "under *Griffin*, the officers must have had 'reasonable grounds' to conduct searches." *State v. Lockwood*, 632 A.2d 655, 662 (Vt. 1993).

Similarly, in *United States v. Lewis*, 71 F.3d 358 (10th Cir. 1995), the court found that the requirements imposed by the Supreme Court of Utah for a warrantless parole search met the Fourth Amendment's reasonableness requirement. Those requirements are that there be reasonable suspicion that the parolee has committed a parole violation or crime and that the search is reasonably related to the parole officer's duties. While not directly ruling on the issue, the case supports the view that some form of individualized suspicion is required for warrantless probation searches.⁴

The lack of a reasonable suspicion standard for searches would leave probation officers without guidance as to the scope of the search. In a warrantless probation search, there could be no description of the place

to be searched or the articles to be seized. But if the officer must show reasonable suspicion to believe that a particular article was present, e.g., drugs or firearms, in order to secure permission for the search, the reasonable scope of a search to locate that article is easier to ascertain. Furthermore, searches conducted without information sufficient to meet this standard could be arbitrary and subject to abuse. They could also lead to unnecessary resentment on the part of the client and be dangerous to the probation officer. Accordingly, the model guidelines establish a "reasonable suspicion" standard for the conduct of searches.

The model guidelines do not define reasonable suspicion, and I have found no entirely satisfactory definition in the case law. Nonetheless, the definition in *United States v. Gianetta*, 909 F.2d. at 575, citing *Maryland v. Buie*, 494 U.S. 325 (1990), should be helpful:

[R]easonable suspicion [is] a reasonable belief based on specific and articulable facts, rather than mere inchoate and unparticularized suspicion or hunch.⁵

The model guidelines further implement the reasonable suspicion standard providing that, "No random, routine, or periodic searches . . . shall be conducted unless specifically authorized by a special condition of release." The provisions governing the imposition of conditions indicate that such conditions should not be routinely imposed.

Probation Officer Safety

As indicated in Judge Broderick's introduction to the model search guidelines, one of the primary concerns of the Criminal Law Committee in drafting the guidelines was the safety of probation officers and the limited authority of officers to take action to protect themselves during searches. While probation officers are law enforcement officers for some purposes (for example, they are protected officers under 18 U.S.C. § 1114), they do not possess the full powers and responsibilities of investigation, detection, and public safety that police officers possess. The possible impact of this limited authority on the safety of officers, the Committee concluded, justifies limited use of probation officer searches.

There is, of course, ample authority that police officers may take various measures to protect themselves in connection with the execution of an arrest or search warrant. For example, in *Maryland v. Buie*, *supra*, the Supreme Court held that the Fourth Amendment permits a police officer, in conjunction with an in-home arrest, to conduct a protective sweep—a quick and limited search—of the premises incident to the arrest to determine if the area harbors an individual possessing a danger to the law enforcement officer. In *Michigan v. Summers*, 452 U.S. 692 (1981), the Supreme Court held that police officers executing a search warrant could detain individuals on the premises while a proper

search was conducted to prevent the disappearance or destruction of the evidence searched for.

But it is not at all clear that these cases can be applied to probation officers who do not have full law enforcement authority and whose search powers are based upon the theory that officers may conduct administrative searches to further the goals of probation—rehabilitation and protection of the public from the probationer. It is for these reasons that the Criminal Law Committee provided in the model guidelines that officers should conduct searches only when they believe there is little likelihood of danger. The guidelines also provide that a probation officer may not detain or restrain third parties who might present a danger at a search site.⁶ If an unexpected danger arises during a search, the officer should abandon the search. The assistance of other law enforcement officers for protection, for instruction in the conducting of the search, and for taking possession of contraband is appropriate and recommended, but it is unclear what law enforcement officers may lawfully do to protect probation officers or themselves in dangerous situations because their authority to be on the scene is predicated upon the probation officers' more limited law enforcement authority. Therefore, the presence of law enforcement officers should not be relied upon to justify an otherwise dangerous search.

Finally, the model guidelines encourage probation officers who may participate in searches to receive training in the safe and effective conduct of searches. The Federal Judicial Center has developed an excellent training development guide for probation officer search and seizures. Training also may be available from federal, state, or local law enforcement agencies.

The “Stalking Horse” Limitation

The prohibition on probation officers acting as “stalking horses” for police is to prohibit the illegitimate use of the probation officers' reduced justification for a search as a pretext for police to avoid the probable cause necessary for a search initiated by police. The more liberal search standards applicable to probationers with search conditions could present a temptation for law enforcement officers to use probation officers to conduct searches so that they do not have to obtain a warrant. Accordingly, probation officers may not act as a “stalking horse” for law enforcement officers. *United States v. Butcher*, 926 F.2d 811 (9th Cir. 1991); *United States v. Cardona*, 903 F.2d 60 (1st Cir. 1990), *cert. denied*, 498 U.S. 1049 (1991).

This principle was affirmed in *United States v. Watts*, 67 F.3d 790 (9th Cir. 1995), reversed on other grounds, 519 U.S. 148 (1997). That case held that the probation officer was not acting as a stalking horse for the police when the local police assisted the officer in conducting a search of a probationer. The court's opinion included

a helpful articulation of the standard for judging whether the stalking horse rule has been breached:

A probation officer acts as a stalking horse if he conducts a probation search on prior request of and in concert with law enforcement officers. However, collaboration between a probation officer and police does not in itself render a probation search unlawful. The appropriate inquiry is whether the probation officer used the probation search to help police evade the Fourth Amendment's usual warrant and probable cause requirements or whether the probation officer enlisted the police to assist his own legitimate objectives. A probation officer does not act as a stalking horse if he initiates the search in the performance of his duties as a probation officer. (Citations omitted.)

67 F.3d at 793. See also *United States v. Martin*, 25 F.3d 293, 296 (6th Cir. 1994), in which the court noted that probation officers and police officers may work together and share information to achieve their common goals and that there was no evidence that the probation officer was acting under the direction of the police to help them evade the Fourth Amendment.

Seizures

Most decisions that deal with probation officer searches do not specifically discuss a standard for seizures or whether that standard should be the same as the standard for searches. The question is important because, without a warrant, there is no specific identification of the items that are authorized to be seized, and, clearly, a valid warrantless search does not automatically render valid every seizure made during the search. In *United States v. Giannetta*, 909 F.2d at 578, the court suggested that the appropriate analysis was the same as that used to determine the validity of seizure by police of an item outside the scope of a valid search warrant, which is simply the “plain view doctrine.” That doctrine allows a seizure if the officer has a valid prior justification for being in the position to see the item in plain view and if the incriminating nature of the item is immediately apparent.

The model guidelines adopt this principle in substance by stipulating that an item may be seized during an authorized search if the officer has reasonable grounds to believe that the item is contraband or constitutes evidence of a violation of probation or supervised release.

The model guidelines also stipulate that in situations in which an officer is not engaged in a search, an item may be seized if the officer is justified in being in the place where the item is observed, the item is in plain view of the officer, and it is “immediately apparent” that the item is contraband with respect to the supervisee. Thus the standards for seizure of an item are very similar whether the item is observed during an authorized search or observed at another time, such as during a home visit, when the officer is in a place the officer is authorized to be. The difference, of course, is that during an authorized search the officer may be anywhere within the scope of the authorization.

“Immediately apparent” has been interpreted to mean that the officers have probable cause (see note 5) to believe that an item in plain view is evidence of a crime (or in the case of supervision, a violation of that supervision) without conducting some further search of the item. See *Minnesota v. Dickerson*, 508 U.S. 366 (1993); *United States v. Ochs*, 595 F.2d 1247, 1258 (2d Cir. 1979), *cert. denied*, 444 U.S. 955 (1979).

Damage to Property During Search

Damage to property in conducting a search may be justified if reasonably necessary to locate articles sought. *Dalia v. United States*, 441 U.S. 238, 258 (1979). Unless the search was unreasonable, no liability is incurred by the government or the officer conducting the search, but if the search is conducted in an unreasonable manner, grounds for a damage claim personally against the searching officer—a *Bivens* action—could exist. The Federal Torts Claims Act might be invoked, but it includes an exception for damages “arising in respect of . . . the detention of any goods or merchandise by any officer of customs or excise or any other law enforcement officer.” 28 U.S.C. § 2680(c). It is unclear whether this exception applies only in the context of customs seizures or is more broadly applicable to any law enforcement seizure. Compare *Schlaebitz v. United States Dep’t of Justice*, 924 F.2d 193 (11th Cir. 1991), with *Formula One Motors, Ltd. v. United States*, 777 F.2d 822 (2nd Cir. 1985). The model guidelines provide that searches should not be conducted if it is contemplated that more than minimal damage to property will be incurred.

Adopting the Model Guidelines

As noted above, the model guidelines are not required to be adopted by the individual district courts and are not binding unless adopted by the district. Districts also may adopt modified versions of the guidelines as a number have done. It should be recognized, however, that the model search and seizure guidelines represent the considered judgment of the Judicial Conference Committee on Criminal Law regarding the responsible and appropriate use of searches and seizures by United States probation officers. In addition, the United States Parole Commission adopted search procedures virtually identical to the model guidelines. United States Parole Commission Rules and Procedures Manual § 2.40-20 (June 2, 1997).

Accordingly, while modifications to the policy may be made so long as they are consistent with the Constitution and laws of the United States, such modifications should be carefully assessed in light of the considerations behind the guidelines. Any deviations that are substantive should be carefully explained on the face of the local policy. If the district’s deviation from the

model policy is ever questioned, for example, in connection with a lawsuit based on a probation officer search, such an explanation could be useful in defending the local policy.⁷

NOTES

¹Probation and parole are considered the same for purposes of constitutional analysis in general and for Fourth Amendment analysis in particular. Both types of supervision are a form of conditional liberty and require the supervising officer to maintain close supervision over the offender to ensure the offender’s rehabilitation and provide protection to the public. Accordingly, the special needs that justify warrantless searches apply nearly equally to both. *United States v. Lewis*, 71 F.3d 358 (10th Cir. 1995); *United States v. Coleman*, 22 F.3d 126 (7th Cir. 1994); *United States v. Hill*, 967 F.2d 902 (3d Cir. 1992). While there are no cases on point, it seems clear that the same analysis applies to supervised release.

²See, e.g., *United States v. Bazzano*, 712 F.2d 826 (3d Cir. 1983) *cert. denied sub nom. Mollica v. United States*, 465 U.S. 1078 (1984); *United States v. Fredrickson*, 581 F.2d 711 (8th Cir. 1978). But see *United States v. Workman*, 585 F.2d 1205 (4th Cir. 1978).

³The model guidelines apply only to probation officers. There are no such model guidelines for pretrial services officers, and it is my view that pretrial services officers normally should not engage in searches. The most serious difficulty with searches in pretrial release cases is the pretrial services officer’s limited law enforcement authority. A primary reason why the Criminal Law Committee declared that searches by probation officers are to be discouraged is the lack of law enforcement authority of probation officers. Since pretrial services officers lack even the authority to arrest a pretrial releasee, their ability to protect themselves during the most routine search is even more severely limited. And, of course, most pretrial services officers have received no training in search and seizure law, in search techniques, or in handling evidence seized.

⁴Also relevant is *Portillo v. United States District Court*, 15 F.3d 819 (9th Cir. 1994). Although this case did not involve a probation search, it is supportive of the principle that some individualized suspicion is necessary to support a search even when special needs justify warrantless searches. In that case, the Ninth Circuit held that some individualized suspicion was necessary for the court to order drug testing in connection with the presentence investigation.

⁵Although the difference is not entirely clear, it may be helpful to try to contrast reasonable suspicion with the more stringent “probable cause” standard. In the context of searches and seizures, probable cause has been said to

require that the facts available to the officer would warrant a man of reasonable caution in the belief . . . that certain items may be contraband or stolen property or useful as evidence of a crime; it does not demand any showing that such belief be correct or more likely true than false. A practical, nontechnical probability that incriminating evidence is involved is all that is necessary.

Texas v. Brown, 460 U.S. 730, 742 (1983).

⁶Probation officers are technically authorized to arrest an offender under supervision for a violation of the conditions of release (18 U.S.C. § 3606), but the Criminal Law Committee has indicated that such arrests are disapproved. See *Supervision of Federal Offenders*, Monograph 109, Chapter V.B., approved for publication by the Judicial Conference in March 1993. March 1993 *Report of the Proceedings of the Judicial Conference of the United States*, p. 13. See also *Guide to Judiciary Policies and Procedures*, Vol. X, Chapt. IV, Part C(10) (Probation Manual).

No reported cases have discussed the substance of either the model guidelines or the United States Parole Commission's rules. Recently, however, the United States District Court for the Eastern District of New York referred to the search guidelines in *Tchirkova v. Kelly*, No. 96 CV 1157, 1998 WL 125542 (E.D.N.Y. Mar. 16, 1998). There, probation officers, on a home visit to a federal parolee, seized a letter that implicated the parolee in a violation of FDA regulations. Based on that letter, the officers returned and conducted an additional search and seized additional items that were relevant to the violation noted above. The parolee claimed that she was detained by the officers during the second search. The parolee brought a *Bivens* action for damages against the officers, claiming deprivation of rights guaranteed under the Constitution of the United States. Among the parolee's allegations were (1) that the seizure of the letter was unlawful, (2) that the subsequent search of the home was unlawful, and (3) that the parolee's detention was unlawful. The district court denied a motion for summary judgment based in part on its finding that sufficient information was not available on the record at the time of the motion to determine if the officers were acting in compliance with the Parole Commission's search regulations.

APPENDIX

MODEL SEARCH AND SEIZURE GUIDELINES

Scope: Applies to probation officers in applying for and conducting searches and seizures of persons on probation or supervised release ("supervisees").

I. Search Policy

Searches by probation officers are disfavored. Other techniques should be relied upon to monitor compliance with conditions of supervision and, when information exists that indicates possession of contraband or evidence of a crime, consideration should be given to referring the matter to an appropriate law enforcement agency for investigation. When there are no other alternatives, searches should be conducted only (1) pursuant to conditions of release that specifically permit such searches or (2) pursuant to the consent of the client freely and voluntarily given.

Searches conducted pursuant to valid search conditions have been held to be permissible as administrative searches pursuant to the Supreme Court's decision in *Griffin v. Wisconsin*, 483 U.S. 868 (1987). Search conditions are restrictions on the liberty of the supervisees and do not grant the probation officer the broader search powers of other law enforcement officers. The authority to conduct searches pursuant to conditions or to the consent of the supervisees does not extend the law enforcement authority of probation officers beyond those set out in 18 U.S.C. § 3606. Accordingly, officers are not authorized to restrain third parties during a search. Officers should avoid searches where it is reasonably foreseeable that a third party or the releasee himself may present a danger. Likewise, an attempted search should be abandoned if a third party or the releasee refuses to cooperate.

The fruits of any search conducted pursuant to these guidelines may, if relevant, be used in the regular course of management of non-compliant behavior by the supervisee. Seized items that are not contraband should be returned to the supervisee as soon as practicable.

Probation officers who may participate in searches are encouraged to receive, if available, appropriate training from Federal, state, or local law agencies prior to participating in such searches.

II. Special Search Condition

A. Imposition of Search Condition

1. A probation officer should not routinely recommend that the court impose a special condition authorizing

searches of persons under supervision. A probation officer should recommend such a special condition only in those cases in which the officer determines, based upon the offense of conviction and background of the offender, that resort to such a condition is necessary to enforce the conditions of release or to protect the public.

B. Composition of Search Condition

1. A special condition shall permit searches only of the supervisee's person, residence, office or vehicle.
2. A special condition shall permit searches only if the probation officer has a reasonable belief that contraband or evidence of a violation of the conditions of release may be found.
3. A special condition shall provide that any searches be conducted in a reasonable manner and at a reasonable time.
4. A special condition shall require the supervisee to notify any other residents of his home that areas of the home may be subject to search.
5. A special condition shall provide that failure to permit a search may be grounds for revocation.

C. Model Search Condition.

The court may utilize the following model special search condition:

The defendant shall submit his person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

III. Consent Searches

- A. A probation officer may conduct a search in the absence of a special condition if the supervisee gives written consent for the search. To ensure that consent is freely and voluntarily given, the probation officer shall advise the supervisee before the consent is given that the consent may be refused without adverse consequences, such as revocation of release. A search based upon consent may not exceed the scope of the consent.
- B. A probation officer may utilize the following model consent:

I, _____, hereby consent to permit _____, a United States Probation Officer for the _____ District of _____ to search my _____. My consent is freely and voluntarily given. I understand that I am not required to consent to the search and that my refusal to consent may not be the basis of a revocation of my release or other adverse consequences, though the court may consider such refusal in connection with a modification of conditions of release.

IV. General Rules for Searches

- A. A search of the person, residence, office or vehicle of a supervisee may be conducted by a probation officer only upon consent or pursuant to a special condition of release, as provided by these guidelines.

- B. No random, routine, or periodic searches, other than for the purpose of urinalyses as part of a drug treatment program, shall be conducted unless specifically authorized by a special condition of release.
- C. A search shall not be conducted if the contemplated scope of the search will result in other than minor damage to the property to be searched.
- D. A search shall not be conducted if there is reasonably reliable information that suggests that the conduct of the search would subject an officer or any other person to a danger of harm.
- V. Approval of Searches
- A. A search shall be conducted only upon the written approval of an application for such search. The application shall be in writing, shall be reviewed by the probation officer's supervisor, and shall be approved in writing by the chief probation officer of the district or his or her designee, which may not be the officer's supervisor. The application shall be approved prior to the officer's seeking consent or, in the case of a search pursuant to a search condition, prior to the search.
- B. If exigent circumstances make it impracticable to present the application or to give approval in writing, the application or approval may be presented orally and reduced to writing at the earliest opportunity. Exigent circumstances exist if it is reasonably foreseeable that delay will result in danger to any individual or the public.
- C. The application for the search shall contain the following information:
1. The name, address, type, and term of supervision, offense of conviction, and relevant background of the person to be searched;
 2. whether the search would be pursuant to a search condition or consent;
 3. a description (address, license number, etc.) of the place to be searched;
 4. a specific description of the grounds to believe that the search will yield contraband or evidence of a violation of the conditions of release;
 5. a description of the general nature of the contraband or evidence sought;
 6. a description of any potential dangers the search may present to the probation officer or others;
 7. the assistance to be provided by other law enforcement agencies or the reasons why such assistance is unavailable, unnecessary, or impracticable;
 8. a description of any contemplated minor damage to the property that may be caused by the search;
 9. an explanation of why the matter should not be referred to an appropriate law enforcement agency for investigation; and
 10. an explanation of why alternatives to conducting a search are inappropriate or impracticable.
- D. Approval of a search should, as specifically as is practicable, describe the place to be searched, the object of the search, the scope of the search approved, and the contemplated assistance from other law enforcement agencies.
- E. The application, approval or rejection, and any consent form shall be filed in the probation office.
- VI. Conduct of Searches
- A. An officer conducting an approved search should take necessary safety precautions, including, but not limited to, the following:
1. conducting the search with one or more fellow probation officers;
 2. utilizing the assistance of other law enforcement officers for protection while conducting the search and taking possession of any dangerous contraband seized during the search;
 3. carrying firearms, if authorized, during the search; and
 4. conducting an initial security sweep of the premises to ascertain the presence of third parties or other hazards.
- B. A probation officer is not authorized to detain or to restrain third parties. If third parties are present who may present a risk to any person conducting the search or to the supervisee, or if the officer becomes aware of any other reasonably foreseeable danger of harm to any person, the officer should abandon the search.
- C. The search should be conducted in accordance with the approval and in a reasonable manner. The search should be no more intensive than is reasonably necessary to locate the objective of the search.
- D. If a search is abandoned because of danger to the officer or another person, and there are reasonable grounds to believe that there exists a danger to the public, the officer shall notify the appropriate law enforcement authority as soon as possible.
- VII. Plain View "Searches"
- Contraband that falls within the plain view of a probation officer who is justified being in the place where the contraband is seen may properly be seized by the probation officer. It must be immediately apparent that the item is contraband with respect to the supervisee.
- VIII. Seizures
- A. An item that is located during an approved search or observed in plain view may be seized if the probation officer has reasonable grounds to believe that the item is contraband or constitutes evidence of a violation of a condition of release. If the item is not contraband, the supervisee should be given a receipt for the item and the item should be returned after it is no longer needed by the court.
- B. A careful record must be kept regarding the chain of custody of any item seized.
- C. Contraband should be delivered to an appropriate law enforcement agency as soon as practicable. Pending such delivery, the probation officer should take necessary measures to safeguard the contraband.
- IX. Reports of Search and Seizures
- The probation officer shall prepare a narrative report of the circumstances and results of a search, including a search that is abandoned, file such report in the probation office, and provide copies to the chief probation officer and the Probation and Pretrial Services Division of the Administrative Office of the United States Courts.

Juvenile Focus*

BY ALVIN W. COHN, D.CRIM.

President, Administration of Justice Services, Inc., Rockville, Maryland

Day Care Training: A 4-year study of day care centers has concluded that children learn more and behave better when teachers have more training and fewer children to care for. The study, conducted by the Families and Work Institute, involved 150 licensed child-care centers in Florida from 1992 to 1996. Researchers found that children in smaller classrooms were more securely attached to their teachers, more proficient with language, engaged in more "cognitively complex" play, and less likely to show aggression, anxiety, and hyperactivity. Teachers in this kind of setting were found to be more sensitive and responsive to the children. The study also found that the best teachers were those who had the most education and training for their work.

Fourth Grade Assessments: American fourth graders are out-performing their peers from many other countries in math and science, according to an international study conducted by the U.S. Education Department. A previous report about eighth graders raised an alarm about the quality of teaching and curricula in the nation's schools because these students lagged behind their peers in many other countries. The report also indicates that elementary schools are doing a better job of teaching math and science than middle schools. In all, 26 nations took part in the fourth-grade study. It does not provide rankings for each nation, but it shows that the U.S. exceeds the average international score in math and science and places at or near the top tier of countries in both subjects.

Public School Teachers: A new portrait of the nation's public school teachers shows most have much more classroom experience and academic training than their predecessors decades ago. Fifty-four percent of current teachers have received a master's degree or completed comparable college work, a rate twice as high as it was in 1971. They also constitute a "veteran" group in that they average 16 years of experience, compared with 10 years two decades ago. The typical American teacher today is a 43-year-old, married woman who earns an average of \$35,549 a year. The average age of teachers has risen steadily the past 20 years, according to the study, from 36 years old in 1976 to 43 currently. The study also found that about 83 percent of teachers

have classroom jobs that match their college majors, which is up from about 70 percent in the early 1960s.

Among the most serious challenges the survey highlights is schools' lack of progress in increasing the ranks of male and minority teachers. For males, the number entering the profession is declining, dropping from 34 percent in 1971 to 25 percent today. The study was completed by the National Education Association, the nation's largest teacher union.

Domestic Violence: In "Child Custody Evaluation Practices: A 1996 Survey of Psychologists," published in *Family Law Quarterly*, authors Marc J. and Melissa Ackerman report the results from their survey of psychologists from 39 states to determine what practices and criteria they use to make their custody recommendations. Each of the reporting 201 psychologists had been involved in at least 10 child custody evaluations.

Despite the fact that over 40 states now have statutes requiring judges to consider domestic violence in custody determinations, domestic violence was *not* considered a factor for custody considerations except as a possible rationalization for not recommending joint custody. Even then, they report, it was seldom chosen as a factor.

Anti-truancy Programs: Anti-truancy programs have been established across the country as a result of a recognition that juveniles who skip school are more likely to commit crimes. These programs, sponsored with funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) involve police, probation officers, prosecutors, and other justice system agencies as well as social service bureaus and private organizations.

"Skipping school used to be a one-time lark," said OJJDP official Eileen M. Garry, in a summary report on seven anti-truancy programs. She stated further that "truancy is a stepping stone to delinquent and criminal activity."

On a typical day, as many as 150,000 out of New York's 1 million public school students are absent and officials do not know how many have legitimate excuses, the study found. In Los Angeles, approximately 10 percent of the students are absent. The seven-page report, *Truancy: First Steps Toward a Lifetime of Problems* (NCJ-161958), provides a list of resources including the names and addresses of contact persons for each of the seven programs. The report is available from the National Juvenile Justice Clearinghouse at 800-638-8736.

Children and Values: Teenagers appear to be increasingly lacking in moral and ethical values and their

*Editor's note: Please send information about new resources, developments, and programs in juvenile delinquency and justice to: Alvin W. Cohn, President, Administration of Justice Services, Inc., 15005 Westbury Road, Rockville, MD 20853.

parents are largely but not solely to blame, according to a recent survey funded by the Ronald McDonald House Charities and the Advertising Council and conducted by Public Agenda. The study indicates that the main problem appears to be an absence of basics such as honesty, self-discipline, and a work ethic. The report also concludes that respondents do not believe that government can provide the remedy. The findings were based on two telephone surveys, one of 2,000 randomly selected adults and the other of 600 12- to 17-year-olds. In addition, the researchers conducted six focus groups across the country and dozens of followup interviews.

Acknowledging that the older generation has always thought that the young are going down the tubes, study author Steve Farkas said that this research was particularly disturbing because adults now thought the consequences for the nation and for the youths themselves were more dire. He also said the research showed that grown-ups believed problems begin at younger ages. "It's no longer just teens in for this kind of criticism and disappointment, it's children age five and up," Farkas said. Further, he reports that 81 percent of the respondent adults think that being a parent today is harder than ever before, and the youths report that being a youngster is also harder (83 percent).

Youth and Obesity: Many more children and teens are more seriously overweight than they were in 1980, which is the result of eating more calories and not exercising enough, according to Cynthia Ogden with the National Center for Health Statistics, which conducted the third National Health and Nutrition Examination Survey. The study measured more than 20,000 people including adults and youth. About 14 percent of children age 6 to 11 are overweight, as are 12 percent of adolescents age 12 to 17. That is up from 8 percent of children and 6 percent of adolescents in 1980.

"We have a whole generation of kids who are going to be obese adults. They are going to have the health problems, plus the social stigma associated with obesity," said Jim Hill, professor of pediatrics at the University of Colorado Health Sciences Center in Denver.

Delinquents in the Federal System: John Scalia, Bureau of Justice Statistics statistician, reports that during 1995, U.S. attorneys filed cases against 240 persons for alleged acts of juvenile delinquency. Of these, 122 cases were adjudicated in federal court, representing 0.2 percent of the 56,243 cases (both adult and juvenile) adjudicated during 1995. Almost one-half of the juvenile cases involved a violent offense (32 percent) or a drug offense (15 percent). Federal prosecutors declined further action against 228 other juveniles referred to them.

Many (61 percent) of the juveniles adjudicated in the federal courts are Native Americans. These youths appear in U.S. courts especially when the tribal courts lack resources or jurisdiction and, therefore, do not

handle these cases. The report also indicates that 37 percent of the juveniles adjudicated delinquent were committed to a correctional facility, with an average length of commitment at 34 months.

AIDS and Infant Mortality: At least 1,000 children a day are contracting AIDS, reports the United Nations, which also warns of severe increases in infant mortality due to the disease unless immediate steps are taken. There were some 400,000 new AIDS cases involving children under age 18 last year, and some 350,000 children die of the disease, the Geneva-based group UNAIDS stated. It warned of big increases in infant mortality—rates of death for children less than 5 years old—because of the disease, especially in developing countries where there is a lack of medicine and health care. In some regions of the world, those rates would increase by as much as 75 percent by 2000 unless there is immediate medical intervention.

College Freshmen: College freshmen of 1997 care less about politics and more about money, and they are less philosophical than freshmen were in the 1960s, according to a study conducted by UCLA's Graduate School of Education and Information Studies. However, they are also drinking less beer and volunteering in huge numbers. These are the images that emerge from data the UCLA researchers have been collecting on college freshmen for 30 years. Among the findings:

- The top goal of today's students is to be "very well-off financially."
- Less than one-third think keeping up with political issues is important.
- Women have eclipsed men in their use of tobacco, liberal political leanings, and intent to pursue graduate studies.
- Interest in business careers is at a 20-year low.

Researchers also found that today's freshmen have more educated parents and are more likely to come from two-income homes while one in four has divorced or separated parents. One in 10 students reports being "frequently depressed," and close to 30 percent often feel "overwhelmed by all I have to do." However, two-thirds believe now, as before, that individuals can change society, and volunteerism is almost at a 72 percent rate. Support for legalized marijuana rose from 19.4 percent in 1968 to a 52.9 percent high during the 1970s, but, today, only 33 percent would legalize marijuana. Eighteen percent of the students report that they were "conservatives" in 1970 while 22.7 percent professed such a political ideology in 1996.

Drug Use: U.S. teenagers are using more heroin, reports the National Household Survey on Drug Abuse, but abuse of marijuana and alcohol has leveled off. The survey found a slight decline in use of illegal drugs among teenagers 12 to 17 in 1996, from 10.9 percent in

1995 to 9 percent by July 1996. Marijuana use declined slightly, from 8.2 percent to 7.1 percent of all teenagers. However, from 1990 to 1995, rates of first use of heroin rose for all teenagers, up from 1.8 percent to 2.5 percent for ages 18 to 25. The survey also reported that over one-half of Americans aged 26–34 have sampled illegal drugs.

Abuse and Delinquency: A team of researchers has found a strong connection between various kinds of mistreatment of youths, including physical and sexual abuse, as well as failing to place a youth in school and a range of subsequent problems when youths reach adolescence. These problems include a higher likelihood of committing acts of serious and violent delinquency, using drugs, displaying symptoms of mental illness, and (for girls) becoming pregnant.

The research report, *In the Wake of Childhood Maltreatment*, was prepared by the State University at Albany and is a part of a major assessment program into the causes and correlates of delinquency, funded by OJJDP. The study involved 1,000 youths drawn from seventh and eighth grade public schools, found that 14 percent had a child maltreatment record and 45 percent had official records involving acts of delinquency. Only 32 percent of those not maltreated were involved in acts of delinquency. The report (NCJ-165257) can be obtained from the Juvenile Justice Clearinghouse at 800-638-8736.

School Crime: There was no significant change from 1989 through 1995 in the percentage of students who reported having been robbed at school, having property stolen from their lockers or desks, or experiencing physical attacks at school, according to a study jointly sponsored by the U.S. Departments of Education and Justice. In 1995, the study revealed that 14.6 percent of students ages 12 through 19 reported violent or property victimization at school, compared with 14.5 percent in 1989. There was, however, an increase in the percentage of students in 1995 likely to be victimized by a violent crime—a physical attack or robbery by force, weapons, or threats—compared to 1989. In 1995, 4.2 percent of all 12- to 19-year-old students experienced a violent crime, compared to 3.4 percent 6 years earlier.

The data, from the Bureau of Justice Statistics and the National Center for Education Statistics, also found that fewer than one in 1,000 students reported taking a gun to school in 1995, but about 1 in 20 students said they saw another student with a gun at school.

Pregnant Teenagers: A pregnant teenager’s age, apart from other social or demographic factors, puts her at greater risk than an older woman of having a premature or low-birthweight baby, according to a study completed by the University of Utah. This finding challenges the notion that teenagers who receive adequate prenatal care will have as good or better chances of giving birth to a healthy baby as older women. The study

also found that age as an independent risk factor for pregnant teenagers runs counter to the findings of other studies, especially those on minority women in inner cities. Socioeconomic factors such as insufficient education and inadequate prenatal care have been thought to make more of a difference on the outcome of pregnancy than the mother’s age.

While the Utah study found prenatal care, for example, to improve the chances of a successful pregnancy, the researchers also found that when they looked at the most privileged girls, the youngest mothers still had the highest risks. Among the 134,088 white girls between the ages of 13 and 24 who gave birth between 1970 and 1990, those ages 23 to 15 had the highest risk of delivering low-birthweight or premature babies.

Blended Sentences: New laws are having a “dramatic impact” on sentencing of violent juvenile offenders, particularly laws that provide for sentencing of youths to adult correctional systems, according to a recent report prepared by the National Center for Juvenile Justice, the research arm of the National Council of Juvenile and Family Court Judges.

Between 1992 and 1995, 41 states enacted laws making it easier for juveniles to be tried as adults rather than in juvenile courts. And even in cases where youths are allowed to remain in juvenile court, the study finds that they may be subjected to sanctions in the adult correctional system. The study was conducted by Melissa Sickmund, Howard N. Snyder, and Eileen Poe-Yamagata.

The researchers found that in 1985, most of the 7,200 cases transferred to criminal court involved property crimes, but that changed in 1992 when murders, robberies, assaults, and other crimes against persons surpassed the property crime category. This change, in part, is the result of new laws targeting violent juvenile offenders for automatic or presumptive transfer to adult court. A copy of the report, *Juvenile Offenders and Victims: 1997 Update on Violence*, is available from the Juvenile Justice Clearinghouse at 800-638-8736.

Each Day in America,

- 11,000 people are born
- 5,107 violent crimes are committed
- 8,042 children are reported abused
- 33,227 property crimes are committed including:
 - 32,548 people are arrested
 - 1,699 robberies are committed
 - 175 pockets are picked
 - 1,359 bicycles are stolen
 - 3,332 cars are stolen

These data are according to the Statistical Abstract of the United States for each day in 1996.

Reviews of Professional Periodicals

BRITISH JOURNAL OF CRIMINOLOGY

Reviewed by JAMES M. SCHLOETTER

“Presentence Reports: The Effects of Legislation and National Standards,” by Michael Cavadino (Autumn 1997). The Criminal Justice Act of 1991 and the Associated National Standards for the supervision of offenders in the community replaced Social Inquiry Reports with a new style of presentence reports. The author presented a before and after study assessing the effects of the change on the reports themselves. Samples of Social Inquiry Reports from 1991 and presentence reports from 1993, drawn from four separate court areas in the north of England and covering juvenile reports provided by local authority social workers as well as probation officers, were compared. When the presentence reports were drawn up in accordance with the new national standards, the intention was twofold: to standardize the form of the reports and bring them into line with good practice and to shift the focus of the reports to emphasize the seriousness of the offense, in line with the “just deserts” philosophy underlying the 1991 Criminal Justice Act.

The author reviewed both earlier Social Inquiry Reports and later presentence reports and conducted face-to-face interviews with criminal justice practitioners including court officials and representatives of the probation services and social service youth justice teams. Among the probation officers and local authority youth justice workers interviewed, the overall response to the new arrangements for presentence reports was favorable. Responses showed general approval for the formal guidance contained in the National Standards, little objection to the principle of focusing reports more on the seriousness of the offense, and the belief that report writers had been successful in producing such reports.

The author’s research set out to discover whether the 1991 Criminal Justice Act and the National Standards had been successful in changing the form and nature of reports and, in particular, whether the 1993 presentence reports focused upon offending behavior and the seriousness of the offense to a significantly greater extent than did Social Inquiry Reports before the implementation of the Act. The findings show conclusively that such a change did take place and, moreover, was generally perceived by report writers, their superiors, and the sentencing officials who received the reports in a positive light. One clear lesson from this study is that change in practice in a desired direction can be brought about by means of legislation and central guidance.

“The Value of Finding Employment for White Collar Ex-offenders: A Twenty-Year Criminological Followup,” by Keith Soothill, Brian Francis, and Elizabeth Ackerley (Autumn 1997). The authors describe a 20-year criminological followup of a consecutive series of 348 male ex-offenders, seeking white collar employment, who were offered the services of a specialized employment agency in the early 1970s. At the end of the 20-year followup, 36 percent had been reconvicted. While only 30 percent of those placed into employment were reconvicted compared with 42 percent of the unplaced group, this variation is explained by differences in the criminal history of the two groups. Hence, there is no evidence that the intervention of finding a job by the specialist employment agency had been beneficial in reconviction terms. However, persons with three or more convictions, and on whom considerable placing effort had been expended, whether or not they were actually placed, did particularly well in avoiding reconviction. The interpretation is that placing effort is an indirect measure of an ex-offender’s general motivation to stay out of trouble.

“Exploring Investigative Policing: A Study of Private Detectives in Britain,” by Martin Gill and Jerry Hart (Autumn 1997). Even with the recent growth of interest in private policing, very little has been written about the work of private investigators. This is surprising because of private investigators’ relatively long history and undeniably high profile in popular culture. The article discusses the modern role of private investigators in the context of four key issues: competence, legitimacy, relationship with the public police, and future challenges in managing a diverse policing structure. The authors describe the services that private investigators most typically provide, identify their principle client groups, and reflect on how statutory regulations might affect their work. The aim of the article was to develop awareness of what remains one of the most obscure forms of policing and social control.

ARTICLES OF INTEREST IN MANAGEMENT JOURNALS

Reviewed by MICHAEL E. SIEGEL

“How Management Teams Can Have a Good Fight,” by Kathleen M. Eisenhardt, Jean L. Kahwajy, and L. J. Bourgeois III, *Harvard Business Review* (July-August 1997). Public and private sector managers alike list “managing conflict” as one of the

most daunting challenges they face at work. There's no avoiding conflict in managerial work, however, particularly as organizations move into alternative organizational structures in an era of continued environmental uncertainty. In their book, *The Manager As Negotiator* (1986, p. 1), David Lax and James Sebenius contend that:

Negotiating is a way of life for managers, whether renting office space, coaxing a scarce part from another division, building support for a new marketing plan, or working out next year's budget. In these situations and thousands like them, some interests conflict. People disagree.

And yet the inevitability of conflict does not mean that it needs to be a destructive process. In fact, conflict on issues, particularly in an era of significant change, is natural and even necessary. According to the authors of "How Management Teams Can Have a Good Fight,"

Management teams whose members challenge one another's thinking develop a more complete understanding of the choices, create a richer range of options, and ultimately make the kinds of effective decisions necessary in today's competitive environments. (p. 77)

For the past 10 years, Eisenhardt, Kahwajy, and Bourgeois have been researching the interplay of conflict, politics, and speed in strategic decision-making by top management teams. They have closely observed the work of a dozen top management teams in technology-based companies, each having five to nine executives. All of the organizations studied operate in a fast-paced, competitive global marketplace, and all of the teams have to make high-stakes decisions in the face of considerable uncertainty and under pressure to move quickly.

The research team found that 4 of the 12 companies experienced little or no conflict and, consequently, offered little to observe. The other eight companies were found to exhibit the following characteristics:

- Four handled conflict in a way that avoided interpersonal hostility or discord. These team members described the way they work as "open," "fun," and "productive." One said, "We scream a lot, laugh, and then resolve the issue."
- Four were less successful at avoiding interpersonal conflict. Team members in these groups explained that they were frequently divided into cliques, and they described their processes with words like "secretive," "manipulative," and "political."

The researchers found that teams with minimal interpersonal conflict were able to separate substantive issues from personalities and, overall, were more productive in their work. They were able to disagree and still get along with one another. How? The research team identified six tactics used by the more productive teams: (1) working with more, rather than less, data, (2) developing multiple alternatives to enrich the level of debate, (3) sharing commonly agreed upon goals,

(4) injecting humor into the decision-making process, (5) maintaining a balanced power situation, and (6) resolving issues without always forcing consensus.

Focus on the facts. The researchers found that when groups are provided with objective, current information, they are able to focus on debating issues on their merits and not on attacking personalities. The organizations studied kept their members' knowledge current both in terms of performance facts and in terms of the external environment. That way, the members were able to move quickly to the central issues surrounding a strategic choice, and they did not become bogged down with arguments over what the facts *might* be.

On the other hand, in the absence of good data, executives tend to waste time in pointless debate over opinions. In this information-poor environment, executives are tempted to resort to posturing and ill-formed guesses about how the world might be. People, not issues, become more important than what is right in context.

Multiply the alternatives. The researchers found that productive work teams deliberately develop multiple alternatives, frequently considering four or five options at a time. Some managers even will introduce options they do not support in order to promote debate. Generating options reduces interpersonal conflict because it helps avoid "either-or" choices. It gives people room to vary their degree of support or shift positions without losing face. Generating options also brings managers together in a common and stimulating task. It concentrates their energy on solving problems and increases the opportunity for "integrative" solutions—those that incorporate the views of greater numbers of decision makers (Lewicki, Saunders, & Minton, 1997).

On the other hand, when a team must choose between only one or two options, conflict can quickly become personal. Executives feel pressured to line up on one side or the other. Positions harden and the conflict becomes personal.

Create common goals. Productive teams manage to frame strategic choices as collaborative rather than competitive exercises. The researchers found that they did this by creating a common goal around which the team could rally. Common goals do not require homogeneous thinking, but unity of purpose. As Steve Jobs, who has been associated with Apple, NeXT, and Pixar, has observed:

It's okay to spend a lot of time arguing about which route to take to San Francisco when everybody wants to end up there, but a lot of time gets wasted in such arguments if one person wants to go to San Francisco and another secretly wants to go to San Diego. (p. 80)

Without common goals, the competitive spirit can easily overtake the productive energies of a group. They may start seeing themselves as individual winners and losers, whereas a team can see the shared interest of all team members in the outcome of a debate.

Use humor. Teams that handle conflict well make deliberate attempts to have fun and to learn. They emphasize the excitement of fast-paced competition, not the stress of competing in brutally tough and uncertain markets. Pranks, gags, and friendly dessert pig-outs were used by the high-performing teams. Humor was notably absent in the teams marked by high interpersonal conflict. The climate in which decisions were made was frequently hostile and stressful.

Humor and the use of irony helps people place challenging situations into a broader life context, thereby reducing stress levels. "Humor—with its ambiguity—can also blunt the threatening edge of negative information" (p. 81). Humor can put people in a positive mood. A wide body of research shows that people in a positive mood tend to be more optimistic, forgiving of others, and creative in seeking solutions. A positive mood triggers a more accurate perception of others' arguments because people in a good mood tend to relax their defensive barriers so they can listen more effectively.

Balance the power structure. A way to tame interpersonal conflict is to create a sense of fairness by balancing power within the management team. Research indicates that autocratic leaders who manage through highly centralized power structures often generate high levels of interpersonal friction. Weak leaders also engender interpersonal conflict because the power vacuum at the top encourages managers to jockey for position. Interpersonal conflict is lowest in balanced power structures such as those in which the CEO is more powerful than the other members of top management although the other members do wield substantial power, especially in their own well-defined areas of responsibility. It's interesting to note, in this regard, President John Kennedy's deliberate practice of leaving the room while his executive team of 13 high-ranking government officials debated the options to use in the Cuban Missile Crisis. Kennedy left the room to encourage honest, open debate and to avoid the tendency that groups often have to present only the information that will "please the boss" (Janis, 1972).

Seek consensus with qualification. The researchers made the following interesting observation:

People usually associate consensus with harmony, but we found the opposite: teams that insisted on resolving substantial conflict by forcing consensus tended to display the most interpersonal conflict. (p. 83)

Consensus is not always possible. Sometimes it is achieved at a high cost to group harmony. Process fairness, on the other hand, is enormously important to most people. They will accept outcomes they do not like if they believe the process by which the results came about was fair. Consensus with qualification is useful too because it assumes that conflict is natural and not a sign of interpersonal dysfunction.

A large body of academic research has demonstrated that conflict over issues is not only likely, but also valuable within top management teams. Such conflict provides executives with a more inclusive range of information, a deeper understanding of issues, and a richer set of possible solutions. When there is little disagreement, there is a higher chance for "groupthink." Teams that engaged in healthy conflict over issues made better decisions and moved more quickly as well. Teams that are unable to foster substantive conflict ultimately achieve lower performance. Low-conflict teams tended to neglect key issues or were simply unaware of important aspects of their strategic situations. They missed opportunities to question falsely limiting assumptions or to generate significantly different alternatives (p. 85).

Court and criminal justice managers and practitioners would be well served by following the sound advice provided here to help them manage the inevitable conflicts they will face.

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The Whole Community Corrections Picture

Community Corrections: Probation, Parole, and Intermediate Sanctions. Edited by Joan Petersilia. New York: Oxford University Press, 1998. Pp. 218. \$19.95.

In the preface, the editor clearly states her goals for this collection of readings in crime and punishment: "I wanted to compile a reader that would allow someone quickly to get up to speed on the issues, data, and programs that comprise community corrections. . . . I wanted this reader to be self-contained, in that it could serve as the sole text for a class or corrections training conference." On first reading the preface, I doubted such a goal could be completely achieved, and if a less established writer in the field of criminal justice had made such claims, I might not have read any further. I'm glad that I continued to read—in fact, I devoured the material in a weekend. The book rekindled some of the idealism that led me to choose community corrections and honed the sense of reality I gained as a practitioner. As a student of criminal justice and a criminal justice policymaker, I have found few books that successfully bridge the gap and appeal to both sides of my criminal justice self. The book is a must-read for community corrections professionals and their academic brethren and will bring both a step closer to realizing the "unrealized promise of community corrections."

The real strength of this text is that it brings together a wide breadth of community corrections literature into a coherent, rational, and useful whole. Specifically, it incorporates the traditional material of history and standard probation and parole practice with the more recent literature on intermediate sanctions. The intermediate sanctions discussed include: intensive supervision, home confinement, electronic monitoring, boot camps, substance abuse testing and treatment, fines, restitution, community service, and day reporting centers.

While this is a valuable service, the editor goes even further to include the important discussion of public perceptions and their impact on community corrections. For too long, we who are community corrections academicians, policymakers, and practitioners have abdicated the important and necessary roles of public education and measurement of public opinion to the politicians who have exploited our absence in this debate for their own gain. The text also includes the important element of offender perspective in determining a true continuum of available punishments. More than 10 years ago, as an initial interviewer for New Jersey's Intensive Supervision Program (ISP), I was struck by

the number of offenders who would much rather "do the time than have that ISP messing with me." Petersilia incorporates a fascinating discussion of innovative programs and concludes with a look to the future, which gives consumers, whether academicians or practitioners, much to think about in terms of their views of the future of community corrections.

The few criticisms I have of the work seem almost trivial given all that the book accomplishes, but I feel that it would have been enhanced by including supervised release in the discussion of post-conviction supervision. The shift from parole to supervised release is more than just a terminology change. With changes in supervision, the decision maker generally also has changed from a parole commission or like body to a judicial officer. That change has had significant effect on line officers and how they perform community corrections functions. I also feel the work could have benefited from a discussion of pretrial defendants supervised in the community. While the issues and concerns with pretrial are similar, they are different enough to warrant at least a brief discussion.

In conclusion, I would like to thank the author for a truly significant contribution to the community corrections literature and to strongly urge criminal justice students and practitioners to read this text. In addition, judicial officers, politicians, and any member of the community who is interested in the field would be well served by a few hours spent reading this excellent collection on community corrections.

Washington, DC

TIMOTHY P. CADIGAN

At the Feet of the Master

Corrections: A Humanistic Approach. By Hans Toch. Albany, New York: Harrow and Heston, 1997. Pp. 248.

Reading a book by Hans Toch is like trying to get a drink of water from a high pressure fire hose; it is difficult not to be overwhelmed. This is particularly true of his most recent effort—*Corrections: A Humanistic Approach*—which provides an anthology of correctional thought spanning some 30 years.

Toch, a Distinguished Professor in the School of Criminal Justice at the State University of New York at Albany, describes himself as "a psychologist reared in the humanistic tradition." Expanding on this, he writes:

The humanistic psychologist is person-centered and prizes empathy; for him or her, the experiences and perceptions of others are the focus of attention. The humanist is also attuned to suffering and interested in reform and improvement of the human condition. A tenet of humanism is that, given opportunities, most people can learn and make constructive contributions.

It is from this perspective, then, that the eminent author and scholar examines correctional practices and theory. The book, a collection of essays, articles, and presentations written by Toch between 1967 to the present, is divided into six parts.

The first section focuses on prison policy and deals with such topics as public opinion and sentencing schemes, the impact of prison crowding and possible responses, and the concept of unit management in correctional institutions. While all the chapters in this section are interesting, perhaps the most thought provoking is the one entitled "Warehouses for People?," which was originally published in 1985 in *The Annals of the American Academy of Political and Social Science*. In this chapter Toch provides a thoughtful examination of prison conditions and the impact they have on inmates and staff.

In the second part the author discusses the need to, and perils of, reforming prisons. An important but understated message in the six chapters that make up this section is the need for courageous and visionary correctional administrators who are willing to embark on a course designed to bring about improvements in their institutions, a course that is frequently at odds with the prevailing "wisdom" of the day. This message is particularly prevalent in chapter 6, "If de Tocqueville Were With Us Today. . ."

"Reforming Prisoners" is the title of part three. In this section Toch reviews early attempts at rehabilitation, discusses the importance of providing psychological services and educational programs in the correctional setting, and advocates an inmate classification system that appropriately addresses the needs of all inmates—the young and old, the healthy and infirm, and those serving relatively brief sentences and the institutionalized "old con."

Part four is devoted to problems associated with managing disturbed and disruptive offenders in confinement. The four chapters in this section provide a wealth of information useful to all prison personnel, from wardens to correctional officers.

Prison violence is the focus of the fifth part of this volume. Toch's treatment of this subject is practical and offers guidance on how violence in prisons might be reduced. Much of the information in this section would be appropriate for inclusion in pre-service and in-service training for correctional personnel.

In the final section, the author stresses the importance of applied research in the administration of prisons. Through relevant research, he notes, programs and policies can be crafted and revised and the allocation of resources—both human and other—can be improved. Toch accurately points out, however, that researchers who are credible and who want to bring about positive change "may be in short supply in graduate schools that breed elitist conceptions of research

and pessimistic views of reform" and "in short demand by agencies that discourage experimentation and the crossing of bureaucratic frontiers."

Early in the book Toch provides a concise yet chilling description of the current correctional environment and issues a challenge:

There is no point in expressing helpless rage at the punitive ethos that engulfs corrections today. In the short run, the walls of Jericho are obdurate, but they are bound to crumble in time. In the interim, the challenge . . . is to exercise ingenuity in the face of political adversity. Responding to this challenge involves proactivity and contingency planning, as opposed to prevailing reactivity and crisis management.

I hope that this challenge does not fall on deaf ears. *Corrections: A Humanistic Approach* is an excellent contribution to correctional scholarship. Both academicians and practitioners should find this volume a valuable resource.

Huntsville, Texas

DAN RICHARD BETO

All About Gangs

Street Gang Awareness: A Resource Guide for Parents and Professionals. By Steven L. Sachs. Minneapolis: Fairview Press, 1997. Pp. 224. \$12.95.

Once a problem confined to major urban centers such as New York, Chicago, and Los Angeles, gangs and gang-related criminal activity have spread to smaller communities all across the United States. In the safety of their small communities, city officials and families felt immune to the incidents of violence portrayed almost daily in the media and, consequently, were unprepared for an invasion from gangs. Before they could respond, violence and other criminal activity took root in their communities and began ravaging families and destroying hopes and dreams. Gang-related violence accounts for more than 1,000 homicides each year.

Street Gang Awareness represents a much-needed resource guide for parents, educators, and criminal justice professionals. The author, relying on his 19 years of experience as a juvenile probation officer, provides a single, comprehensive source of information on subjects ranging from the evolution of gangs to steering kids away from gangs. Sachs' years of experience working with juveniles form an excellent base of knowledge and experience for this book.

Sachs' gang accounts originate from the northern suburbs of Chicago. He begins his book with a particularly personal and sad account of an honors student, mistaken for a gang member, who was killed by a gang banger's bullet during a drive-by shooting. The author's sadness, anger, and unanswered questions were the impetus for this book.

In his book, Sachs offers numerous personal anecdotes designed to emphasize major points. One account

tells the story of a wounded gang banger who returned to gang activity despite having suffered a serious, almost life-threatening injury. This story represents an example of the allure of gangs and shows to what extent kids will remain in gangs and be loyal to their fellow gang members. Sachs does an excellent job of peaking the reader's interest and creating excitement for the subsequent material.

The book is divided into four parts: "The Evolution of Street Gangs," "The Lure of the Gang," "Children and Gang Behavior," and "Steering Kids Away From Gangs." In each part are chapters that provide detailed information about most aspects of gangs. The author's reader-friendly format helps guide the reader through logically flowing chapters.

In the first chapter, Sachs traces the formation of gangs to the immigrant movement in New York from 1826 through the 1970s. The chapter is short and presents just enough information to establish a foundation for subsequent chapters.

Sachs begins the second chapter by exploring the problem of teenage parents as they relate to gang activity. He divides gangs into four main groups—African-American, Hispanic, South East Asian, and Caucasian—and discusses the most prominent features of each. Chapters 4 through 6 define gangs and provide detailed information about their structure and hierarchy. Chapters 7 through 10 provide information about gang identifiers, gang symbols, graffiti, jewelry, and the significance of sports team clothing. The use of illustrations is excellent and contributes to the effectiveness and usefulness of the book.

In chapters 11 through 13, Sachs helps parents and professionals identify the danger signs of gangs and gang activity. Sachs outlines appropriate responses for communities, schools, and individuals. Sachs' suggestions are comprehensive and specific. As an example, for communities, Sachs recommends the development of more recreational programs and the construction of youth centers in "at risk" communities. Sachs offers similar advice to school officials and individuals. Being true to its claim of being a resource guide, *Street Gang Awareness* concludes with a directory of national resources, a glossary of slang and number codes, and illustrations of hand signs and language.

From the beginning, the author admits that this book cannot answer all questions, and it does not, but Sachs does a good job with the questions most often posed by parents and professionals and provides a valuable resource for anyone else interested in gangs. I found Sachs' accounts and research consistent with generally accepted information provided by gang experts. As someone who is somewhat experienced with the topic of gangs, I found it refreshing to see comprehensive material presented in such an easy-to-read manner. As a parent, educator, and a criminal justice professional, I

found this book, relevant, informative, and timely. If you have children, educate children, or work with children, this book is a "must read."

Columbus, Ohio

ROBERT A. TAYLOR, SR.

Kids in Trouble

Juvenile Justice and Youth Violence. By James C. Howell. Thousand Oaks, CA: Sage Publications, 1997. Pp. 252. \$32.50.

America is in the midst of a "get tough on crime" movement. The public, lawmakers, and criminal justice policymakers have endorsed harsher sanctions for juvenile offenders. This "get tough" approach has been fueled by a general perception that juvenile crime, particularly violent and drug-related juvenile crime, is out of control. But is this perception accurate?

In *Juvenile Justice and Youth Violence*, James C. Howell, former director of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), debunks some of the common misconceptions about the nature and scope of juvenile offending and does so in convincing fashion, marshaling a tremendous amount of statistical information and a comprehensive review of the literature. Howell goes beyond pointing out the flaws in current approaches to juvenile violence, however, and offers a strategy for more effectively dealing with this serious problem, a strategy that early results suggest may have a high degree of success.

The book is divided into two sections. Part one consists of five chapters that provide an overview of juvenile justice and youth violence in the United States. The first chapter presents an excellent discussion of the origins and development of the juvenile justice system and its return to a more punitive model. While this material is not new to students of juvenile justice, the review of the literature is comprehensive and well organized and sets up the rest of the book admirably.

The second chapter examines the Juvenile Justice and Delinquency Prevention Act of 1974, as well as earlier legislation that laid the groundwork for this tremendously important piece of legislation, and the successes and failures of the Act. This discussion is especially valuable as relatively little research on the purpose and scope of the Act has been done.

Chapters 3, 4, and 5 provide an analysis of the current state of youth violence. Chapter 3 offers a strong critique of the current belief that we are in the midst of a juvenile "crime wave" by providing a close examination of the statistics. Howell does not shy away from the use of tables and figures, but always weaves them into the text and provides a clear explanation of the numbers. This is one of the true virtues of the book, particularly for those in the audience with limited exposure to statistical concepts.

Chapter 4 examines juvenile delinquency trends and juvenile justice system responses to these trends and suggests that the juvenile justice system has responded more aggressively than is warranted by the numbers. This is the major premise of the book.

Chapter 5 provides an overview of one increasingly common juvenile justice system response to juvenile offenders, the transfer of juveniles to adult criminal court. While much has been written on this subject, Howell provides a comprehensive and clearly presented review of the literature on juvenile waiver and notes that research has failed to adequately examine both prosecutorial and legislative waiver. The paucity of research on these forms of waiver is troubling as these types of waiver recently have increased in popularity.

In part two Howell proposes several changes in juvenile justice policy. These are based on the findings discussed in part one, which suggest that juvenile crime is not what we think it is. Chapter 6 picks up on this theme as Howell demonstrates that juvenile gang homicide and drug trafficking are poorly understood. It is a common belief that juvenile crime is not only rising rapidly, but changing in nature. Many advocates of harsh responses to violent juvenile crime claim that much of it is linked to juvenile gangs involved in drug dealing. Howell provides strong evidence that this is not the case. While juvenile crime is more violent today than in the past, there is little evidence to support the hypothesis that it is because drug dealing is involved. Rather, the link is to gun possession. Guns are more readily available, and so juveniles use them more than in the past. Reducing gun availability, not harsh sanctions for gang involvement, Howell argues, is the key to reducing violent juvenile crime.

Chapter 7 examines what Howell considers the major risk factors for youth violence. These include family, school, community, and individual variables. What is notable here is that most of these risk factors are created not by juveniles but by adults. Thus, Howell argues, to reduce juvenile offending we should focus on adults at least as much as juveniles.

In chapter 7 Howell argues that "developmental criminology," or the study of offending over the life course, is crucial to our understanding of both criminal careers and juvenile crime. He takes issue with much of the delinquency research that has relied on cross-sectional studies and argues for longitudinal research of the type used in the Cambridge survey.

Finally, in chapter 9 Howell proposes his comprehensive strategy for dealing with juvenile crime. Howell focuses on two approaches: (1) isolate and deal quickly with serious and habitual offenders and (2) at the same time provide prevention programs aimed at the vast majority of juveniles who do not reoffend. One size does not fit all, particularly in juvenile justice. Howell clearly recognizes this. Now if only his book convinces policymakers.

Juvenile Justice and Youth Violence is an important book, one which should be required reading for everyone associated with the juvenile justice system including lawmakers, practitioners, and academics. It is a significant contribution to the literature on juvenile justice, one which I hope will aid in clearing up the numerous misconceptions fueling the current moral panic in juvenile justice. This book would make an excellent text for a graduate course or upper level undergraduate course in juvenile justice. I recommend it highly.

Boise, Idaho

CRAIG HEMMENS

Crime in Our Schools

School Crime and Juvenile Justice. By Richard Lawrence. New York: Oxford University Press, 1998. pp. 273. \$18.95.

According to an old Swedish saying, "Childhood never comes again." And school, which is a major socializing influence, comes but once as well. Today, as formerly, much mass media and public attention is focused on education. Education encompasses many topics, but chief among these in public interest is crime.

In this volatile political climate, Richard Lawrence's book, *School Crime and Juvenile Justice*, is a timely antidote. In this concise yet comprehensive volume, former probation officer Lawrence manages to provide an overview of the nature, extent, and causes of school crime and disruptive behavior.

Chapter 1 reviews the problem of delinquency in the schools and sets the tone for the rest of the book. Among key questions addressed here and in the chapters that follow are: Who commits school crime? Who are the victims? What are the characteristics of youth who commit crime in and around schools? To what extent do school experiences contribute to delinquent behavior? How can schools prevent delinquency? It is essential, states Lawrence, that we attempt to understand the school-delinquency relationship by examining the factors that lead to school failure, frustration, dropout, and delinquency.

Chapter 2 explores school crime and violence. Up-to-date statistical data are used to show that although minor victimization occurs frequently, serious school crime is, in fact, rare. The discussion of bullying presents a topic relevant to every survivor of the American school system, a topic generally stressed much more in European than in American educational research.

The concern of chapter 3 is crime causation and theories pertaining to it. In summarizing the basic sociological theories, the author's preference is clearly for the multidimensional social-psychological approach commonly called control theory. The emphasis is on behavior learned through biopsychosocial influences on the child. Chapter 4 delves more closely into family,

peer, and school factors in delinquency. Special attention is paid to male/female differences.

School absenteeism and dropping out are the concerns of chapter 5. The next chapter takes on a more sociological, structural perspective to argue for equitable funding of schools as opposed to the present system of basing funding in local property taxes. However, as Lawrence correctly indicates, the many problems in the home and community beyond the school's influence affect school performance and the drift into problematic behavior.

Chapters 7 through 9 focus on legal aspects of education. For example, the constitutionality of corporal punishment, locker searches, drug testing, and strip searches is discussed in light of recent Supreme Court decisions and psychological studies on harm done by such procedures. The presentation of recent innovations in juvenile probation and corrections is a major contribution of this book. I found the description of the excellent juvenile correctional program at the Hennepin County Home School in Minnesota especially helpful. Lawrence's arguments for the least restrictive correctional model are well taken.

School social workers and administrators would benefit from a perusal of the final and most important chapter in the book, chapter 10, "School-Based Programs for Delinquency Prevention." The section called "preventing bullying at school" should be read by all school administrators—as should the review of popularized programs such as DARE and less widely known conflict mediation and violence prevention projects. The argument for smaller schools is extremely significant. In contrast to most other countries, the United States, despite the correlation among school size, student participation, and delinquency, continues to centralize and depersonalize its public schools.

Major omissions to this reviewer are lack of attention to the role of guidance counselors and school social workers as well as the lack of attention to substance abuse, a major crime correlate. An additional disappointment is the lack of an epilogue to summarize the important findings presented in this work. The appendix, however, offers an unexpected bonus in its listing of relevant sources including videos, posters, and organizations.

If eliminating the role of schools in criminality is of any consequence, then this extensively researched book is an important resource. A useful supplement to criminal justice courses and as a reference book for scholars and school administrators, *School Crime and Juvenile Justice* is a major contribution to the science of criminology.

Cedar Falls, Iowa

KATHERINE VAN WORMER

Reports Received

Beyond the Walls: Improving Conditions of Confinement for Youth in Custody. Office of Juvenile Justice

and Delinquency Prevention, U.S. Department of Justice, January 1998. Pp. 55 and appendices. Drafted under the direction of the Juvenile Justice Center of the American Bar Association, the manual sets forth six ideas for improving conditions of confinement for juveniles in training schools and detention centers. The resource is geared to attorneys, parents, child advocates, and others who work to enhance conditions of juvenile confinement. It addresses ombudsman programs, protection and advocacy systems, and case law and relevant federal statutes.

Improving the Nation's Criminal Justice System: Findings and Results From State and Local Program Evaluations. Bureau of Justice Assistance, U.S. Department of Justice, December 1997. Pp. 51. To help demonstrate and confirm "what works," the monograph is the first in a series of reports to highlight and document the approaches and results of criminal justice program evaluations funded at state and local levels. The six programs that were the focus of the evaluations presented in the monograph depict demonstration projects affecting many components of the criminal justice system. The programs are in such areas as intensive supervision probation, gang violence, and batterers' education.

The National Drug Control Strategy, 1998. Office of National Drug Control Policy, 1998. Pp. 93. The publication sets forth a comprehensive 10-year plan to reduce drug use and its consequences to historic lows. The plan focuses on shrinking America's demand for drugs, through treatment and prevention, and attacking the supply of drugs through law enforcement and international cooperation. It addresses strategic goals and objectives including educating youth to reject illegal drugs, increasing safety by reducing drug-related crime and violence, and breaking foreign and domestic drug sources of supply.

A Plan for Estimating the Number of "Hardcore" Drug Users in the United States. Office of National Drug Control Policy, Fall 1997. Pp. 31. The publication reports on a study conducted to develop a method for estimating the number of hardcore drug users in the United States. Hardcore drug use is defined as the use of heroin, powder cocaine, or crack cocaine on eight or more days during at least one of the preceding 2 months. The approach described allows the size of this population to be estimated by interviewing admitted hardcore drug users at locations where they are most likely to be found in substantial numbers such as in jails, drug treatment programs, and homeless shelters.

Books Received

Community Corrections: Probation, Parole, and Intermediate Sanctions. Edited by Joan Petersilia. New York: Oxford University Press, 1998. Pp. 218. \$19.95.

Crime and Punishment in America. By Elliott Currie. New York: Henry Holt and Company, 1998. Pp. 230. \$23.

Crime as Structured Action: Gender, Race, Class, and Crime in the Making. By James W. Messerschmidt. Thousand Oaks, CA: Sage Publications, 1997. Pp. 134. \$17.95.

The Death Penalty: For and Against. By Louis P. Pojman and Jeffrey Reiman. Lanham, MD: Rowman & Littlefield Publishers, 1998. Pp. 175. \$52.50 (cloth); \$16.95 (paper).

In the Mix: Struggle and Survival in a Women's Prison. By Barbara Owen. Albany, NY: State University of New York Press, 1998. Pp. 219. \$19.95.

Incarcerating Criminals: Prisons and Jails in Social and Organizational Context. By Timothy J. Flanagan, James W. Marquart, and Kenneth G. Adams. New York: Oxford University Press, 1998. Pp. 332. \$21.95.

Juvenile Justice and Youth Violence. By James C. Howell. Thousand Oaks, CA: Sage Publications, 1997. Pp. 252. \$32.50.

Letters From Prison: A Cry for Justice. By George B. Palermo and Maxine Aldridge White. Springfield, IL: Charles C. Thomas, 1998. Pp. 252. \$55.95 (cloth); \$41.95 (paper).

The Lineaments of Wrath: Race, Violent Crime, and American Culture. By James W. Clarke. New Brunswick, NJ: Transaction Publishers, 1998. Pp. 339. \$39.95.

Street Gang Awareness: A Resource Guide for Parents and Professionals. By Steven L. Sachs. Minneapolis, MN: Fairview Press, 1997. Pp. 203. \$12.95.

Understanding Child Molesters: Taking Charge. By Eric Leberg. Thousand Oaks, CA: Sage Publications, 1997. Pp. 264. \$22.95.

It Has Come to Our Attention

Every year an estimated 1 million women and 371,000 men are stalked, according to the first national study on stalking in the United States. The data are from the **National Violence Against Women Survey**, which was sponsored jointly by the National Institute of Justice and the Centers for Disease Control and Prevention. Using a conservative definition of stalking that requires victims to feel a *high* level of fear, the survey results revealed that 8 percent of women and 2 percent of men have been stalked at some time in their lives. Findings indicated that women are significantly more likely than men to be stalked by current or former intimate partners, about half of whom stalk their partners while the relationship is ongoing. Also, about half of all stalking victims report their stalking cases to the police and about 12 percent of all stalking cases result in criminal prosecution.

A **National Institute of Justice** (NIJ) report presents findings on where and how 2,056 arrested powder cocaine, crack cocaine, and heroin users in six cities obtained and used drugs. The publication, *Crack, Powder Cocaine, and Heroin: Drug Purchase and Use Patterns in Six U.S. Cities*, reflects research conducted under the auspices of NIJ and the Office of Drug Control Policy. The jurisdictions studied are Chicago, Manhattan, San Antonio, San Diego, Washington, DC, and Portland, Oregon. The findings indicated that most crack and heroin users reported making purchases outdoors, usually in their own neighborhoods. In most of the six cities, the majority of heroin users described themselves as daily users, in contrast to about 40 to 50 percent of crack users and 10 to 40 percent of powder users. A significant number of arrestees said that public assistance was their primary source of income before arrest rather than full- or part-time work.

According to a **Bureau of Justice Statistics** (BJS) report, almost half of the men and women on probation in the United States were under the influence of alcohol or illegal drugs at the time of their criminal offense. In the March 1998 report *Substance Abuse and Treatment of Adults on Probation, 1995*, BJS presents findings from the first national survey of adults on probation. The survey revealed that half of all probationers said that they had been involved in a domestic dispute while under the influence of either alcohol or drugs at some time in their lives. Asked if they had ever driven a motor vehicle while under the influence of alcohol or drugs, 64 percent of probationers said "yes." Thirty-five percent of all probationers responded "yes" when asked if they had ever consumed as much as a fifth of a gallon of alcohol in a day (equivalent to 20 drinks of liquor, three six-packs of beer, or three bottles of wine). The survey findings are based on personal interviews held in probation offices of a nation-

ally representative sample of more than 2,000 adults under active supervision.

In the January 1998 report *Federal Law Enforcement Officers, 1996*, the **Bureau of Justice Statistics** offers the results of a survey which indicate that as of June 1996, the federal government employed about 74,500 full-time law enforcement officers authorized to make arrests and carry a gun. This is up about 6 percent from 1993, the last time the survey was done. Federal officers work in criminal investigations and law enforcement (43 percent), corrections (21 percent), police patrol (16 percent), noncriminal investigations (13 percent), U.S. court operations (4 percent), and security services (3 percent). The Attorney General supervised the three agencies with the largest federal law enforcement forces, the Immigration and Naturalization Service, the Federal Bureau of Prisons, and the Federal Bureau of Investigation. Women comprised 14 percent of the federal officers; Hispanics of any race, 13 percent; black non-Hispanics, 12 percent; Asian or Pacific Islanders, 2 percent; American Natives, 1 percent; and white non-Hispanics, 72 percent. Nationwide there were 28 federal officers per 100,000 U.S. residents.

The Office of National Drug Control Policy has prepared a fact sheet on the central nervous system depressant Rohypnol (flunitrazepam). The fact sheet discusses the abuse of Rohypnol, the drug's effects, its availability, and user characteristics. For more information, write to the Drug Policy Information Clearinghouse, Post Office Box 6000, Rockville, MD 20849-6000; telephone: 1-800-666-3332.

The American Probation and Parole Association is holding its 23rd annual training institute in Norfolk, Virginia, from August 30 through September 2, 1998. The theme is "Live the Vision: Building Hope Through Community Justice." Workshops will be offered, as well as intensive training sessions in such areas as community corrections programming, victim empathy, and management development for women and minorities. For registration information, write to APPA Institute, c/o Council of State Governments, Post Office Box 11910, Lexington, KY 40578-1910; fax: 606-244-8001.

The National Conference on Preventing Crime is scheduled for October 11-14, 1998, in Washington, DC. Sponsored by the National Crime Prevention Council, the Crime Prevention Coalition of America, and the Bureau of Justice Assistance, the conference will feature top crime prevention specialists and more than 70 workshops. For more information, contact the National Crime Prevention Council, Second Floor, 1700 K Street, N.W., Washington, DC 20006-3817; fax: 202-296-1356.

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