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Federal PROBATION

*a journal of correctional
philosophy and practice*

TRIAD Drug Treatment Evaluation Project

Polygraph Testing of Sex Offenders

Reducing *Unnecessary* Detention

The Federal Probation Officer and the
Guidelines Sentencing System

Arming Probation Officers

The Impact of Victim-Offender Mediation

Intensive Probation for Domestic Violence Offenders

Therapeutic Community Treatment

Walking Through Enhanced Supervision

"Up to Speed"—The Role of Religion in Reducing
Crime and Delinquency

"The Cutting Edge"—Finding Online Criminal Justice
Materials

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THIS ISSUE IN BRIEF

As this issue of *Federal Probation* was being delivered to the typesetter, we learned of the death of Richard A. Chappell, about a month short of his 100th birthday. One of the original eight federal probation officers, Mr. Chappell was Supervisor of Probation and Division Chief from 1937 to 1953, a period of extraordinary growth for the young federal probation system. He was an instigator and early editor of *Federal Probation*. We plan a more extensive appreciation of Mr. Chappell for the June 2002 issue. Meanwhile, we extend our condolences to his family.

TRIAD Drug Treatment Evaluation Project

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The Federal Bureau of Prisons undertook an evaluation of its residential drug abuse treatment program by assessing the post-release outcomes of inmates released from Bureau of Prisons custody. We reprint the Executive Summary of the BOP report, which found that offenders who completed the residential drug abuse treatment program and had been released to the community for three years were significantly less likely to be re-arrested or to be detected for drug use than were similar inmates who did not participate in the program.

Bernadette Pelissier, William Rhodes, William Saylor, Gerry Gaes, Scott D. Camp, Suzy D. Vanyur, Sue Wallace

Polygraph Testing Leads to Better Understanding Adult and Juvenile Sex Offenders

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The authors review several previously unpublished studies on the impact of polygraph testing on adult and juvenile sex offenders' self-reports of offenses and their history of personal victimization. The studies reveal consistent levels of lying and understatement of the sexual crimes sex offenders have committed, and over-reports of offenders' histories of childhood sexual victimization.

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Reducing Unnecessary Detention—A Goal or Result of Pretrial Services?

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The author describes external factors and traditional practices inhibiting the reduction of unnecessary pretrial detention. He gives a history of recent efforts to grapple with this issue, and offers a series of suggestions to begin to determine in a consistent way what exactly constitutes "necessary" versus "unnecessary" detention.

James R. Marsh

The Role of the Federal Probation Officer in the Guidelines Sentencing System

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The presentence role of the federal probation officer has dramatically changed with the advent of the guidelines system of sentencing. The author argues that the officer's entry into deeper legal dimensions of the Court community represents an impediment to the process of sentencing, especially in terms of plea bargaining. He reviews the published literature and research on this issue, and brings to bear his experience in the federal criminal justice system.

Alfred R. D'Anca

Arming Probation Officers—Enhancing Public Confidence and Officer Safety

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Society's shift to a conservative view of offender accountability means that probation has had to adjust the types and manner of services provided to the offender and the community. The types of offenders under supervision are more serious, and the philosophical views of newer officers are more likely to stress a crime control model, leading to greater focus on issues like officer safety. The authors argue that arming probation officers need not negate their treatment role.

Shawn E. Small, Sam Torres

The Impact of Victim-Offender Mediation—Two Decades of Research

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Victim-offender mediation is the oldest and most widely used expression of restorative justice, with more than 1300 programs in 18 countries. While modest in proportion to many larger-scale reforms, victim-offender mediation is one of the more empirically grounded justice interventions. The authors review 38 evaluation reports addressing such questions as consumer satisfaction, victim-offender mediation as diversion, its impact on further delinquency or criminality, and its success as a means of determining and obtaining restitution.

Mark S. Umbreit, Robert B. Coates, Betty Vos

Intensive Probation for Domestic Violence Offenders

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Over 4 million American women report being battered by a spouse or boyfriend each year, and over 40 percent of female homicide victims in the U.S. each year are killed by a spouse, ex-spouse, or boyfriend. The author examines a program initiated in Kane County, IL to both increase convictions of spouse abusers and apply intensive supervision to those under probation. Elements of the program include more frequent office and home visits, closer monitoring of offenders' progress through specialized treatment, and contact between the probation officer and the victim of the abuse.

Richard R. Johnson

Therapeutic Community Treatment May Reduce Future Incarceration—A Research Note

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In the wake of the large numbers incarcerated for drug-related offenses, more thought needs to be devoted to reducing recidivism in this population. The authors examine therapeutic community treatment results, finding that treatment completion is associated with a reduced likelihood of being incarcerated at follow-up. Further questions remain to be answered, such as whether treatment completion or client compliance is most important for good outcomes.

Nena Messina, Eric Wish, Susanna Nemes

Female Offenders—Walking Through Enhanced Supervision

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A non-traditional approach to supervising offenders can provide them with structure in a seemingly unstructured environment. A women's issues group for females under supervision in the Northern District of Texas' probation office began a walking group that helped teach life skills in addition to improving health.

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

Triad Drug Treatment Evaluation Project¹

*Bernadette Pelissier, William Rhodes, William Saylor,
Gerry Gaes, Scott D. Camp, Suzy D. Vanyur, Sue Wallace
Federal Bureau of Prisons, Office of Research and Evaluations*

THE FEDERAL BUREAU of Prisons (BOP) has provided drug abuse treatment in various forms for almost two decades. The current residential drug abuse treatment programs (DAP) were developed following passage of the Anti-Drug Abuse Acts of 1986 and 1988,² both of which reflected an increased emphasis on and resources for alcohol and drug abuse treatment. Participation in DAP compels inmates to identify, confront, and alter the attitudes, values, and thinking patterns that lead to criminal and drug-using behavior. The current residential treatment program also includes a transitional component that keeps inmates engaged in treatment as they return to their home communities.

The Bureau of Prisons undertook an evaluation of its residential drug abuse treatment program by assessing the post-release outcomes of inmates who had been released from BOP custody. The evaluation, conducted with funding and assistance from the National Institute on Drug Abuse, reveals that offenders who completed the residential drug abuse treatment program and had been released to the community for three years were less likely to be re-arrested or to be detected for drug use than were similar inmates who did not participate in the drug abuse treatment program. Specifically, 44.3 percent of male inmates who completed the residential drug abuse treatment program were likely to be re-arrested or revoked within three years after release to supervision in the community, compared to 52.5 percent of those inmates who did not receive such treatment. For women, 24.5 percent of those who completed the residential drug abuse treatment program were arrested or revoked within three years

after release, compared to 29.7 percent of the untreated women.³ With respect to drug use, 49.4 percent of men who completed residential drug abuse treatment were likely to use drugs within three years following release, compared to 58.5 percent of those who did not receive treatment. Among female inmates who completed the residential drug abuse treatment, 35.2 percent were likely to use drugs within the three-year post-release period in the community, compared to 42.6 percent of those who did not receive such treatment.⁴ Overall, females are less likely to relapse or recidivate regardless of treatment.

We also found that women who completed residential drug treatment were employed for 70.5 percent of their post-release period, whereas untreated women were employed for 59.1 percent of the time. No statistically significant effect was found among the men.

The findings for recidivism and drug use three years after release are consistent with the positive results reported in our preliminary report based on six months following release. Drug treatment provided to incarcerated offenders reduces the likelihood of future criminal conduct and drug use as well as increasing the employment rate among women. This study is consistent with the results of other evaluations of prison drug treatment; however, these findings are bolstered by the use of multiple treatment sites, a rigorous research design, a large sample size (2,315), and the opportunity to examine the effects of drug treatment on men and women separately. We note that the effects of treatment in reducing recidivism and drug use were less clear for women than for men. There are several plausible explanations, including

methodological reasons (i.e., smaller sample size, lower overall rates) and substantive differences between the causes of drug abuse in men and women and their respective responses to existing treatment programs. Our treatment curriculum is currently being modified to better address these differing treatment needs.

Residential Drug Abuse Treatment

This report analyzes the results of the Bureau of Prisons' residential drug abuse treatment programs, which are designed for inmates with moderate to severe substance abuse problems. The Bureau also provides a variety of other substance abuse programs, including drug education and non-residential individual and group treatment. Treatment often continues when an inmate is released from Bureau custody to the supervision of U.S. Probation Service.

The residential drug abuse treatment program includes three stages:

- Stage 1: Drug abuse treatment is provided within the confines of a designated drug abuse treatment unit for 9 or 12 months, depending on the particular program. The treatment strategies employed are based on the premises that the inmate is responsible for and can effectively change his or her behavior.
- Stage 2: Upon successful completion of the unit-based drug abuse treatment program, inmates are required to continue drug abuse treatment for up to 12 months when returned to general population. During this stage of institution drug abuse

programming, known as institutional transition, inmates meet with drug abuse program staff at least once a month for a group activity consisting of relapse prevention planning and a review of treatment techniques learned during the intensive phase of the residential drug abuse program.

- Stage 3: All inmates who participate in the residential drug abuse program are required to participate in community transitional services when they are transferred from the institution to a Community Corrections Center (halfway house sometimes followed by home confinement) prior to release from custody. The Bureau contracts with community drug abuse treatment providers for group, individual, and/or family counseling as appropriate for individual inmates. Generally, these contractors offer the same type/philosophy of treatment offered in the institution.⁵

The current evaluation focuses on two types of residential treatment programs for alcohol and other drug problems. The first type offers 1,000 hours of treatment over a 12-month period with a staff-to-inmate ratio of 1:12. The second offers 500 hours of treatment over a 9-month period with a staff-to-inmate ratio of 1:24. Most of the subjects in this study participated in the 9-month program.⁶

All residential DAPs are unit-based; that is, all program participants live together—separate from the general population—for the purpose of building a treatment community. Each unit has a capacity of approximately 100 inmates. Ordinarily, treatment is conducted on the unit for a half day in two, two-hour sessions. The other half of the day, inmates participate in typical institution activities (e.g., work, school). During these times, as well as during meals, treatment participants interact with general population inmates.

The goal of the DAP programs is to attempt to identify, confront, and alter the attitudes, values, and thinking patterns that led to criminal behavior and drug or alcohol use. Most program content is standardized and the following modules comprise 450 hours of programming: Screening and Assessment; Treatment Orientation; Criminal Lifestyle Confrontation; Cognitive Skill Building; Relapse Prevention; Interpersonal Skill Building; Wellness; and Transitional Programming. The remaining program hours are structured at the discretion of each program.

Inmates with a recent history of alcohol or substance abuse or dependence are strongly

encouraged to participate in treatment. At the outset of program implementation, there were few additional incentives for residential drug treatment program participation beyond the recovery from dependence or addiction. However, over time various incentives were implemented. These included nominal financial achievement awards, consideration for a six-month halfway house placement for successful DAP program completion, and tangible benefits such as shirts, caps, and pens with program logos to program participants in good standing.

The incentives for drug treatment significantly changed with the passage of the Violent Crime Control and Law Enforcement Act of 1994, which allows eligible inmates who successfully complete the BOP's residential drug treatment program to earn up to a one-year reduction from their statutory release dates.⁷

Sample

The three-year outcome results contained in this report relate to inmate subjects who were released between August 1992 and December 1997. More than half of these inmates were within one year of release from BOP custody when they completed the program.⁸ The sample contained in this report includes 2,315 individuals—1,842 men and 473 women—for whom comprehensive data were available and who were released to supervision.⁹

Treatment Subjects

Treatment subjects were sampled from 20 different institutions with a residential drug treatment program. This represents approximately 40 percent of the institutions that currently operate residential treatment programs. These institutions represent all security levels, except maximum security, and serve both male and female populations.

The four types of residential DAP participants are as follows: 1) inmates who completed the treatment, 2) inmates who dropped out of their own volition, 3) inmates who were discharged from treatment for disciplinary reasons, and 4) inmates who, for a variety of other reasons, did not complete the program. This last category, in general, comprises inmates unable to complete the residential program because they were transferred to another institution or to a halfway house (CCC), had their sentences shortened toward the end of their incarceration, or spent an extended amount of time on writ or medical furlough. Table 1 provides a breakdown of inmate subjects by gender, treatment and comparison

group assignments, and individual categories within the treatment group.

Of the 948 male subjects who entered unit-based residential treatment, 80 percent completed the treatment program, 4 percent voluntarily dropped out of the program, 7 percent were removed for disciplinary reasons, and 9 percent did not complete treatment for other reasons (as described above).

Of the 245 women who entered treatment, 70 percent completed the treatment program, 9 percent voluntarily dropped out of the program, 8 percent were removed for disciplinary reasons, and 13 percent did not complete for other reasons. The fact that there is a lower percentage of treatment “completers” among women than men may be related to policy differences between treatment sites and differential enforcement of program rules.

Comparison Subjects

Male and female comparison subjects were drawn from more than 40 institutions, some that offered residential drug abuse treatment programs and some that did not. The comparison subjects consisted of individuals who had histories of moderate or serious drug use and, therefore, would have met the criteria for admission to the residential drug treatment programs. There were 894 male and 228 female comparison subjects.

Outcome Measures

Criminal recidivism and post-release drug use were the primary outcomes of interest in this evaluation. The other outcomes examined were post-release employment and unsuccessful completion of halfway house placement. Because much of the outcome information was obtained from interviews with U.S. probation officers, most of our analyses were conducted with individuals released to supervision. The only analysis which included both supervised and unsupervised subjects was our analysis of one of our indicators of recidivism—arrest for a new offense—because arrest information could be collected on unsupervised subjects from the FBI's National Crime Information Center (NCIC).¹⁰

Criminal recidivism was defined two ways: 1) an arrest for a new offense or 2) an arrest for a new offense *or* supervision revocation. Revocation was defined as occurring only when the revocation was solely the result of a technical violation of one or more conditions of supervision (e.g., detected drug use, failure to report to probation officer).¹¹ Although our primary interest is in arrest for a new of-

TABLE 1.
Type of Subject by Gender

Type of Subject	Male		Female	
	Number	Percent	Number	Percent
Treatment	948	51.5	245	51.8
12-month Program Graduate	178	9.7	58	12.3
9-month Program Graduate	585	31.7	113	23.9
Drop-out	36	2.0	22	4.6
Disciplinary discharge	67	3.6	20	4.2
Other reason—incomplete	82	4.5	32	6.8
Comparison	894	48.5	228	48.2
Total	1,842	100.0	473	100.0

fense, revocation for a technical violation is a *competing event*. Unless we include the competing event in our measure of recidivism, our results will be biased. Nonetheless, we also examined results for a new offense both for all subjects as well as for supervised subjects only. Separate analyses of all subjects and supervised subjects was done only with the purpose of determining whether the supervision process itself affects recidivism.

Drug use as a post-release outcome refers to the *first* occurrence of drug or alcohol use. This information consisted of four different categories of a violation of a supervision condition as reported by U.S. probation officers: a positive urinalysis (u/a), refusal to submit to a urinalysis, admission of drug use to the probation officer, or a positive breathalyzer test.

Employment information was also obtained through interviews with U.S. probation officers. We used two measures of post-release employment. The first was employment rate, defined as the percent of available time an individual was employed. Each week of post-release supervision was given a value of 40 hours of available work time. The percentage reflects the actual number of hours worked during the supervision period divided by the number of hours available. The second measure was employment level and consisted of the following categories: employed full-time the entire post-release period, employed full-time some portion of the post-release period, employed part-time some or all of the post-release period, and not employed during the post-release period.¹²

The analysis of unsuccessful halfway house completion was limited to those individuals who received halfway house placements. Approximately two-thirds of the subjects received

such a placement. Failure to complete a halfway house placement is the result of a disciplinary infraction, either for a violation of halfway house rules or for criminal activity.

Before examining the effects of treatment, it is important to look at the overall rate of failure for each outcome measure for both treatment and comparison inmates. This overall rate of failure is presented by gender in Table 2, and tells us, for example, that the failure rate for arrest on a new offense or revocation for all subjects (both those who received treatment and those who did not receive treatment) is 49 percent for men and 27.8 percent for women. Overall, these results indicate that for each outcome measure, the percentage with a successful outcome is lower for men with the exception of employment.

TABLE 2.
*Outcome Measure by Gender:
Three-Year Post Release*

	Percent	
	Male	Female
Arrest for New Offense: All Offenders	34.7	16.1
Arrest for New Offense: Supervised Subjects Only	33.2	16.7
Arrest for New Offense or Revocation	49.0	27.8
Drug Use	55.0	39.8
Employment Rate (0–100 Percent)	68.0	59.0
Halfway House Placement Failure	23.0	17.0

Analyses

The analyses of the effects of residential drug treatment on the various outcome measures controlled for a wide variety of background factors known to be related to recidivism and treatment outcomes, including a number of factors related to drug-using populations that have seldom been examined in previous evaluation studies. These background measures included type of drug used on a daily basis in the year before arrest, drug treatment history, history of drug problem for spouse, mental health treatment history, psychiatric diagnoses of depression and antisocial personality, criminal history, age, race, ethnic status, educational level, employment history, level of supervision (e.g., halfway house placements before release from custody, release to supervision, frequency of urine testing, frequency of contacts with probation officer, frequency of probation officer collateral contacts), pre-release disciplinary infractions, in-prison vocational training, post-release treatment, and post-release living situation.

The most common methodological problem in drug treatment evaluation results from the process of selection into treatment, i.e., selection bias. All inmates with substance abuse problems are strongly encouraged to participate in treatment, but only some agree to do so. Thus, there is an element of self-selecting into the programs. This fact makes it difficult for the researcher to disentangle the effects of treatment from the effects of other differences between the treated and untreated groups (e.g., comparison group) that are reflected in the decision to opt for treatment. Therefore, we used three different methods of analyses to assess treatment effectiveness. One method compares all individuals who were treated to those who were not treated and does not control for selection bias. The second and third methods provide alternative methods of controlling for selection. The results across the three methods were consistent.

All analyses, unlike our preliminary six-month report, were done for males and females separately. With the complete sample and the longer follow-up period, the sample size and failure rate for women was sufficiently large to allow for separate analyses.¹³ In addition, our review of the literature suggests that the process of change from a drug using and criminal lifestyle to one without drug use and criminal activity may differ between men and women. Background data on

female drug abusers within the Bureau of Prisons corroborated significant gender differences found by other researchers.

Findings—Residential Drug Abuse Treatment

The effects of unit-based residential treatment on post-release outcomes described below are the differences in outcomes between treatment and comparison groups after controlling for various background factors and for self-selection into treatment.

Recidivism

Arrest for New Offense—Men who had received unit-based residential treatment had a lower probability of being arrested in the 36-month follow-up period than did comparison subjects. The probability of arrest for all individuals who entered and completed treatment was 30.6 percent as compared to a probability of 37.6 percent for untreated men (see Table 3, first row of results). However, we found no difference between treated and untreated women: the probability of arrest for both groups was 16 percent. When we analyzed only those offenders released to supervision, we continued to find a difference between treatment and comparison subjects but only for men (see Table 3, second row of results).

Arrest for New Offense Or Supervision Revocation—The primary indicator of recidivism was arrest for new offense or supervision revocation. When outcome was defined as arrest for new offense or supervision revocation, residential drug treatment effects also were found. The probability of arrest for men released to supervision who entered and completed treatment was 44.3 percent as compared to a probability of 52.5 percent for untreated subjects (see Table 3, third row of results). Men who received and completed residential treatment were 16 percent less likely to recidivate. Although the results for women were not statistically significant, the difference between the treated and comparison group suggests that treatment helped to reduce recidivism among women. Among women who completed residential drug abuse treatment, 24.5 percent were likely to be arrested for a new offense or have supervision revoked within 36 months after release compared to 29.7 percent among untreated inmates; inmates who completed residential drug abuse treatment were 18 percent less likely to recidivate in the first six months following release than those who did not receive treatment (see Table 3, third row of results).

TABLE 3.

Estimated Three-Year Outcomes for Treated and Untreated Offenders with a Drug Abuse Problem: Men and Women

Outcome	Failure Rates (percent)			
	Men		Women	
	Without Treatment	With Treatment	Without Treatment	With Treatment
Arrests, all offenders	37.6	30.6	16.0	16.1
Arrests, supervised subjects	35.3	30.3	17.5	15.3
Arrest or revocation, supervised subjects	52.5	44.3	29.7	24.5
Relapse to drug use	58.5	49.9	42.6	35.0
Employment rate	68.6	70.5	59.1	68.6

Drug Use

The results for drug use show that individuals who participated in a residential drug abuse treatment program were less likely to have evidence of post-release drug use than were comparison subjects. Among male inmates who completed residential drug abuse treatment, 49.9 percent were likely to use drugs within 36 months after release compared to 58.5 percent among untreated inmates (see Table 3, fourth row of results); that is, those male inmates who completed residential drug abuse treatment were 15 percent less likely to use drugs 36 months following release than those who did not receive treatment. Among female inmates who completed residential drug abuse treatment, 35.0 percent were likely to use drugs within 36 months after release compared to 42.6 percent among untreated inmates (see Table 3, fourth row of results); female inmates who completed residential drug abuse treatment were 18 percent less likely to use drugs in the 36 months following release.

Post-Release Employment

We found no significant differences for either measure of post-release employment – employment rate or level of employment – among men when comparing treated to comparison inmates. However, we found significant differences for women for both measures of post-release employment. Women who completed residential treatment were employed 68.6 percent of the post-release period and untreated women were employed 59.1 percent of the time.

CCC Placement Failures

Approximately two-thirds of the individuals received a halfway house placement (CCC) before their release from BOP custody. Results indicate that treatment completion had no effect on whether male or female inmates successfully completed their halfway house stay. However, our ability to assess the effects of residential treatment on halfway house placement completion is hampered because offenders who pose particularly high risks for re-arrest are often not released through a CCC.

Summary

The results of this three-year follow-up of residential drug abuse treatment programs suggest important and exciting possibilities for the treatment of inmates with substance abuse problems. Male inmates who entered, received, and completed residential drug abuse treatment were 16 percent less likely to be re-arrested or have their supervision revoked (and be returned to prison) than inmates who did not receive such treatment; the comparable figure for female inmates is 18 percent. This reduction in recidivism is coupled with the 15 percent reduction in drug use for male treated subjects and the 18 percent reduction in drug use for female treated subjects. We also found improved employment among women after release. Women who completed residential drug abuse treatment were employed 68.6 percent of their post-release period and untreated women were employed 59.1 percent of the time. Although the results for recidivism and drug use are not statistically significant for women, the sample size of women was smaller, their overall failure

rate was lower, and there is evidence in the research literature that there are gender differences in treatment needs, treatment processes and relapse. Specifically, it appears that women's drug abuse or dependence is caused by substantially different factors than those for men. Our findings of a lower percentage of women who use drugs and are arrested or revoked after release, despite the greater number of life problems among women, is consistent with results of previous studies.¹⁴ The Bureau of Prisons is now modifying our drug treatment programs for females based upon best practices for treatment of females in public and private sector programs. We will continue to monitor progress around the country in enhancing drug abuse treatment paradigms for female offenders and modify our programs accordingly.

These results strongly suggest that the Bureau of Prisons' residential drug abuse treatment programs make a significant difference in the lives of inmates following their release from custody and return to the community. This evaluation has been methodologically rigorous and has revealed significant positive effects on recidivism, drug use, and employment in post-release outcomes for a three-year follow-up period.

Endnotes

¹This article forms the Executive Summary of the "Triad Drug Treatment Evaluation Project Final Report of Three-Year Outcomes: Part 1," issued by the Federal Bureau of Prisons, Office of Research and Evaluations, in September 2000. The complete report can be found on the Bureau of Prisons' web site, at www.bop.gov.

²The Anti-Drug Abuse Act of 1986 laid the groundwork for the drug treatment programs and the Anti-Drug Abuse Act of 1988 contained provisions for the funding of these programs.

³Among female inmates, while the effect of treatment was not statistically significant, the failure rate for recidivism of treated inmates compared with untreated inmates suggested a positive effect for treatment.

⁴The drug failure rates for women suggested a positive effect for treatment but did not reach statistical significance.

⁵Community transitional services also are offered to inmates who have not completed any drug abuse treatment in the institution or who have received treatment other than the residential program but still require transitional drug treatment services.

⁶The 12-month programs are no longer operational.

⁷This early release provision presents issues of disparity for Bureau inmates. The disparity arises when, for example, two inmates convicted of the same offense serve different prison terms because

the inmate who has been diagnosed with a substance abuse problem receives a one-year reduction on his/her sentence and the inmate without a substance abuse problem serves the entire sentence. In effect, many perceive this one-year reduction as a reward for drug-abusing behavior.

⁸Typically, inmates enter a residential drug abuse treatment program 36 to 24 months before release from BOP custody. This allows inmates to complete treatment and transition into community-based treatment with minimal interruption to their treatment program, and to benefit from the sentence reduction, if eligible.

⁹Approximately 12 percent of the subjects were not released to supervision.

¹⁰Thus, in this analysis only our sample size was 2,640 subjects.

¹¹A violation of a condition of supervision does not always result in a revocation.

¹²Individuals not in the work force due to retirement, disability, and homemaking were excluded from this analysis.

¹³We were not able to conduct separate analyses for most of the results presented in the 6-month preliminary report.

¹⁴We note that separate analyses of men and women are rare and little is known about the differential impact of treatment on men and women. We refer the reader to the literature review contained in the full report for additional information on gender differences.

Polygraph Testing Leads to Better Understanding Adult and Juvenile Sex Offenders

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HISTORICALLY, THE MENTAL health and probation communities have gathered information about the history of sex offenders from self-reports, often via one of several standardized sexual history inventory and data gathering forms.³ A collection of studies summarized in 1995 by forensic psychologist Anna Salter, however, revealed that self-reporting often fails to uncover the true extent of an offender's sexual history. Not surprisingly, fear of legal sanctions and family and societal reproach leads most sex offenders either to deny their crimes altogether or admit to the minimum they think necessary.⁴ Recognizing this, many treatment programs have begun to use polygraph testing to validate offenders' self-reports.⁵ This article reviews several previously unpublished research studies conducted by Hindman on the impact of polygraphy on adult and juvenile sex offenders' self-reports of offenses and their history of personal victimization. The methodology of each study varied. The methods include:

1. Self-report with no polygraph, and no mention of polygraph.
2. Self-report when the subjects knew they would undergo polygraphy.
3. Comparison of self-report with and without polygraphy.
4. Self-report compared with polygraphy in the same subject.

We summarize those studies and related research, and make recommendations for polygraph use with sex offenders in clinical settings. The data reported here were gathered from hundreds of offenders over a pe-

riod of more than two decades.⁶ From them emerged a phenomenon the authors term the "Magical X." *In a significant segment of the data base, critical numbers related to the extent of the offenders' criminal behavior and their personal histories of victimization reverse themselves when subject to the scrutiny of a polygraph examination.* In other words, when verified by polygraph, the numbers of the offenders' prior victims rise significantly, while the percentage of offenders who experienced victimization in their own lives drops significantly.

A Brief Retrospective

To understand where we are now in this field, knowing where we have been is important. Three decades ago, the sexual exploitation of children was a subject that came to the attention of most people infrequently, if at all. One author of an academic dissertation published in 1975 observed that "[v]irtually no literature exists on the sexual abuse of children."⁷ Fondling and sexually assaulting children were against the law then just as they are now, but these laws were not often enforced. The few cases reported to law enforcement were routinely shuttled quietly off to family court, unless the incident involved serious violence. Many law enforcement agencies viewed such cases as little more than time-consuming social work, and child molesters were more often the targets of jokes than prosecution.

During the 1970s and 1980s, a paradigm shift occurred. Spurred on in part by the emerging women's rights and children's protection movements, people who had been sexually abused as children, such as Louise Armstrong, began publishing books about

their experiences.⁸ Both law enforcement and the media uncovered well-publicized cases of child pornography and sexual exploitation rings that brought those issues onto the public's radar screen.⁹ In the behavioral research community, Robin Lloyd published a highly regarded book about prostitution among young boys in the United States,¹⁰ while psychiatrist Judith Herman published one of the first significant books on incest,¹¹ and psychologist Nicholas Groth wrote a creative and influential study on the behavior of sex offenders.¹²

In Congress, the House and Senate Judiciary Committees began in 1977 to investigate the child pornography industry, and ultimately enacted the first of a series of federal laws designed to address child sexual exploitation.¹³ Most states followed with similar laws,¹⁴ and supplemented mandatory reporting statutes that had passed in every state during the 1960's,¹⁵ requiring those who have professional contact with children to report to child protection agencies or law enforcement whenever there is reason to believe a child is being abused or neglected.¹⁶

The result of increased public awareness together with the new laws was that reports of child sexual abuse and exploitation soared throughout the 1980s.¹⁷ Law enforcement agencies and prosecutors who once gave such cases scant attention began to sit up and take notice. Some created special units to respond to such reports, and methods of investigation improved greatly.¹⁸ At the same time, as more offenders were convicted of sex crimes, there was a corresponding growth in the number of mental health professionals seeking to evaluate and treat them.¹⁹

Prevalence of Sexual Abuse

As public interest grew and prosecutions and treatment programs expanded, an obvious area of study was the prevalence of child sexual abuse in the general population. One leading researcher, University of New Hampshire sociologist David Finkelhor, summarized surveys on child sexual abuse in twenty-one countries, including the United States and Canada. All found prevalence rates of between seven and 36 percent for women, and between three and 29 percent for men. Most also found that women were abused 1.5 to three times as often as men, that men committed about 90 percent of sexual abuse crimes against children, and that between 70 and 90 percent were committed by family members or others known to the child victim.²⁰

Effects of Sexual Abuse

As researchers documented the prevalence of childhood sexual abuse, interest in its effects increased as well. Study after study has confirmed that childhood sexual abuse is often extremely traumatic, and for some victims, results in a lifetime of dysfunction. Formal research comparing abused children to non-abused children has consistently confirmed what clinical observation of victims has suggested:²¹ that they are far more likely than those who are not abused to display poor self-esteem, fearfulness, aggressiveness, withdrawal and/or acting-out, as well as an intense need to please others.²² Children who hide their sexual abuse take on the additional burdens of guilt, shame and fear. Abused children may process their feelings by withdrawing from family and friends, or becoming angry with those they perceive to have let them down. They are at increased risk of depression and suicide, and may re-enact their experience by becoming sexually precocious themselves or by abusing other children.²³

Early Offender Studies

Professionals involved in offender studies have long recognized that the “causes” of such behavior are almost invariably complex.²⁴ Early studies often focused on traumatic events in the offenders’ developmental histories,²⁵ particularly the offenders’ reports of their own childhood abuse.²⁶ One study reported a finding common to many: that “[a] majority of sex offenders experienced physical and/or sexual abuse as children.”²⁷ Research sponsored by the National Institute of Justice found that childhood abuse increased

the odds of future delinquency and adult criminality by 40 percent. Specifically, being abused or neglected as a child increased the likelihood of arrest as a juvenile by 53 percent, as an adult by 38 percent, and for a violent crime by 38 percent.²⁸ Other researchers reported specifically on the trauma of sexual abuse. They found that people who were sexually victimized in childhood have a higher risk of arrest for committing crimes as adults than do people who did not suffer childhood abuse.²⁹

The Sex-Offender-As-Victim Paradigm

In the early years of sex offender research and treatment, clinicians typically asked offenders to report on their own early histories. In staggering numbers, they reported that they had been sexually abused as children. Even some who did not initially claim victimization produced such histories under the influence of hypnosis or repressed memory therapy.³⁰ Society—even the normally-skeptical mental health community—readily accepted such claims, in part at least because they offered a comforting explanation for the otherwise inexplicable behavior of child molesters. Some very reputable and good people began to believe that “bad” people must have been treated “badly,” without ever considering how many abused people (although perhaps psychologically impaired) do not become sex offenders. Almost overnight, the sex-offender-as-victim paradigm became a pearl of conventional wisdom, a staple of television talk shows and popular print media.³¹

Challenging the Sex-Offender-As-Victim Paradigm

Although it made sense to question these stories—sex offenders’ use of cognitive distortion³² to justify behavior was, after all, well-known—it was not until offenders’ self-reports began to be compared with reports verified by polygraph that the sex-offender-as-victim idea was challenged and discredited. This finding is consistent with that of Hansen and Bussiere, the Canadian researchers, whose highly regarded meta-analysis of sixty-one treatment outcome reports published between 1943 and 1995, covering 28,972 sex offenders from six countries, found that childhood victimization is *not* a predictor of whether the person will commit another sexual offense.³³

Self-Reporting With and Without Polygraph: The Oregon Studies

We culled the data presented in this article from the histories of hundreds of sex offenders seen in a treatment program in Malheur County, Oregon over a period of more than two decades. During its early years, the clinicians there made the same assumption many others did: that sex offenders were victims; and they were as believable and motivated for change as people in therapy for other reasons—clinical depression, for example, or erectile dysfunction. On this basis, histories were gleaned from the offenders themselves, with no attempt to verify the data. By 1983, however, the program’s clinicians had become skeptical about the veracity of the offenders’ self-reported histories, and began to use polygraph examinations to verify them.

The Prosecutor’s Conditional Immunity Agreement

The polygraph testing was begun in 1983, with the authorization of the local district attorney,³⁴ who gave polygraphed offenders conditional immunity from prosecution for unreported prior sexual crimes. This extraordinary concession from the community’s chief law enforcement officer, a crucial piece of the puzzle, was made because of three perceived *needs*, including:

1. The offender *needs* to disclose everything so that the treatment is pertinent.
2. The treatment program *needs* to have credibility with defense attorneys, to encourage guilty pleas and save children the trauma of participating in a public trial.
3. Victimized children *need* to be identified early to begin the process of healing.

The immunity agreement was conditioned on the offenders successfully completing five years of treatment and probation supervision, and not reoffending. The law enforcement rationale was threefold—*hanging offenders’ prior offenses over their head is a management tool that helps ensure compliance with probation/treatment rules; overcoming the secrecy and identifying other victims helped the offenders in treatment; and it also helped the victims who could be identified get treatment.*

Polygraph and the Therapeutic Process

The polygraph tests were administered *after sentencing*, as part of the therapeutic process.

Offenders who were to be polygraphed followed a similar procedure followed by non-polygraphed offenders: they first provided a detailed sexual history covering each incident of abuse plus their own history of victimization, masturbation, extramarital affairs and other sexual activities. They then presented these histories in a therapy group, where they were discussed, critiqued and revised. Finally, the offenders were polygraphed with a single purpose of inquiry: “*Have you purposely withheld or misconstrued information on your victim sexual history?*”³⁵

By comparing the histories of those whose self-reports were not polygraphed with those whose accounts were verified by polygraph, a series of studies found that the polygraphed group differed from the non-polygraphed in several important ways: *they reported many more victims, far less history of having been sexually victimized themselves, and a much higher incidence of having offended as juveniles.* Indeed, those critical numbers were found to reverse themselves when polygraphs were used, creating what came to be called the “Magical X.”

The Pilot Study

The first study, reported in 1988 in the National District Attorneys Association Bulletin, compared the self-reported sexual histories of a group of 98 offenders with polygraphed-verified histories from a second group of 129 offenders.³⁶ This was a retrospective look at data collected from men in the same program, divided into groups treated between 1978 and 1983, and 1983 and 1988. The program was the same, the therapists were the same, and the attitude of the county prosecutor was basically the same throughout. The subjects had all pled guilty to intra-familial sexual abuse crimes, or other child sexual abuse cases that were the product of the multi-disciplinary child abuse team, and the program admitted only individuals who accepted responsibility for their crime. The difference was that the latter group was required to prepare a sexual history, and to pass a full-disclosure polygraph examination on that sexual history as a requirement for successful completion of treatment. The prosecutor gave the latter group immunity, under the conditions described above, for offenses not previously known to the criminal justice system disclosed during treatment. The data are presented in Table A.

The two groups reported essentially the same number of victims pre treatment—an average of about 1.25 per offender. When

TABLE A

Comparing the Histories of Polygraphed and Non-Polygraphed Offenders

	Self-Reporting 1978–1983 N = 98	Polygraphed with Immunity 1983–1988 N = 129
Average number of victims reported pre treatment	1.2	1.3
Average number of victims reported at sexual history	1.5	9.0
Percent who reported being sexually abused as a child	67%	29%
Percent reporting sexually abusing others as a child	21%	71%

TABLE B

Comparing the Histories of Adult and Juvenile Non-Polygraphed Offenders

	Juvenile–No Polygraph N = 42	Adult–No Polygraph N = 98
Average number of victims reported	4.8	1.5
Percent who reported being sexually abused as a child	36%	77%

more detailed histories were taken, however, the offenders who knew they were to be polygraphed (and knew they would be conditionally immune from prosecution) reported an average of 9 victims each—*six times* the number reported by those not subject to polygraph and immunity. Moreover, more than two-thirds of the non-polygraphed group claimed to have been sexually abused as children; in the polygraphed group, however, that number dropped to 29 percent—far more in keeping with studies of the prevalence of sexual abuse in the community generally.³⁷ Finally, the number of offenders who acknowledged committing sexual crimes when they were juveniles rose from 21 percent in the non-polygraphed group to 71 percent in the polygraphed group.

While there may have been unidentified social or cultural influences that affected the data from 1978–1983, versus the 1983–1988 group, these early data strongly suggested that many offenders, if not held accountable for their histories through polygraph testing, would mislead their therapists and probation officers in three critical areas. First, they would grossly minimize the numbers of their victims. Second, they would deny or understate their history of juvenile offenses. Finally, they would greatly exaggerate the rate at which they themselves had been abused as children.

Juveniles in the 1988 Study

While it was not reported in the original published data, the 1988 study also compared the self-reported histories of 42 juvenile sex offenders (who were not in Hindman’s program) with 98 self-reporting (non-polygraphed) adults. The results are presented in Table B.

As this table demonstrates, the juveniles—even though they were not polygraphed and not given immunity—acknowledged significantly more victims than did the adults—three times as many, in fact. While this finding bears further research, it seems likely that the juveniles were simply less aware than the adults of the risks they were taking by admitting to more victims, and were therefore more honest.

Conversely, the juveniles claimed victimization at only about half the rate the adults did: 36 percent of them said they had been sexually abused as children, compared with 67 percent of the adults. Given the polygraph’s tendency to reduce adult offenders’ claims of abuse by better than half (as reported in Table A), it appears that the juveniles were again being more honest. One reason may have been their greater naivete, which would make them less likely to appreciate the amount of sympathy they could invoke by claiming they had been abused.

TABLE C

Comparing the Histories of Polygraphed and Non-Polygraphed Offenders 1988–1994

	Self-Reporting N = 76	Polygraphed with Immunity N = 152
Average number of victims reported	2.5	13.6
Gender of the victims		
Female	83%	53%
Male	17%	47%
Percent who reported being sexually abused as a child	65%	32%
Percent reporting sexually abusing others as a child	22%	68%

TABLE D

Comparing the Histories of Outpatient Juvenile Polygraphed Offenders with Non-Polygraphed Adult Offenders

	Self-Reporting N = 48	Polygraphed/Immunized N = 87
Average number of victims reported	2.1	4.3
Percent who reported being sexually abused as a child	52%	44%

Replicating the Data: The 1994 Study

Within the same treatment program and under highly similar conditions,³⁸ the 1994 study again compared two groups of similarly-situated offenders—76 adult sex offenders who self-reported their sexual histories, and 152 adult offenders with polygraph-verified histories. The former group were seen by the same program for evaluation only, but were either sentenced to prison or were terminated from the program before polygraph testing. The latter group continued into treatment, received immunity, and were polygraphed. The results, reported in Table C, were strikingly similar to the results of the earlier study.

While the number of reported victims per offender was significantly higher for both groups than it had been in 1988, the research conclusions (except those relating to gender, which were not addressed in the original study) were almost identical. Once again, the number of victims reported by the polygraphed offenders was far higher than the non-polygraphed group—more than five times higher this time, as compared with the sixfold increase found in the earlier study. Two-thirds of the non-polygraphed group again reported being sexually abused them-

selves, but that number dropped by more than half in the polygraphed group, just as it had in 1988. Finally, 68 percent of the polygraphed group, but only 22 percent of the self-reporters, admitted juvenile offenses—numbers that almost exactly replicate the earlier study.

Again, a comparison between polygraphed and non-polygraphed offenders revealed that when not subject to verification of their histories, and without the prosecutor's conditional immunity protection that went along with it, offenders tend to understate the numbers of their victims dramatically, deny or understate their juvenile records, and inflate the rate at which they were victims themselves.

Insight Into the Gender of Victims

The second study added a dimension absent from the earlier research, in that offenders were asked to identify the gender of each of their victims. As Table C demonstrates, the offenders in the study (97 percent were male) who did not face polygraph examinations reported abusing females far more often than males, while the polygraphed/immunized offenders reported abusing girls and boys in similar numbers. While the societal stigma

attached to homosexual behavior may account for the discrepancy, it does not negate the implication that non-polygraphed offenders may be routinely understating the numbers of their male victims. Polygraphy may, therefore, have the added benefit of more accurately describing the rate of victimization among male children.

Juvenile Offenders in the 1994 Study

By 1994, the Oregon program was using polygraphs with juvenile outpatients as well as adult offenders. The second study, therefore, compared 87 juvenile offenders whose histories were verified by polygraph (under the same grant of conditional immunity given adult offenders) with 48 adults whose histories were self-reported and did not have the benefit of immunity. The 48 offenders were seen for evaluation only, and not treatment, so did not have the benefit of the District Attorney's immunity agreement. The results are reported in Table D.

As with adult offenders, the juveniles who were polygraphed reported more victims than did their non-polygraphed counterparts—twice as many in this case. While the change was not nearly as significant as it was for adult offenders (whose reported victims grew five- and sixfold in the two studies), the comparison once again demonstrates the power of the polygraph to elicit withheld information. The difference may be, in part, the result of the juveniles' young ages, since they had less time and opportunity to offend and, therefore, fewer victims to acknowledge—or as stated with respect to the juveniles in the 1988 study, they may have been more naive and, therefore, more honest.

The juveniles also differed from the adults in reporting their own histories of abuse. While reports of victimization decreased dramatically among adult offenders when they were subject to polygraphs, juveniles in the polygraphed group reported only slightly less abuse than those in the non-polygraphed group. Moreover, the polygraphed juveniles reported a much higher rate of victimization than the polygraphed adults in either study.

Finally, the 1994 study included six adolescent males from the Nampa Boys Home in Nampa, Idaho, which is an inpatient program. The sample was small and probably not representative of the lower-risk juveniles usually seen in outpatient treatment, but the results were striking enough to be worth reporting as an independent category. The six boys had all

been convicted of sexual offenses and had been in residential treatment for some time. They had already presented histories, in which they reported an average of 2.1 victims each. Five of the six also reported having been sexually abused. The professionals involved with these youth believed their histories, and were focusing on treating them as victims. When polygraphs were added to their treatment programs, however, the boys' reports changed. Table E compares what these six boys said before and after they were subject to polygraph.

As had their adult counterparts, the boys underwent several months of preparation designed to break down denial and encourage honesty, before taking their polygraph examinations. Rather than 2.1 victims each, they now admitted an average of 11.6—once again a change in the five- to sixfold range. In total, they acknowledged 58 victims who would probably never have been known without the polygraph. Even more strikingly, all five boys who had earlier claimed to have been victims of abuse now recanted their stories—while the one boy who *hadn't* claimed abuse now acknowledged it! (His mother, who had abused him over a period of years, was still visiting regularly at the time he was polygraphed. Without that test, he might well have gone on being abused by her for some time, and might never have gotten treatment for his trauma.) Clearly, the polygraph, coupled with the prosecutor's grant of conditional immunity, is a powerful tool to elicit withheld information, and perhaps tell us what we need to know about those children who are offending other children.

Reduplicating the Data— The 1999 Study

Clinicians in the Oregon program continued to gather data from the adult sex offenders with whom they worked. Between 1994 and 1999, 173 adult men were seen in the outpatient program. The men reported their sexual histories upon entrance into the program, and again in preparation for and after their polygraph examinations. Table F compares their reports.

As Table F indicates, there was once again an increase in the average number of victims reported pre-treatment—from 1.2 in 1988, to 2.5 in 1994, to 2.9 in the most recent study. Once again, the polygraph produced a dramatic increase in the number of victims reported—fourfold in this case, compared with the five- and sixfold increases seen earlier. The number of offenders who initially claimed to have been abused was only slightly lower than in the earlier studies, and it too dropped by

TABLE E

Comparing the Histories of Juvenile Offenders in Residential Care Before and After Polygraph Testing

	Pre-Polygraph	Post-Polygraph
Average number of victims reported	2.1	11.6
Reported being sexually abused as a child	83%	17%

TABLE F

Comparing the Histories of Adult Offenders Before and After Polygraph 1994–1999

	Pre-Polygraph	Post-Polygraph
Average number of victims reported	2.9	11.6
Percent reporting being sexually abused as a child	61%	30%
Percent reporting sexually abusing others as a child	27%	76%

more than half when offenders were sentenced, accepted into treatment and polygraphed. The post-polygraph increase in the number who admitted committing sex offenses as juveniles was even more dramatic, and again quite comparable to the earlier studies. Indeed, the three studies produced such similar data that there can be little doubt about the validity of their central thesis: that polygraph testing reveals a significant amount of sexual history likely to be withheld in self-reports.³⁹

Judicial Recognition of Polygraph as a Management Tool

The courts have generally recognized that sex offenders' acceptance of responsibility—including their willingness to fully disclose their criminal histories—is an important factor in determining their amenability to treatment outside of a prison setting.⁴⁰ Judges in both adult and juvenile court are increasingly recognizing that polygraph examinations can enhance the assessment, treatment, and monitoring of sex offenders by encouraging both disclosure of information relevant to risk and compliance with treatment requirements.⁴¹ They have also generally recognized that polygraph monitoring may be imposed as a condition of probation or supervised release, as long as the circumstances are reasonable.⁴² Partly as a result of this increasing judicial acceptance, the polygraph is gradually becoming a common tool in probation and

parole programs for both juvenile and adult sex offenders.⁴³

Immunity for Incriminating Statements Made in Treatment

Requiring defendants to participate in polygraph testing, some say, amounts to an impermissible condition of probation. Proponents of this viewpoint argue that such a condition presents a probationer with a "Hobson's choice" of 1) making statements that could potentially be used against them at a revocation hearing or in a new criminal proceeding, or 2) having their probation revoked for failing to cooperate with the directives of the probation officer.⁴⁴

At its inception, the Oregon program was unique because of the cooperation of the local district attorney in granting immunity from prosecution for previously undisclosed offenses. Recently, other courts have begun to incorporate immunity provisions into their sentencing orders, immunizing offenders who disclose prior crimes during treatment.⁴⁵ In ruling that prisoners can be compelled to disclose past sexual offenses, one court also ruled that when incriminating testimony about prior offenses is compelled through court mandated treatment, it cannot be used against the offender in a later criminal trial.⁴⁶ Courts in Indiana have ratified similar immunity provisions.⁴⁷ Courts in Virginia and Nevada recently resolved the issue by finding that requiring probationers to submit to polygraph

testing does not unduly burden the privilege against self-incrimination, but neither revocation of probation nor any other substantial penalty can be imposed because of a legitimate invocation of the privilege.⁴⁸

That approach is not universal, however, so without an express immunity agreement, an offender may be in jeopardy if he admits to new crimes in treatment. An Idaho state case addressed the implications of requiring sex offenders to be truthful about their sexual histories as part of court-ordered treatment.⁴⁹ A man named Crowe pled guilty to sexual abuse of a minor and was placed on probation. The terms of his sentence required his completing a community-based sex offender therapy program, reporting any contact with minor children, and submitting to polygraph examinations. Crowe signed a standard treatment contract that allowed his counselors to share information with his probation officer. During a treatment session, Crowe failed a polygraph examination and admitted that he had inappropriately touched his ten-year-old niece. At the counselor's request, Crowe made verbal and written admissions to his probation officer about the incident, and as a result his probation was revoked and he was sent to prison. Crowe appealed, arguing that the statements should not have been used against him because he had been threatened with sanctions if he refused to answer questions. The Idaho court held that when the state compels an individual to forego the privilege against self-incrimination by a threat to impose a penalty, the Fifth Amendment applies, even if it is not invoked. The ruling, however, was limited to situations in which the statement obtained was to be used in a new criminal proceeding. Since the statements were used against Crowe in a probation revocation hearing, the court found them admissible.⁵⁰

The Washington State Court of Appeals addressed the issue differently, in a case turning on whether statements made by a probationer during and after a required polygraph exam were admissible in a separate criminal proceeding.⁵¹ In that case, a sex offender named Dods admitted a new offense against a child to a polygraph examiner. After the test, the examiner sent Dods to see his probation officer. The officer advised Dods of his Miranda rights and he repeated his admissions. Later, Dods was convicted of the new offense and challenged the admissibility of both statements, claiming that the first should have been suppressed because he was not given a Miranda warning, and the second because it was the re-

sult of the first. Upholding Dods' conviction, the court decided that unless deliberately coercive or improper tactics were used, the mere fact that Dods made an unwarned admission does not presume compulsion. The court noted that Dods' probation could have been revoked if he had refused the examination, but didn't address the issue of self-incrimination raised in Crowe. Instead, it found that even if the trial judge was wrong to admit the first statement, the error was harmless because the second statement was admissible anyway. Since the first statement had been voluntary, the court reasoned, and since the probation officer had obtained a knowing and intelligent waiver of the defendant's Miranda rights before the second interview, the second statement did not have to be suppressed.

Two lessons can be gleaned from these cases. From the perspective of encouraging sex offenders to be honest and forthcoming in treatment, they underscore the need to have a clear immunity agreement. From the perspective of aggressive and successful prosecution, they point to the importance of training polygraphers to give Miranda warnings before they begin court-mandated polygraph testing.

Implications of Polygraph Testing in Negotiated Pleas and at Sentencing

As the studies reported in this article amply demonstrate, it is common for sex offenders to lie about the numbers of their victims, falsely claim a history of being sexually abused themselves, and minimize or deny their juvenile sex offenses. We therefore strongly recommend that all sex offenders be evaluated and treated by mental health professionals who have developed a specialty in sexual deviancy, who include polygraph testing in their programs,⁵² and who adhere to Code of Ethics and ATSA Practice Standards and Guidelines.⁵³ A paragraph such as the following, inserted in a plea agreement or conditions of supervision, would accomplish that goal.

The defendant agrees that he will submit to an assessment for sexual deviancy conducted by a mental health professional experienced in treating sexual offenders, such as a member of the Association for the Treatment of Sexual Abusers (ATSA).⁵⁴ If treatment is indicated, the defendant, once released from any term of incarceration, will enter and successfully complete a program of treatment for

sexual deviancy. The defendant further agrees to submit to polygraph testing to verify his/her sexual history, and to periodic polygraph monitoring during treatment to help ensure compliance with probation/treatment rules. The defendant further agrees to waive confidentiality and allow the treatment provider to make written reports regarding his/her treatment to the probation department, and to contribute to the cost of such treatment as directed by the probation department.⁵⁵

Conditional Immunity for Previously Undisclosed Crimes

We also strongly recommend using conditional immunity agreements, covering statements made by offenders in treatment, about previously undisclosed sexual crimes that occurred before the conviction and were not known to the government. Without such agreements, offenders will either run the risk of negative consequences as a result of their honesty or, more likely, become further entrenched in denial and dishonesty just at the point where the justice system is attempting to impress on them the importance of acknowledging guilt. The following paragraph, or one similar, can be inserted into plea agreements to accomplish the goal of conditional use immunity:

As a condition of court-mandated evaluation and treatment, the defendant will be required to truthfully reveal his entire sexual history. In recognition of the fact that full disclosure of that history is a necessary component of effective treatment, the government agrees that the defendant's admissions to sexual crimes that occurred prior to conviction for the instant offense, *excluding homicide*, and previously unknown to the government, during court-ordered psycho-sexual evaluation and sex offender treatment, will not be used against the defendant in a new criminal prosecution. See 18 U.S.C. 6002 and *Kastigar v. United States*, 406 U.S. 441 (1972). However, this use immunity is expressly conditioned upon: 1) the defendant successfully completing sexual deviancy treatment, and 2) the defendant not materially violating the rules of probation/supervised release. If the defendant fails to complete all aspects of treatment or fails to comply with all probation requirements, then the use immunity agreement is rescinded.⁵⁶

Summary

This article has reviewed the results of two decades of research comparing the self-reports of hundreds of juvenile and adult sex offenders with reports made after several months of treatment, with the benefit of conditional immunity for undisclosed sexual crimes, and subject to polygraph verification. Among the material findings are:

1. Adults will lie and understate by a factor of five to six the number of sexual crimes they have committed.
2. Adults will lie and under report their history as a juvenile sex offender.
3. Adults will lie and over report their history of childhood sexual victimization.
4. With polygraphs, they disclose six times as many victims and most confess that they were sexually offending as juveniles.

Conclusion

The acceptance of the polygraph as an important tool in the management of adult and juvenile sex offenders has changed the climate dramatically since the first of these studies was published thirteen years ago. Today, the Oregon treatment program that compiled the data is just one of many cognitive/behavioral programs that routinely use polygraph testing, both to validate self-reported histories of juvenile and adult offenders, and to help manage offenders during their terms of probation. Polygraph's importance as a tool for both assessment and management is underscored by the consistency of the data over the 21 years covered by the studies. Today, just as in 1978, adult offenders not polygraphed are very likely to minimize the history of their abusive behavior and to overstate their own histories of victimization, rendering their treatment less effective and their supervision precarious. While juveniles in outpatient programs don't change their reports in the face of polygraphs nearly as much as adults do, there is evidence that higher-risk juvenile offenders may be almost as inclined to dissemble in their self-reports as adult offenders are, and just as inclined to revise their histories under scrutiny. It may be, then, that the polygraph will ultimately prove as valuable a tool with juvenile offenders as it has already become in assessing and managing adult offenders.

Because polygraph examinations introduce some complex legal questions, their use should be approached with care. In most instances, both a grant of conditional immunity from the

prosecutor and a waiver of confidentiality by the defendant will be necessary if polygraph monitoring is to be successful.⁵⁷

Endnotes

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The opinions expressed in this article are those of the authors, and do not necessarily represent the position of the United States Department of Justice.

³David R. Walters, *Physical and Sexual Abuse of Children, Causes and Treatment*, 139-141 (Indiana University Press) (1975).

⁴Anna Salter, *Transforming Trauma: A Guide to Understanding and Treating Adult Survivors of Child Sexual Abuse*, 6-10 (Sage) (1995).

⁵See e.g., *Commonwealth v. Hill*, 2001 WL 557579, *1 (Va. Cir. Ct. 2001); *State v. Reed*, 48 S.W.3d 856, *859 (Tex. App. 2001); *State v. Riles*, 957 P.2d 655 (Wa. 1998); *United States v. Wilson*, 172 F. 3d 50 (6th Cir. 1998) (unpublished - text in Westlaw).

The requirement that participants in treatment admit to their crimes is widely believed to be a necessary prerequisite to successful treatment. See Brendan J. Shevlin, "[B]etween the Devil and the Deep Blue Sea." *A Look at the Fifth Amendment Implications of Probation Programs for Sex Offenders Requiring Mandatory Admissions of Guilt*, 88 Ky. L.J. 485, 485 (2000); Jonathan Kaden, *Therapy for Convicted Sex Offenders: Pursuing Rehabilitation Without Incrimination*, 89 J.CRIM. L. & CRIMINOLOGY 347, 365 n. 103(1998); Scott Michael Solkoff, *Judicial Use Immunity and the Privilege Against Self-Incrimination in Court Mandated Therapy Programs*, 17 NOVA L.REV. 1441, 1450 (1993).

⁶The data discussed in this article was collected through the Malheur County Court approved local treatment program, sanctioned and supported by the Malheur County Interagency Multi-disciplinary Child Abuse Team in Oregon, and by Jan Hindman at several other sources mentioned in the text.

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⁸Louise Armstrong, *Kiss Daddy Goodnight: A Speak-Out on Incest* (Simon & Schuster) (1976).

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⁴²See *Annotation*, *Propriety of Conditioning Probation on Defendant's Submission to Polygraph or Other Lie Detector Testing*, 86 A.L.R.4th 709, S 9(a) at 726-27 (1991). See also *State v. Naone*, 990 P.2d 1171, 1182-87 (Hawaii App.1999); *People v. Miller*, 208 Cal.App.3d 1311, 256 Cal.Rptr. 587 (1989); *Mann v. State*, 269 S.E.2d 863 (Ga.1980) (a condition requiring a probationer to submit to polygraph tests every two months did not violate probationers' right against self-incrimination, and such condition could be imposed, in the discretion of a trial judge, with no more than a general finding of the court that it was reasonably necessary to accomplish purpose of probation).

⁴³Risdon N. Slate & Patrick R. Anderson, *Lying Pro-*

bationers and Parolees: The Issue of Polygraph Surveillance, 60 FED. PROBATION 54-58 (1996). See also *Washington v. Jacobsen*, 977 P.2d 1250 (Wash. Ct. App. 1999) (mere fact that juvenile was ordered to attend pre-sentence evaluation and undergo polygraph testing did not render it "custodial" or "compelled" so as to make Fifth Amendment privilege self-executing and it was not error to admit evidence about the test results at a disposition hearing).

⁴⁴*Commonwealth v. Hill*, 2001 WL 557579, *2 (Va. Cir. Ct. 2001).

⁴⁵*State v. Reyes*, 2 P.3d 725, 727 (Hawaii App., 2000).

⁴⁶*Banks v. Simmons*, 265 Kan. 341, 963 P.2d 412, *cert. denied*, *Hannigan v. Stansbury*, 119 S.Ct. 629 (1998).

⁴⁷*Carswell v. State*, 721 N.E.2d 1255, 1265 (Ind. App. 1999) (noting that "[t]he purpose behind this condition is to help ensure that offenders fully reveal their sexual histories, information that is essential to the development of effective treatment programs. The goal of polygraph examination is to obtain information necessary for risk management and treatment, and to reduce the sex offender's denial mechanisms." *Id.* at 1266, fn. 9.

⁴⁸*Commonwealth v. Hill*, 2001 WL 557579 (Va. Cir. Ct. 2001); *Mangarella v. State*, 17 P.3d 989 (NV 2001).

⁴⁹*State v. Crowe*, 952 P.2d 1245 (Idaho 1998).

⁵⁰*Ibid. Accord United States v. Phelps*, 955 F.2d 1258, 1263 (9th Cir.1992); and *United States v. Gonzalez-Mares*, 752 F.2d 1485, 1489 (9th Cir.1985).

⁵¹*State v. Dods*, 941 P.2d 1116 (Wash. Ct. App. 1997).

⁵²James M. Peters, *Assessment and Treatment of Sex Offenders: What Attorneys Need to Know*, 42 ADVOCATE (IDAHO BAR ASS'N.) 21, 22 (Dec. 1999).

⁵³See *Polygraphy* at 44-48 in *Practice Standards and Guidelines for Members of the Association for the Treatment of Sexual Abusers* (2001). See <<http://www.atsa.com>>.

⁵⁴The Association for the Treatment of Sexual Abusers (ATSA) is a nonprofit organization with a membership of approximately 2,000 professionals worldwide. ATSA publishes an ethical code and practice standards and guidelines to which all members agree to adhere. To identify ATSA members in your area and to obtain a copy of the *ATSA Code of Ethics* or the *ATSA Standards and Guidelines*, contact ATSA at: 4900 S.W. Griffith Drive, Suite 274, Beaverton, OR 97005. Phone 503.643.1023; <<http://www.atsa.com>>.

⁵⁵This condition is used in certain sex offender plea agreements prosecuted by the United States Attorney's Office in the District of Idaho.

⁵⁶*Ibid.*

⁵⁷The authors gratefully acknowledge Susan Sachsenmaier, Ph.D., Ruth H. Williamson-Kirkland, R.N., M.S.N. Sean Ahlmeyer, Peggy Heil, and Jean McNeil for their helpful substantive comments and editorial suggestions.

Reducing *Unnecessary* Detention: A Goal or Result of Pretrial Services?

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ALTHOUGH MANY pretrial services practitioners believe that reducing unnecessary detention is a goal of pretrial services, it is not a requirement or function by statute. Some who believe it is a goal have developed plans to reduce unnecessary detention. Some plans are simple and some are comprehensive. In some districts, simple actions or adjustments may affect the detention rate and, in other districts, more comprehensive plans will be required to reduce detention. There are also influences outside the control of pretrial services that affect the detention rate. In this article I will discuss some of these influences, and some simple and comprehensive ways that districts may reduce unnecessary detention.

Although not a requirement or statutory function of pretrial services, unnecessary detention is mentioned in previous Congressional acts relating to pretrial services. The Speedy Trial Act of 1975 set forth a statutory provision that, "The Director of the Administrative Office of the United States Courts shall annually report to Congress on the accomplishments of the pretrial services agencies, with particular attention to...(2) their effectiveness in reducing the volume and cost of unnecessary pretrial detention." The Pretrial Services Act of 1981 references that the demonstration pretrial services programs "have proven that the programs will meet the objectives of ... reducing the number of defendants unnecessarily confined during the pretrial detention period; ... and reducing the costs of unnecessary pretrial detention." Unnecessary detention was not mentioned in the Bail Reform Act of 1984 nor does any subsequent legislation specifically mention unne-

cessary detention when referencing pretrial services and its functions.

A Plan is Developed in 1994

In January 1994, while the national detention rate was still "reasonable" (approximately 40 percent) but of concern, three pretrial services practitioners¹ developed a national plan to reduce *unnecessary* detention. The term unnecessary was emphasized because these practitioners recognized the need for some defendants to be detained, to assure appearance and protect the community. The plan was based on the premise that one segment of the defendant population could be reached with such a plan—those defendants found to be an appearance risk only. The national failure to appear rate at that time was less than 3 percent, and many alternatives to detention had been developed to address appearance concerns. Those defendants detained solely as a danger were relatively small at the time (14 percent). Although most defendants who fail to appear in the federal criminal justice system are apprehended eventually, those who are not apprehended save the government the cost of prosecution and are forced to lead a secluded life in the United States or flee to confine less desirable to live in. The plan focused on the use of alternatives to detention, which required national financial resources to accomplish. About this same time, a plan was also developed by the Administrative Office of the U.S. Courts to transfer funds to pretrial services offices from the U.S. Marshal's Service to assist in providing alternatives to detention and reduce jail overcrowding and costs. For this reason, a detention reduction plan was timely.

The plan to reduce unnecessary detention did not focus on the outside influences of the increase in detention rate, but on some factors under the control of pretrial services that may have contributed to unnecessary detention. These factors were 1) inefficient operations; 2) over-reliance on the charge or penalty; 3) acquiescence in the presumption for detention; 4) under-use or inappropriate use of alternatives to detention; and 5) inadequate review of detained cases. Let's review each of these factors in more detail.

A review of probation and pretrial services offices revealed a number of pretrial services practices or procedures that reduced efficiency. Some of these include inadequate notice that a defendant had been arrested, inadequate access to the defendant prior to the initial appearance hearing, and inadequate time to verify information or prepare a written report prior to the court hearing. These practices could exist singly, in combination, or at times all together. One or more of these factors reduced the pretrial services officer's ability to properly assess the risks the defendant presented and inhibited the officer from properly formulating a recommendation for release to the court. These practices often resulted in a recommendation for detention or else for release with unnecessary (not least restrictive) conditions of release.

Officers were also often placing too great a value on the defendant's charge or the potential penalty. While the statute presumes detention for some offenses, it is a presumption that can easily be rebutted.² The presumption provision of the statute also does not apply unless the judicial officer finds it does. If officers addressed the presumption

in the pretrial services report, they did so prior to the judicial officer finding that a presumption for detention applies. Officers should assess the defendant with an eye to rebutting the presumption and look for factors why a defendant will not flee or pose a danger to the community. The potential penalty was also given too much weight by the officer. The potential penalty is generally reduced substantially from the time of arrest to conviction, and credits and enhancements with sentencing guidelines, which are unknown at the time of arrest, also affect the sentence. Sentencing guideline computations are also not prepared at the time of the defendant's arrest and should not be computed because of changes that may occur from arrest to sentencing.

Officers often acquiesced in the presumption of detention and made a recommendation for detention rather than attempt to fashion conditions of release to address risks. Defense counsel too frequently did not present information found in the pretrial services report to argue and rebut the presumption. In the absence of any attempt to rebut the presumption, the court had little option but to detain the defendant. Officers often also acquiesced in the request of the government for a three-day continuance of the detention hearing and did not prepare their reports until the time of the detention hearing. This allowed officers more than adequate time to prepare the reports, but perhaps diminished their neutrality and biased their recommendations due to the government's motion for detention. Reports and recommendations should be based on the history and characteristics of the defendant, not the intentions of the government.

Although alternatives to detention existed, they were not always used or used effectively. Home confinement conditions were sometimes imposed on defendants not really in need of that condition, and home confinement was often not the least restrictive condition that could be set. Alternatives were not used to get the riskier defendants released, but added unnecessary restrictive conditions to defendants who probably could have been released without these conditions. Some districts developed a "menu" of conditions that applied to every defendant regardless of background or risk presented. Alternatives were frequently imposed and never removed when circumstances changed with defendants; thus, precious funds for alternatives were expended and offices performed unnecessary work.

The review further revealed that many probation³ and pretrial services officers did

not review the cases of defendants who were detained to see if information needed to be verified or conditions could be fashioned. If an officer conducts a thorough interview and investigation and prepares an objective pretrial services report with verified information, the need to continue to review the case is unnecessary and futile. Some districts have used the Title 18 § Rule 46(g) report prepared by the U.S. Marshal's Service and U. S. Attorney's Office to review detained cases. This also would appear to be an exercise in futility, as information on that report is inadequate to be of any assistance in assessing the release of defendants already detained. In fact, the statute states that a person pending sentence or appeal should be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the community. A number of the defendants found on the 46(g) report would meet this criteria. Pretrial Services' statutory responsibility under this report is to assist the United States Marshal and United States Attorney in the preparation of this report. The report requires the attorney for the government to make a statement of the reasons why a defendant is still held in custody. There are no procedures or requirements connected with this report for the court to review a person's detention or to effect a person's release. The best defense against detaining a defendant is providing adequate information and a solid recommendation to address risks at the initial appearance or detention hearing, in lieu of trying to secure release later. In fact, 33 percent of defendants are released at the initial appearance hearing and only 14 percent are released at further hearings, which supports this view.

The plan presented two phases. Phase one required the support of the court to modify some of its practices and more importantly to release some defendants that would not otherwise have been released. It also required support from related agencies, such as the U.S. Marshal's Service, U.S. Attorney's Office, the defense bar, and community treatment providers. The support of the court was viewed as a prerequisite to the successful implementation of the plan.

Phase two included operational review, critical thinking in pretrial services reports, adoption of the Pretrial Services Supervision Monograph, and financial resource management. The operational review would identify practices and procedures that should be modified to maximize efficient use of re-

sources while fulfilling the statute. After the review was completed, an operational plan was to be established. At the time the detention reduction plan was developed, a report writing monograph was also being produced by the Administrative Office, designed to be followed by pretrial services officers preparing their pretrial services reports. The monograph was finally adopted in 1998. This monograph addressed the misuse of the presumption provision and potential penalty, as well as assisting the officer in focusing on risks posed by the defendant and formulating an appropriate recommendation to address those risks. The designers of the plan also believed that an effective supervision program would serve as an alternative to detention and provide more confidence for judicial officers to take risks in releasing defendants. The Pretrial Services Supervision Publication 111, adopted in 1993, provided districts with procedures for an effective supervision program in their district. Lastly, Phase Two required a review of how funds were being expended in a district, particularly for alternatives to detention. The plan focused on providing more funds for alternatives, but with receipt of more funds, especially from the U.S. Marshal's Service, better management of those funds was required. At times, districts were using these funds unwisely, such as expending exorbitant amounts for drug treatment.

Although the plan appeared sound, it did not receive the needed support at the time to be refined and implemented. Therefore, no pilot demonstration program was attempted to determine its feasibility and effectiveness. Seven years later, others in the federal pretrial services system are now in the planning stages of developing a national plan to reduce the detention rate. The detention rate is at 52.2 percent,⁴ and the failure to appear rate is still below 3 percent.⁵ Even after removing the immigration and illegal alien cases, districts have detention rates as low as 16 percent to a high of 69.5 percent and the national rate is 44 percent.⁶ A review was recently conducted in the district with the highest detention rate, and contributing factors listed in the 1994 detention reduction plan were detected, particularly the preparation of ineffective pretrial services reports and the lack of alternatives to detention. In this district, the lack of understanding of unnecessary detention was also evident from related agencies. The U.S. Marshal was quoted, "Because if the magistrate judges sees fit to release the subject on some sort of bond condition and he takes off, it is my job to find the guy. If they're in jail, you

don't have to go looking for them. It's the old thing; You can pay me now, or you can pay me later."⁷ Although the U.S. Marshal's statement is well intended, I doubt he was aware that he was only talking about fewer than 3 percent⁸ nationally of all defendants released. Hypothetically, if every defendant was released in this district, only about 12 defendants would fail to appear. Most of those would have been apprehended when rearrested and identified as wanted through a national automated database. Before he made this statement, the Marshal advised he spent \$4.4 million last year in detention costs. It is doubtful that apprehending 12 defendants would cost anywhere near \$4.4 million, because the cost of detention is much higher than the cost of apprehending most fugitives. The issues raised in this district demonstrate that the premise of the plan to reduce unnecessary detention offered in 1994 is still sound.

The "Stakeholders"

More recent plans discuss involving "stakeholders" in the detention reduction plan process. It is unclear if the term "stakeholder" is appropriate to use in this context.⁹ However, since the term is being applied to reducing detention, we should ask, "Who are these stakeholders?" Obviously, they would include Pretrial Services, along with the Federal Public Defender and defense bar, the U.S. Attorney, and the U.S. Marshal's Service. It is uncertain if these groups all have an interest in reducing unnecessary detention. Again, Pretrial Services should be a stakeholder, but this is not mandated and there are no incentives for reducing detention. The current workload formula does provide substantial work credit for defendants released under pretrial services supervision, but no credit is given for released unsupervised defendants. The Federal Public Defender and defense bar have a stake in securing release of defendants pending trial so that they may assist in their case defense. It is more difficult for defense counsel to obtain such assistance from a detained defendant, and detained defendants are not as readily available as those released. Some defense attorneys, however, may not be troubled by their defendant's pretrial detention, if incarceration is inevitable, since this counts as jail time credit toward a sentence of incarceration. The U.S. Attorney's Office has a different stake in detention, because they believe they lose a great deal of leverage in their prosecution if a defendant is released. However, these concerns are immediately discounted

when defendants choose to act as confidential informants. They are also concerned with having a defendant flee to avoid prosecution and punishment. The U.S. Marshal's Service also should be a stakeholder to reduce unnecessary detention, to reduce jail overcrowding and the cost of pretrial detention. The cost in 1999 exceeded 400 million dollars, but many take the view of the U.S. Marshal quoted above that releasing defendants only creates work if they fail to appear. Each "stakeholder" has a stake for different reasons, but all are not in favor of reducing unnecessary detention. The plan developed in 1994 included involving many of these agencies, as they all play a part in reducing or increasing unnecessary detention.

Should the Bureau of Prisons, Congress, the community, and the defendant also be considered as stakeholders? After considering their stake in detention, the answer should be "Yes." The Bureau of Prisons has a stake because many pretrial detainees are housed at Bureau of Prison facilities while awaiting disposition in their case. These detainees require a great deal of financial resources to house and take valuable space that could be used for convicted offenders. Congress has a stake in reducing government costs and fund programs. Excessive funds used for pretrial detainees take funds away from other program funding. There is little Congress can do to reduce these costs if defendants are being detained at a high rate. The community also has a stake, not only as taxpayers, but as potential victims if dangerous defendants are released and continue with their criminal activity. The community has a double stake then in reducing detention, in saving funds and in protecting themselves from dangerous or criminally active individuals.

Contributing Factors Outside the Control of Pretrial Services

While the primary premise of this article is that pretrial services may be able to reduce unnecessary detention, it should be pointed out that the rise in detention may be due to factors outside the control of pretrial services. By the end of 1989, the national detention rate was approximately 37 percent, and there was an outcry over increased detention rates and jail overcrowding. Ten years later, the national detention rate was 51 percent, with few concerns about jail overcrowding. This rise in detention could be attributed to many factors outside the control of pretrial services. During this period, there was a 5 percent in-

crease in controlled substance offenses and a 6 percent increase in immigration offenses. The number of illegal aliens processed by pretrial services agencies increased by over 10,000 defendants by 1999. Defendants who refused interviews by pretrial services officers rose over 5 percent nationally. Defendants with prior felony convictions increased by 10 percent, and defendants with prior failures to appear increased by 6 percent. Weapons and firearm offenses were not an offense charged category on the national profile in 1989 prepared by the Statistics Division of the Administrative Office of the U.S. Courts, but were later added and made up 4.5 percent of all federal cases in 1999. From 1989 until 1999, it appears violent offenses and defendants increased, along with illegal alien defendants. These are categories of defendants that are more difficult, if not at times impossible, to fashion release conditions for. These defendants may, in fact, fall into a category of necessary detention. It is also unlikely a defendant will be released by the court without providing information to the judicial officer to make an informed release decision. Therefore, the types of cases and number of refusals may have substantially impacted the national detention rate from 1989 to 1999, but this does not mean pretrial services still cannot have an impact.

Defendants appearing on writs also contribute to an increase in the detention rate, although the numbers of these cases is not high. Because pretrial services is charged with preparing pretrial release reports on individuals charged with an offense,¹⁰ they are therefore required to interview defendants who are serving state sentences. Some of these defendants are serving lengthy sentences and appear for their initial appearance on a writ due to a detainer placed on them by the government. Until the 1984 Bail Reform Act, pretrial services would only interview defendants in federal custody,¹¹ so defendants appearing on writs did not count. It would seem reasonable to not interview these defendants and address bail when they have completed their state sentence. To do this procedurally and to ensure a defendant is not released without addressing bail in the federal courts, a federal detainer would remain lodged on the defendant. This procedure, however, appears to violate the Interstate Agreement on Detainers, Title 18, Appendix 2. One district attempted to overcome writ cases skewing their detention rate by getting their court to enter release orders on some 30 writ cases. This pro-

cedure may be effective and not disrupt the pending federal case, because many of these cases would be disposed of in federal court before being released from their state sentence. A procedure to address writ cases appears to be worth exploring.

Another contributing factor to the high detention rate is the percentage of defendants unable to meet conditions of release. In one large district in 1999, 63 percent of defendants fell into this category. Presumably most of these defendants are unable to meet financial conditions, since those districts with a high rate of defendants unable to meet conditions of release also show a high rate of financial recommendations by the U.S. Attorney's Office. The setting of unmet financial conditions is in opposition to the 1984 Bail Reform Act and the statute. Title 18 § 3142(c) (2) states, "The judicial officer may not impose a financial condition that results in the pretrial detention of the person." This is a sub rosa use of bail to detain defendants, and this practice was eliminated by the Bail Reform Act of 1984. The statute states specifically that a person should be released on personal recognizance, upon execution of an unsecured appearance bond, or released on a condition or combination of conditions or be *detained*. A person should be detained only under an order of detention and not because of the inability to meet conditions of release. But, some 16 years after the Act and implementation of the statute, 8 percent of all defendants are detained because they cannot meet conditions of release.

National and Local Action Plans

Although not mandated to do so, should pretrial services do what it can to reduce unnecessary detention? The answer is "Yes." Reducing unnecessary detention was an anticipated result of establishing pretrial services in the federal system and it should be a result. Pretrial Services cannot be effective in this endeavor without support from the Administrative Office of the U.S. Courts, the judges, U.S. Attorney's Office, U.S. Marshal's Service, defense bar, and community agencies. Pretrial services also cannot be effective without sound operational practices that follow national standards and monographs developed to assist in performing pretrial services functions effectively and efficiently. One problem, however,

is defining what *necessary* detention is. In one large district, the detention rate is a commendable 18 percent, but how do we know whether even this is a *necessary* rate of detention? Such a rate may not be achieved in districts with a high rate of contributing factors, such as illegal alien defendants, refused interviews, and writ cases. However, even in districts with a high rate of contributing factors, a reduction in the rate could still be achieved. The impact these factors may have on a district's detention rate, and even the national detention rate, should be explored.

I believe it is time for a study to help determine a national *necessary* detention rate. We should look at those factors that contribute to low detention rates in some districts and high detention rates in others. Even before our district had a high rate of illegal alien defendants, I was a strong advocate for removing illegal alien defendants from the national detention rate, since Congress did not intend to include them in factors to be considered for release in Title 18 § 3142. Also, defendants appearing on writs, in state custody or serving state sentences should be removed from the national detention rate. Once a study is completed, and factors pro and con are known, and a *necessary* national detention rate is determined, we can either finalize the plan developed in 1994 or develop another plan to reduce *unnecessary* detention nationally in the federal system. In the meantime, we seem to be only "spinning our wheels" and not truly doing anything productive to affect the rate of detention.

Absent a national detention reduction plan, Pretrial Services Offices should do what they can to reduce detention in their districts. They can do this if they follow the national monographs for report writing and supervision, prepare pretrial services reports prior to the initial appearance hearing with verified information, do not address the penalty and presumption, use alternatives to detention effectively to get defendants released who would otherwise be detained, provide information to the court on their release and detention decisions, and meet with those agencies that impact the detention rate to discuss ways to reduce detention. These are some simple steps that can be taken now to counter the rising detention rate. After all, if reducing unnecessary detention is a goal, "Shouldn't we just do it?"

Endnotes

¹Marsh, James R., Miller, Donald S. and Primosch, Thomas F. January 1994. "A Plan to Reduce *Unnecessary* Pretrial Detention in the Federal Criminal Justice System." A Proposal for a Pilot Project and National Implementation.

²*U.S. v. Dominquez*, "Any evidence favorable to a defendant that comes within a category listed in § 3142(g) can affect the operation of one or both of the presumptions, including evidence of their marital, family, and employment status, ties to and role in the community, clean criminal record and other types of evidence encompassed in § 3142(g)(3)."

³In some districts, probation officers perform pretrial services functions.

⁴H-Tables for the twelve-month period ending March 31, 2001.

⁵H-Tables for the twelve-month period ending March 31, 2001.

⁶Green, O. Rene, June 14, 2001. Reducing Pretrial Detention, Federal Corrections and Supervision Division, Project Coordinator.

⁷*Belleville News Democrat*, January 3, 2001, "Local federal court leads nation in cases denied bail."

⁸The 3 percent Failure to Appear rate is based on a 52 percent detention rate, and there may be an assumption that as the number of people released increases so will the Failure to Appear rate. Even if the number of defendants who Failed to Appear in this district were doubled, it still would not cost \$4.4 million dollars to apprehend them.

⁹"1. A person entrusted with the stakes of two or more persons betting against one another and charged with the duty of delivering the stakes to the winner 2. A person entrusted with the custody of property or money that is the subject of litigation or of contention between rival claimants in which the holder claims no right or property interest." Webster's Third New International Dictionary, 1981.

¹⁰"The term 'offense' means any Federal criminal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress (other than a Class B or C misdemeanor or an infraction, or an offense triable by court-martial, military commission, provost court, or other military tribunal)." Title 18 § 3156 (5)(b)(2).

¹¹"The district pretrial services agency will have as its primary duty the responsibility for promptly interviewing all persons in the district who come into United States custody by way of summons or arrest..." Administrative Office of the United States Courts, Probation Division, Pretrial Services Branch, Pretrial Services Manual, not dated.

The Role of the Federal Probation Officer in the Guidelines Sentencing System

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IN THE WORLD of criminal justice pertaining to federal offenders, changes have been apparent during the last 20 years--the advent of more selective investigations by law enforcement, the enactment of prosecutorial statutory "tools" such as RICO, the concern about a more equitable response to white-collar crime, and the attempt to modify disparity in sentence. Most significant is the presence and effect of the Federal Sentencing Guidelines, which represent a determinate approach to the imposition of sentence and have precipitated unforeseen changes. Underlying philosophies and theories governing those changes have served to redefine traditional roles of participants within the system that seeks to do justice. This article addresses the changing role of the federal probation officer in the sentencing process.

What the Guidelines Prescribe

In general, pursuant to 18 USC 3552(a), the federal probation officer is required to

"...make a presentence investigation report of a defendant...and shall, before the imposition of sentence, report the results of the investigation to the Court."

The provisions of Rule 32(b) of *The Federal Rules of Criminal Procedure* (1999) delineate this mandate more specifically. In essence, unless otherwise determined by the court (in exceptional cases), the probation officer must prepare a presentence investigation report, which is to include the officer's categorization of the offense and an application of guidelines issued by the U.S. Sentencing Commission per 28 USC 994(a)(1). Additionally, the officer must provide the sentence range for the offense categorization, and a sentence recommendation.

In the guidelines sentencing era, the presentence report provides the judge with a basis for determining the range of sentence applicable to the facts of the case. The report must contain

(1) the history and characteristics of the defendant, including prior criminal record, financial condition, and any circumstances affecting the defendant's behavior that might be helpful in sentencing; (2) the probation officer's categorizations of the defendant and the offense under the Guidelines, the types of sentences and the sentencing range for these categories, and an explanation of any factors that might warrant departure; (3) pertinent policy statements issued by the Sentencing Commission; (4) the impact of the crime on the victim;... (Leibsohn, Boyce and Moakley, 1996, p. 1290)

Rule 32 (b) (3) prohibits the disclosure of the report to the court or any party unless the defendant has entered a plea of guilty or nolo contendere, has been found guilty or has given written consent to such disclosure.

An Evolving Role

The federal probation officer's role in the presentence phase of the criminal justice process has changed dramatically since the enactment of the U.S. Sentencing Guidelines in November 1987. Previously, the officer, as an "arm of the court," functioned to provide judges with a presentence report that recounted the government's version of the offense, inquired into the offender's criminal and social background, and evaluated the information gathered in terms of its relevance for determination of sentence.

Of course, that function was born in a period reflective of a more indeterminate, rehabilitative tradition requiring an analysis of the factors that motivated an offender's criminal behavior and affording judges clear discretion in sentencing. In this capacity, the probation officer was not readily perceived to be an adversary either of the prosecutor or defense counsel.

However, in the present guidelines system of sentence, the probation officer functions as both an investigator and finder of facts (*U.S. v. Harrington* (1991)). Furthermore, in this role the officer has evolved beyond the traditional rehabilitative base of probation. In this regard, the very relationship of probation to sentencing guidelines has been criticized as reflecting an historical and philosophical inconsistency:

Traditionally, probation officers have been guided in their presentence investigations by a philosophy that put a premium on understanding the causes of an offender's antisocial behavior and evaluating the possibilities of change. Under guideline sentencing, the emphasis will be different. Although the judge will have some discretion to take into account the defendant's potential for change, the dominant task in guideline sentencing is to apply a set of legal rules —The Guidelines—to the facts of the case. (Bunzel, 1995, p.12)

In such a role, the officer has been described as having assumed an adversarial stance toward prosecutor and defense attorney alike:

Relationships founded on the assumption that the probation officer was a neutral agent of the court have been dismantled, or, at least, radically altered. As defender of the Guidelines, the pro-

bation officer presents an obstacle to the prosecutor's discretion in arriving at plea agreements.... Before the Guidelines, defense attorneys developed strong, trusting relationships with probation officers based on the assumption that the officer's focus on rehabilitation would translate into leniency for the defendant. (Bunzel, p.14)

Such a reactive stance, however, may be misplaced. From a sociological perspective, organizational change is prompted by cultural change, which in turn reflects the continuity of social life (Charon, p. 117). The very idea of culture embodies such a principle. The cultural pattern of beliefs, ideas, and values defines institutional systems such as criminal justice in any given era. Underlying philosophical and theoretical perspectives during the past 25 years have redirected the understanding of crime and how to do justice most effectively. Concepts such as "restorative justice" are being developed further and distinctions made between different systems by which defendants are sentenced, with determinate, truth-in-sentencing, and mandatory sentences evoking notable emphasis (Kurki, 1999; Tonry, 1999b). Approaches based on the medical model or rehabilitation have been superseded by a priority on control and punishment as goals of the criminal justice system.

Changes in culture are likely to be accompanied by changes in the nature of roles played within that social environment. Hence, the role of the probation officer, initially and primarily rehabilitative, has developed in response to a changing criminal justice system. To suggest that the probation officer's role should be immutable is inconsistent with a deeper theoretical and historical view of the issue.

During the first 25 years following the inception of the federal probation system in 1925, the nature of the presentence report was relatively undefined. According to Rule 32(c) of the *Federal Rules of Criminal Procedure* (1933), the report was to be prepared for the court before sentence was imposed, unless the court directed otherwise. However, in many courts, "investigations were made in a relatively low proportion of the cases." (Evjen, 1997, p.89) In that era, some judges, who did not require that reports be prepared, relied on information provided by the government and the offender's prior criminal record. Prior to the 1950s, except for juveniles, sentencing alternatives available to the court were restricted to a term of imprisonment or probation. Thereafter, sentencing alternatives were expanded to include a "series of indetermi-

nate and mixed dispositions...including a complex set of sentencing procedures for narcotic law violators." (Meeker, 1997, p.93) Since 1965, a series of monographs has been published for federal probation officers, presenting updated models for preparing presentence reports, and a "core of essential information" to be included. (Hughes and Henkel, 1997, p.105) Until 1987 and the inception of federal guidelines sentencing, that core, which encompassed information pertaining to the offense as well as the offender's criminal and social background, typically lacked any legal analysis on the part of the officer that could affect the sentencing process.

Plea Bargaining and the Probation Officer

The mandate to function as a finder of facts under the sentencing guidelines--based on a review of government records, interviews of case agents and prosecutors, and information that may be provided by defense attorneys--now distinguishes the federal probation officer not only as a more independent operative, but perhaps as a third party adversary in the sentencing process. Furthermore, the officer's responsibility to complete guideline computations in each presentence case, based on supportable facts, may become an obstacle to the plea bargaining process, or at least to the informal agreement that may have been reached by the prosecutor and defense attorney.

Plea bargaining is an "extra-legal" process to which there is no constitutional right (see *U.S. v Mabry* (1993)). The conduct of the government and defendant, in federal cases, is governed by Rule 11(e) of the *Federal Rules of Criminal Procedure*. In general, negotiation of a plea is authorized where a defendant pleads guilty to the offense as charged or to a lesser, related offense (Leibsohn et al., 1996, p.1039). The prosecutor may move to dismiss other charges, make a non-binding sentencing recommendation to the court, agree not to oppose the defendant's request for a particular sentence, or agree that a specific sentence is appropriate in a given case. The government must abide by the specific terms of the agreement. However, while the plea agreement binds only the governmental parties that were party to the agreement, it does not bind the sentencing court or, by extension, the probation officer preparing the presentence report (Leibsohn et al, p. 1041).

Those who reject the belief that the Sen-

tencing Guidelines have eliminated disparity in sentence emphasize that discretion continues, only it has now been transferred from judge to prosecutor (*U.S. v Harrington*). This is especially evident in plea bargaining, where prosecutors are informally empowered to bargain with charge or count alike. However, plea agreements also are contractual in nature (Soni and McCann, 1996, pp.1041-42). As such, prosecutors, who are unwilling to "engage directly in 'sentence bargaining,' must calculate and inform the defendant of his likely guideline range prior to agreeing to a plea of guilt, in order to "avoid unfair surprise." (*U.S. v Harrington*, footnote 11 at 967; see also *U.S. v Pimentel* [1991])¹

Such a transfer of discretion may compromise the hope that in the Guidelines era, sentencing can be less disparate! For now, when pleas of guilt are entered as the result of plea agreements, the judge acts to impose sentence only after the prosecutor and defendant have agreed on the charge of conviction. While a plea agreement is not binding on the court, defense attorneys are more likely to advocate based on the negotiated, estimated sentence in the agreement. Accordingly, the parties and the judge enter the sentencing process with different bodies of information regarding the offense. The "facts" of the case on which the plea agreements are reached may not be the same "facts" underlying the offense itself. As a result, sentencing disparity is not an unlikely result. (Reignamum, 2000, p.78)

Notwithstanding the transfer of discretion from judges to prosecutors, there was some expectation that, in fact, the rates of plea bargaining would be reduced because prosecutors would no longer have multiple options with which to induce defenders to plead guilty. In the absence of published substantive empirical research to date on plea bargaining under sentencing guidelines in the federal criminal justice system, state guidelines sentencing systems have been evaluated. The findings reflect that the proportion of guilty pleas entered pursuant to plea bargaining has remained substantially unchanged. Additionally, "charge bargaining increased and became more targeted (that is, it achieved a desired result, such as dropping an offender to a lower seriousness level of the guidelines)...." (Key Legislative Issues, 1999, p. 6)

In theory, the application of guidelines should not be compromised by plea bargains, since all conduct relevant to the defendant's offense serves as the basis for guidelines application. In reality, there is evidence that the

guidelines are, in fact, the object of bargains:

Sometimes this is done by having the defendant plead guilty to an offense for which the maximum lawful sentence is less than the applicable guideline range. Sometimes it is done by counsel stipulating to facts that omit details that require a stiffer sentence, like weapon use or victim injury or a larger quantity of drugs. Sometimes it is done with the understanding that the judge will ignore the guidelines and that neither party will appeal. (Tonry, 1996, p. 37)

Consistent with this matter, U.S. Circuit Judge Harry T. Edwards, refers to “games” played collaboratively by prosecutors and defense attorneys: “AUSAs (Assistant U.S. Attorneys), often in plea bargains, can affect sentencing by ‘adjusting’ the amounts of... money claimed to be involved in a criminal charge.” (*U.S. v. Harrington* (1991), p.965)

Although plea bargaining is legally extraneous to the sentencing process, it is the vehicle by which the great majority of cases are readied for sentence. Contrary to what popular commercial media (e.g., the television series, “Law and Order”) may portray, most cases do not go to trial, but are settled through plea negotiations.

To understand the federal probation officer’s role in the guidelines sentencing system, it is necessary to transcend the limits of the “legal” metaphor of court processes which relates to the application of “immemorial” rules of law to the circumstances of each case. (Eisenstein et al., 1988, p.5) A sense of uniformity and immutability pervades such a perspective which offers a certain reassurance that the structure of court processes is known and can be analyzed in terms of roles traditionally assigned to its participants. According to Eisenstein et al. (1988), such a metaphor relies too heavily on the belief of “what courts *should* do, not on *what* in fact they do.” (p.9) Court processes, however, can be understood more clearly as “communities” that reflect the content of the legal culture, as well as the individual participants and cultural dynamics of organizational systems. (Eisenstein et al., 1988, p.8; see also Wicharya, 1995, pp.13–14)

How to Include the Probation Officer

There is now a need to include the federal probation officer in the court community or court work-group, in the guidelines system of sentencing. Nardulli et al. (1988) observed that identification in such a group is “affected

by the level of personal interactions in the work-group setting, by long-standing professional, social or even familial relationships . . .” (p.124) At the same time, the participants in such a culture need not be in full or “strong agreement” with each other. (Eisenstein et al., 1988, p.24) Membership in such communities then, is founded in part on the ability to engage in the informal dimension of the court sentencing process. The probation officer appears to meet this criterion. However, a certain “cultural lag” is also present. For while the presentence officer’s presence and relationship to defense attorneys and prosecutors have changed, the attitudes and values underlying plea negotiations, for all practical purposes, have remained the same.

This issue is illustrated by the case of a 45-year-old accountant who prepared tax returns for a client who owned a business. The client’s income, as well as gross business receipts, were under-reported, resulting in a tax loss of more than \$100,000 to the federal government. The accountant entered a plea of guilty to Aiding in the Preparation of False Income Tax Returns, a class E felony, carrying a maximum statutory term of imprisonment of three years. The accountant had signed a plea agreement wherein the prosecutor estimated that sentencing guidelines would enable him to receive a sentence of probation. Subsequently, however, based on the facts of the case and the tax loss determined by Internal Revenue Service agents’ investigation, the probation officer computed the guidelines sentence to be 12 to 18 months. (The facts of the case, including the loss, were based on the officer’s review of government records pertaining to the case, the report of the case agent, and interviews with the agent.) Based on the officer’s calculations, the imposition of a probation sentence was precluded, unless a basis for downward departure could be identified and argued successfully by the defense attorney.

Following disclosure of the presentence report, containing the probation officer’s computations, the accountant’s attorney contacted the officer’s supervisor and argued vehemently that his client should not be at risk for a sentence of imprisonment, and that the plea agreement should be followed in terms of its estimated sentence. The attorney emphasized that his client was a first offender and maintained a legitimate work record as the principal in a financial services business. Furthermore, it was the attorney’s belief that the accountant did not represent the type of offender who should receive a term of impris-

onment. Additionally, the attorney also acknowledged that the sentencing guideline range arrived at during plea negotiations was not based exclusively on the factual circumstances of the case, as determined by the case agent, but was influenced by an attempt by both parties to reach an agreeable disposition of the matter. Such an approach may well be more typical than exceptional in federal guideline sentencing cases.² The likely result is inordinate delays and sentencing adjournments to attempt to explain or justify the factual inconsistencies on which the plea agreements may be based.

In the pre-guidelines era of sentencing, this issue would never have emerged as a problem matter. In that period, sentencing sought to realize two primary goals: public safety and the rehabilitation of the offender. (Tonry 1999a) The judge was empowered to determine the most appropriate sentence, based on myriad factors which included the severity of the offense of conviction, the offender’s criminal history, and the offender’s social background. The presentence reports typically included the prosecutor’s version of the facts of the case and provided the court not only with information about an offender’s social and family characteristics but also with an evaluation and analysis of all information gathered during the presentence investigation that was relevant to sentencing. Accordingly, plea negotiations and the plea agreement, while influential in determining the offense of conviction, did not directly address or influence the kind of sentence the judge could impose. In the guidelines era, however, the probation officer’s role as a more independent participant in the sentencing process necessarily entails changing responsibilities, obligations, and effects.

The criminal justice system represents a socially dynamic process in which change is an essential ingredient. Political, economic, and social factors, themselves subject to historical change, influence the way society views crime, the way the law will be enforced, and what sentencing systems will be used to achieve desired ends. Within the guidelines sentencing phase of criminal justice, change permeates the role played by probation officers, as well as by the judiciary, prosecutors, and defense attorneys.

Federal probation officers continue to prepare presentence reports. However, the format, content, and application of those reports, now governed by sentencing guidelines law, represent a substantially different component

in the sentencing process. Where once discussions and agreements made by prosecutors and defense attorneys, during plea negotiation sessions, presumed the probation officer's role as a rehabilitative agent, the probation officer now functions beholden neither to prosecutor nor defense. The officer, through a presentence investigation, obtains the facts of a defendant's instant criminal involvement for which there is evidentiary support, in order to apply appropriate guidelines and their calculations in each case. Prior to the sentencing guidelines, the probation officer had rarely entered into the legal province of defense and prosecuting attorneys; today the officer enters that domain with a procedural mandate. The presentence report and addenda responses to objections that may be made by prosecutors and defense attorneys necessarily engage the officer in legal decision-making.

Perhaps the challenge is to acknowledge that changes in the guidelines sentencing process represent more than new bureaucratic procedures to be carried out. In fact, the role now played by the federal probation officer in sentencing represents an underlying philosophical change which demands a "new way of thinking, not just another way of doing." (Kurki, 1999, p.3) The nature of plea bargaining, while reflecting traditional procedures, has assumed a somewhat different meaning in the guidelines sentencing era. The acknowledgment of such change would provide the opportunity for more realistic estimates for negotiation and identification of viable mitigating factors. The defendant, through his attorney, and the prosecutor seek a way to dispose of the case in a cost-benefit manner. The guidelines sentencing system especially demands the cooperation and involvement of all parties in order to permit justice to be done based on the offender's criminal behavior and any relevant mitigating or aggravating circumstances. Plea negotiations must be conducted with an awareness of changes in the nature of the information provided to the court for sentencing purposes. The contractual nature of plea agreements, however, indirectly includes the judge, who is responsible to insure that the agreement is supported by evidence in each case. Plea negotiations should be conducted with a more directed awareness of the manner in which the court now makes sentencing decisions. The changing nature of the probation officer's guidelines presentence role is most apparent here.

Conclusion

This article sought to address the federal probation officer's role in a new sentencing era. There is a need to explore other than structural dimensions of such an issue. For example, how do probation officers who prepare presentence reports perceive and experience their role under the sentencing guidelines, in relation to prosecutors, defense attorneys, and the judiciary? In order to ensure the more timely imposition of sentence, should probation officers become informal participants in the initial phase of plea negotiations to facilitate a more fact-based agreement and decisions by prosecutors and defense attorneys regarding charge bargaining? The court system as a community needs to explore such issues.

Endnotes

¹The court in *Pimentel* provided further reflections on the issues of plea bargaining and the transfer of discretion. First, prosecutorial reluctance to participate in sentence bargaining may be based on a concern by prosecutors that such bargaining would be perceived by judges as intrusive. The court, however, remarked that given the restriction of their traditional role in sentencing under the guidelines, judges would not likely perceive sentence bargains as "undue... intrusions." (p. 1033) Second, prosecutors' hesitancy in this matter may also be based on the belief that their ability to induce greater cooperation from the defendant would be jeopardized.

²Such a hypothesis is based on the author's personal experience as supervisor of a presentence unit in a large, urban U.S. Probation Department, since the inception of the sentencing guidelines, and from discussion with representatives of other federal probation offices throughout the country. An alternative practice used in some probation offices involves the preparation of a draft copy of the presentence report, which is reviewed by the defense attorney and the prosecutor and discussed with the probation officer. Such discussion typically includes objections by the defense attorney to the officer's guideline decisions and the attempt to resolve such disagreements. However, even in this practice, the probation officer's reliance on the facts of the case, including relevant conduct, as established with at least preponderance of the evidence, represents a central issue.

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Arming Probation Officers: Enhancing Public Confidence and Officer Safety

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PROBATION AND PAROLE officers in the United States continue to express concern and fear over possible violent victimization when conducting field work. This concern has continued to fuel the debate regarding probation officer safety and has led to calls from many quarters to arm these officers (Cohn, 1997). Ten years ago, Brown (1990) stated that “The academic world has largely ignored the issue of carrying firearms, perhaps because of the general perception that the probation and parole officer’s role is as a counselor or even advocate of the probationer or parolee.” However, in recent years more probation agencies have moved toward a control model of supervision, complete with arrest powers, and carrying of firearms by probation officers has become increasingly common (Abadinsky, 2000). Those who oppose arming probation officers believe that arming will increase the attitudes and beliefs that are consistent with that of law enforcement, while decreasing the equally important goals of social worker for the purpose of reintegrating the offender back into the community. Opponents of arming also are concerned that officers who carry firearms may tend to escalate a situation with an offender to the point where injuries and death occur (Champion, 1996). And once a probation officer is armed, he/she may become more authoritative, forceful, and law-enforcement oriented, while the probation department’s goals and philosophy might shift from rehabilitation and reintegration to law enforcement and security.

In this article, we will present four major changes in corrections and specifically address how these changes have influenced the type and manner of services provided to the community and the impact on the traditional service expectation by probation departments. We will examine the firearms issue, suggesting that probation departments should allow certain POs to be armed if the need to do so has been demonstrated and identified, a position consistent with that taken by the American Correctional Association.

The Role of the Probation Officer

What is the role of the probation officer? Despite entering a new millennium, the issue is no closer to being answered today and may, in fact, be more divided than ever. Since the inception of probation in the 19th century, the traditional role of the probation officer (PO) has been compared to that of a social worker or helper. This can lead to a concentration on issues and factors typically viewed as being beyond the control of the offender. These factors may be sociological, psychological, biological, or a combination, and can include such issues as addiction, abuse, mental illness, lack of education, and poor job skills. The practices of this philosophical orientation revolve around assisting in the rehabilitation of the probationer through treatment, skill development, and the attempt to reintegrate the offender into society. The rehabilitation emphasis focuses on treatment strategies like drug and alcohol counseling, behavior modi-

fication, education, vocational training, and providing “life” skills.

In the last two decades, a new “law enforcement” emphasis has emerged focusing on *community safety* and *offender accountability*. In this approach, the role of the PO is more closely associated and identified with that of a police officer. Typically, the enforcement-oriented PO holds that offenders possess free will and can control their behavior despite various positivistic pulls and pushes. As a consequence, probationers who fail to abide by the conditions of their probation should be held accountable. Although holding offenders accountable for their actions has always been a part of probation, the conservative 1980s and 1990s has placed a greater emphasis on free will and accountability. Consequently, accountability has taken on new meaning with profound consequences for how probation officers perform their supervision function. Community corrections has been forced to integrate the control model to a greater extent than in past decades when the social-worker role predominated.

Today, it has become common for a PO to take a proactive role in the enforcement of probation conditions by monitoring, conducting surveillance, employing search and seizure, administering frequent drug tests, and accompanying police in the field on related enforcement activities. If probationers fail to comply with the conditions of supervision in the rehabilitative model, they are likely to be given a second chance and offered a *rehabilitative* alternative. In the enforcement

model they are likely to receive a *punitive* sanction commensurate with the severity of the violation, including arrest and revocation. However, with both models the *consequence* may contain both punitive and rehabilitative elements such as placement in a therapeutic community.

Although aspects of both roles have existed in probation since its inception, the blending and implementation of these two conflicting philosophical roles is the major contributing factor to ongoing debate in corrections, and a primary source of role conflict for the officer.

Times Have Changed

As noted, the last two decades have seen major changes in the criminal justice system. These include a more punitive approach, with a shift to determinate sentencing, mandatory minimums, and a greater reliance on incarceration (Johnson & Jones, 1994). Some changes have dramatically affected the nature of correctional work. For instance, U.S. probation officers are increasingly supervising offenders who are more violent and dangerous.

In the mid-70s, serious concerns were raised about this (Martinson, 1974). This marked a major shift in philosophical views about how to best deal with criminals, setting in motion changes that significantly impacted correctional policy and practices. In 1978 the California state parole officers association sued the California Department of Corrections for the right to carry firearms in *California State Employee's Association and Charles Swim v. J.J. Enemoto et al.*, 53863 Superior Court, Shasta County (August 17, 1978), and were legally armed for the first time following the agency's unsuccessful appeal in 1979 (Keve, 1979). The *get tough on crime* philosophy resulted in the elimination of most rehabilitative practices, such as the indeterminate sentence, an emphasis on rehabilitation, early release on parole, and liberal good time statutes. Instead, the criminal justice system has increasingly relied on incarceration and the death penalty as major strategies to control crime through deterrence, retribution, and incapacitation. Determinate sentencing and mandatory minimums significantly impacted corrections by reducing the judiciary's discretion over the types and lengths of sentences imposed. As a result, more offenders are sentenced to local, state, and federal prisons for longer periods of time (U.S. Department of Justice, Bureau of Prisons, 2000).

From year-end 1990 to midyear 1999, the rate of incarceration increased from one in every 218 U.S. citizens to one in every 147. In 1990, there were 1,148,702 inmates incarcer-

ated in our jails and prisons. As of June 1999, that number had increased to 1,860,520 nationally, with California having the highest inmate population in the country at 164,523. With current growth rates, it is projected that the number of inmates incarcerated in the United States will reach 2,000,000 during 2001. Not only are more people being incarcerated than ever before, but the number of women and minorities have also significantly increased. The female inmate population has nearly doubled from 44,065 in 1990 to 87,199 in 1999. Again, California has the highest female population in the United States at 11,692, nearly 13.5 percent of the total nation's female population (Beck, 2000).

In California, there are now 33 state prisons and 38 camps, all of which are overcrowded to some degree (California Department of Corrections, 2000). In addition to the specific issues related to prison overcrowding such as funding, officer and inmate safety, and philosophical concerns, overcrowding has caused a greater reliance on the use of probation as an alternative to imprisonment. Consequently, more individuals are being placed on probation for a wider range of criminal offenses (Linder, 1992). Many crimes that at one time would have resulted in a prison sentence are now being granted probation. This increase in serious offenders on probation has significantly impacted how probation supervision and services are implemented.

A Different Probationer Population

Since the 1980s, the demographic make-up of the probation population has changed markedly. According to the U.S. Department of Justice (Bonczar & Glaze, 1999), there were 2,670,234 adults on probation in the U.S. in 1990. By 1998, the number had mushroomed to 3,417,613 or an increase of 28 percent. Of this number, 57 percent were on probation as a result of a felony, 40 percent for a misdemeanor, and 3 percent for other infractions. In 1989, California had 285,018 adults on probation, 117,189 (41.1 percent) of whom had been convicted of at least one felony, and 167,829 (58.9 percent) of whom were on supervision following conviction for a misdemeanor. At the end of 1998, there were 324,427 adult probationers statewide, 229,681 (70.8 percent) for felony convictions. The remaining 94,746 (29.2 percent) were on probation for a misdemeanor. In large metropolitan areas this difference may be

even more pronounced. Today, probation is being granted to offenders with more serious criminal behaviors, greater drug abuse histories, and increased severity concerning current criminal activities (DelGrosso, 1997).

In 1998, in Orange County, California, 95.1 percent of all adult probationers were being supervised for at least one felony conviction, with the remaining 4.9 percent on supervision for a misdemeanor (California Department of Justice, Office of the Attorney General, 2000). According to data compiled by the Orange County Probation Department (Robinson, 2000), as of November 1999, 46.6 percent of felony probation cases involved *drug crimes*, 21.6 percent represent crimes against person(s) (e.g., robbery, assault), 16 percent are *property crimes* (e.g., burglary, theft), and 6.2 percent are *other crimes* (sex offenders). The remaining 9.6 percent are misdemeanor cases.

Because of the increase in felony probationers, administrators and probation officers have had to make adjustments in case prioritization, officer safety, and the allocation of resources. Case prioritization means that given a fixed number of personnel and resources, a line has to be drawn, separating those cases that *must* be supervised from those cases that *should* be supervised. Lesser crimes that traditionally would have received a good deal of supervision on probation are now being granted informal probation, which essentially means little or no supervision. The lesser cases that actually make it to formal probation are often chosen partly for political considerations, such as domestic violence or driving under the influence (DUI) cases. Because of the need to supervise the high-risk offenders on probation, those cases that do not represent a serious threat to the community are more likely to be terminated early, relieved of formal supervision, or sent to unsupervised caseloads.

Many probation departments now have revised mission statements using terminology such as community safety, probationer accountability, and victim advocacy, all traditionally associated with law-enforcement functions (Robinson, 2000). Although rehabilitation is still a major goal for most probation departments, there is increased attention to risk assessment. High-risk offenders such as child molesters and gang members are now being granted probation, with their risk to the community being carefully assessed. Probation departments have had to develop new policies and procedures to supervise high-risk offenders.

A New Type of Supervision

In traditional probation supervision, a probation officer has a caseload of mixed offenders. In some instances, the cases may be separated into misdemeanor and felony caseloads, but often they are based on geographical supervision considerations such as neighborhoods, zip codes, cities, and court jurisdictions. As higher-risk offenders are being placed on probation, it is becoming clear that there are new issues that must be addressed, especially officer and community safety considerations.

With the greater emphasis on community safety and offender accountability, probation officers have increased the amount and type of direct field supervision contact and interaction they practice. In many cases, officers are regularly entering the field with the express purposes of making arrests, conducting surveillance, exercising search and seizure, and investigating probation violations. This may or may not be a great departure from the traditional probation role related to monitoring. However, what is different is that POs are now increasingly conducting and participating firsthand in enforcement-type field activities, often without the benefit of police backup. It is now common for POs to participate in mobile vehicle surveillance, search and arrest warrant services for new law violations, gang task forces, and even "reverse" and "sting" operations.

In some instances probation officers are assigned and actively participate in multi-agency task forces or other collaborative efforts. Typically, these involve various law enforcement agencies with the specific intent of targeting specific offenders for purposes of criminal investigation, arrest, and prosecution. Law enforcement frequently relies on probation officers for information concerning the probationer's residence, living situation, current behaviors, and cooperation level with authority figures. In addition, probationers typically have specific conditions, such as search and seizure, that are of considerable benefit to law enforcement. Probation, in turn, relies on law enforcement for better protection when interacting with high-risk offenders in the community. These task force collaborative efforts are predominately enforcement-centered activities. However, collaborative efforts with other criminal justice agencies need not always be enforcement oriented. The best example of a non-enforcement, multi-agency, collaborative effort today is the drug court. In drug court, the judge, district attorney, defense counsel, probation

officer, law enforcement, and health care agencies all come together to meet a common goal, the rehabilitation and reintegration of the drug abuser back into society.

One way departments increasingly are addressing the community safety issue is by *specialized* caseloads supervised by a probation officer with training specific to the type of offender being supervised. Gang members, narcotics offenders, domestic violence, rapists, and sex offenders are examples of offenders that may be targeted for a specialized caseload. Typically, these specialized caseloads have a higher degree of enforcement activity because of the serious nature of the crimes. However, specialized caseloads can also be used to address offender needs in a more intense manner. Drug courts, the mentally ill, and early intervention of high-risk youth are examples of cases that can benefit from the same intense supervision strategy, but in a traditional rehabilitative context.

Arming Probation Officers

With specialized caseloads and increased enforcement activities come special safety concerns. Placing a number of high-risk offenders on the same caseload with intense enforcement-oriented supervision can heighten concern for PO safety issues. One way departments have addressed this issue is by permitting POs to carry firearms.

Whether POs should be armed continues to be a fiercely debated topic in corrections today. In the federal probation system, all but 11 of the 94 federal judicial districts permit U.S. probation officers to carry firearms. A review of the literature reveals three major issues related to arming: philosophy, liability, and officer safety (Brown, 1990; Sluder, et al., 1991; DelGrosso, 1997).

The philosophical debate revolves around whether a probation officer can effectively perform traditional probation work while armed, with traditionalists tending toward the negative anti-arming response and enforcement-oriented POs tending toward the positive. The traditionalists believe that carrying a firearm contributes to an atmosphere of distrust between the "client" and the probation officer, ultimately impacting the ability of the officer to be an effective agent of change. Enforcement-oriented probation officers, on the other hand, commonly view a firearm as an additional tool to protect themselves from the risk associated with increased interaction with violent, serious and/or high-risk offenders (Sluder, et al., 1991).

The second major consideration is the liability potential for both the individual officer and the department if the weapon is used or discharged. A related issue also distinguishes between carrying a firearm on-duty versus off-duty. The use of deadly force and the liability associated with it are extremely important issues for both the officer and the department. Another major issue involves the department's liability if an officer is injured or killed in the line of duty, and it can be proven that the officer might have survived if he or she had been armed (DelGrosso, 1997).

One of the most contested facets of arming involves the actual and perceived safety of the officer. While most departments acknowledge that probation work poses some level of risk to the officers, the level of dangerousness is actively debated. Nationally, probation officers are increasingly voicing a concern for their safety when conducting field activities (Linder & Koehler, 1992; DelGrosso, 1997). Until recently, there was little empirical data concerning the types and frequencies of assaults involving probation officers and field supervision. In 1993, the federal probation and pretrial officers association conducted a national survey of agencies nationwide concerning the type and number of serious assaults against officers while on duty. In the study, over 459 or 48 percent of the agencies responded. A number of major metropolitan cities did not respond, making it likely that the data may *under-represent* the number of assaults against probation officers (Bigger, 1993). Bigger reported a total of 1,818 serious physical assaults, with an additional 792 attempted assaults against officers between 1980 and 1993.

The Administrative Office (AO) of the U.S. Courts recorded 178 hazardous incidents that were reported by U.S. probation and pretrial services officers for 1998 (*News & Views*, 1999). Of these incidents the most common were phone, letters, or indirect threats (48), followed by "dangerous" situations (29), and animal attacks (26). There were 17 instances of individual and crowd intimidation and 15 situations involving firearms or edged weapons. The AO also recorded 8 verbal threats against USPOs and U.S. pretrial services officers and 2 unarmed assaults. The incident perpetrator was the offender in 45 percent of the cases and another person was responsible 35 percent of the time. The majority of incidents occurred in the field (56 percent) while 28 percent were recorded in the office.

A Different Probation Officer

In probation today, an officer's individual preferences and philosophies are often held in check by the department's command structure and policies. Because POs with more years of service are likely to have been hired at a time when probation work was associated with treatment and social work, these officers are more likely to subscribe to the rehabilitative model. In short, the older the PO, the more likely it is that he or she is treatment oriented. Because newer POs have been educated in a "get tough" era, they are more likely to be enforcement-oriented. At a minimum, a new officer's idea of effecting change is more accountability driven, a concept consistent with a law enforcement approach to supervision. Today, it is widely accepted that the medical model, which was widely used in probation 25 years ago, has largely proven ineffective in a correctional environment. Consequently, newer officers are more likely to use social learning theory and behavior modifications models that have experienced greater success (Gendreau & Ross, 1983). These models typically possess a higher degree of offender accountability and thus are more consistent with the law-enforcement model.

In most agencies there are multiple PO generational philosophies within the same department, each influencing and being influenced by the others. The successful transition of a department's integration and implementation of philosophy through policy and procedure depends on the successful blending of the two opposing philosophies. The idea should be to develop an effective supervision strategy to best supervise the most cases based on individual circumstances. One way this can be accomplished is by matching a person's philosophy or supervision style (matching PO and offender) with the caseload or assignment that best fits him or her. If a person subscribes to an enforcement philosophy, then that officer will do better in a caseload that requires more monitoring of conditions than facilitating counseling. Conversely, those that subscribe to treatment are better suited in treatment opportunistic caseloads. This is obviously much easier to accomplish in large metropolitan departments where there is a large personnel pool of varying philosophical ideologies. Smaller jurisdictions may demand a greater flexibility on the part of the probation officer to perform a variety of functions and duties.

Protecting the community has always been a part of probation's mission; however, with

an increased emphasis on achieving this goal through the control of the offender, probation officers are increasingly engaged in more police-type activities. These activities will inevitably change how probation agencies operate. Unfortunately, with these new activities and responsibilities come increased safety concerns.

Conclusion

The view of the authors on the issue of arming probation officers is consistent with that supported by the American Correctional Association, which indicates that there should be a *demonstrated need* for firearms, and once the need is established there should be adequate and ongoing training. Therefore, the first priority is to identify the *need* to carry a weapon by officers that are employed in high-risk assignments. Examples of such assignments might include specialized violent or sex offender caseloads, gang units, officers responsible for executing violator warrants, and officers on assignment to a local or federal task force. In addition, the department will want to closely examine and assess areas that pose a significant danger to officer safety when conducting field work. In establishing the criteria to justify carrying a weapon on duty, departments will also want to explore other available options short of carrying a firearm like training in verbal de-escalation, techniques of holding and stunning, direct mechanical control without weapons, the use of chemical agents, and the ability to disengage. In assignments where the risk is less apparent these options may be sufficient. We believe that officers should not be required to carry a firearm if they are philosophically opposed to arming. Providing an "option" allows for a better PO/assignment match with less officer resistance and resentment. The optional arming approach should provide a large enough pool of officers who want to carry firearms to satisfy the safety needs of the department. For those departments that have a large number of high-risk assignments or caseloads requiring the arming of most officers, arming should be implemented gradually.

A possible outgrowth of arming is that as probation officers come to be thought of as more like the police in protecting public safety, the image of probation may be enhanced in the public eye. In fact, public support for treatment may well be amplified when probation is trusted to put community and officer safety first.

What is not changing are individual role perceptions. Some traditional purists are de-

voted to a positivistic philosophical orientation that can no longer be broadly applied to all or even most offenders without considerable risk to the officer and the community. Consequently, efforts must be made to better integrate law-enforcement strategies into the traditional treatment approach. Both treatment and enforcement orientations can be blended to provide an enhanced rehabilitation-community protection supervision style, but the use of both strategies is critical.

Enforcement techniques can help accomplish a number of rehabilitative goals. Increased monitoring can achieve increased community protection, closer supervision for high-risk offenders, and quicker interventions. Drug testing and search conditions can help the PO verify the probationer's level of compliance. For offenders unimpressed with probation and unmotivated to make constructive life changes, enforcement-related sanctions can be used to induce motivation. For those actively participating in treatment programs but still experiencing difficulty, like submitting "dirty" urine tests, close monitoring and surveillance is an effective way to detect relapse at the earliest possible time. An assessment can then be made about the need for more intensive treatment strategies.

Enforcement and accountability are strongly supported by the general public and they need not be viewed in a negative light by practitioners who support a treatment approach. The heightened emphasis on accountability and our law-enforcement role is simply the latest shift in an ever-evolving system. Many agencies throughout the United States have clearly demonstrated that community and officer safety considerations need not conflict with goals of offender rehabilitation.

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The Impact of Victim-Offender Mediation: Two Decades of Research

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INNOVATION IS OFTEN used in criminal justice as a code word for reform. From a jail to a penitentiary (theoretically inspiring penance), to a reformatory, to a corrections center, to a halfway house, to a therapeutic community, to community corrections, to boot camps, to restorative justice, to whatever the next catchphrase might be, reform has too often meant changing the name without radically changing program content or underlying values. It has also often been the case that the latest justice innovation captures the imagination and zeal of a vocal following without the slightest scrutiny. Thus policies and supporting dollars outdistance the needed empirical research to determine impact and to help shape programming. Frequently, the result of enthusiasm without a critical eye is flash-in-the-pan programming, frustrated policy-makers, disheartened workers, and ill-treated victims and offenders.

As the oldest and most widely used expression of restorative justice throughout the world, with more than 1,300 programs in 18 countries (Umbreit, 2001), victim-offender mediation, too, has, at times, attracted more zeal than substance. Some see VOM as the solution for an entire juvenile court jurisdiction, or the means to handle efficiently all restitution cases, or to mollify victims while staff get on with what really needs to be done. Some have said, "This is what we have been waiting for. We will assign one probation officer to manage the 1,000 cases that we expect will involve restitution and that can be handled through the VOM process." Other justice system officials ask, "How do we fold VOM into what we already do without costing more or changing how we handle youth?"

Fortunately, many have tried to keep the expectations of VOM reasonable while assuring officials and policy-makers that it is not a single-program panacea. And there have been numerous efforts to empirically evaluate and assess the working of the programs in a variety of settings during the last 20 years or so. In fact, more studies have examined the impact of victim offender mediation than numerous other mainstream correctional interventions that our nation spends millions of dollars on each year.

While modest in proportion to many larger scale reforms, victim offender mediation is one of the more empirically grounded justice interventions to emerge. This overview of empirical studies designed to assess the growth, implementation, and impact of victim-offender mediation programs is based on a review of thirty-eight (38) evaluation reports. No doubt there are more. These studies have taken place in 14 states and the District of Columbia, four Canadian provinces as well as in England, Scotland, and New Zealand. Included are simple but informative post facto studies along with 12 that incorporate comparison groups. Five of the studies consist of in-depth secondary analysis, which often is a mark of a field of inquiry moving beyond immediate programmatic and policy questions to longer-range questions of causality. Most of the studies are quasi-experimental designs. Several studies offer more rigorous experimental designs with random assignment of subjects and higher-level statistical analysis.

While specific studies focus on particular sets of questions germane to local interest, overall, they address questions of consumer satisfaction with the program and the crimi-

nal justice system, victim-offender mediation as a means for determining and obtaining restitution, victim-offender mediation as diversion from further penetration into the system, and the relationship of victim-offender mediation to further delinquency or criminality.

The remainder of this article considers the consequences of victim-offender mediation over the past 20 years. Those consequences are divided into the following topics: 1) client satisfaction, 2) client perception of fairness, 3) restitution, 4) diversion, 5) recidivism, 6) costs, and 7) VOM and crimes of violence.

Some topics such as client satisfaction, client perception of fairness, and restitution are considered in most of the studies under review and we are only able to provide a sense for the overall findings while offering an illustrative flavor of a few specific studies. Other topics, such as recidivism and costs, are addressed by only a handful of studies and we will provide a bit more detailed information regarding these.

As one might expect, victim-offender mediation programs are called by many names and share an array of acronyms reflecting philosophical, regional, and cultural characteristics. Whether referred to as "victim-offender mediation," "victim-offender dialogue," "victim-offender conferencing," or "victim-offender meetings," nearly all of these programs provide an opportunity for crime victims and offenders to meet face-to-face to talk about the impact of the crime on their lives and to develop a plan for repairing the harm. Most programs work with juvenile offenders, a growing number with adult offenders, and some with both. The vast majority of victim-offender mediation programs are "dia-

logue driven" rather than "settlement driven" (Umbreit, 1997). To reduce confusion in the following discussion of a large number of studies, programs will simply be referred to as victim-offender mediation, or VOM.

Client Satisfaction

Victim offender mediation proponents often speak of humanizing the justice system.

Traditionally, victims have been left out of the justice process. Neither victim nor offender have had opportunities to tell their stories and to be heard. The state has somehow stood in for the victim, and the offender has seldom noticed how his or her actions have affected real, live people. Victims, too, have been left with stereotypes to fill their thoughts about offenders. Reformers believed VOM offered opportunities for both parties to come together in a controlled setting to share the pain of being victimized and to answer questions of why and how. Personalizing the consequences of crime, it was thought, would enhance satisfaction levels with the entire justice process.

The vast majority of studies reviewed reported in some way on satisfaction of victims and offenders with victim-offender mediation and its outcomes. Researchers found high levels of participant satisfaction across program sites, types of offenders, types of victims, and cultures.

Before exploring the nature of this satisfaction further, we should note that across these studies, from 40 to 60 percent of those offered the opportunity to participate in VOM refused, making it evident that participation is a highly self-selective process. Typically, these refusals came from victims who 1) believed the crime to be too trivial to merit the time required, 2) feared meeting the offender, or 3) wanted the offender to have a harsher punishment (Coates and Gehm, 1985; Umbreit, 1995). Gehm, in a study of 555 eligible cases, found 47 percent of the victims willing to participate (Gehm, 1990). In this study victims were more likely to participate if the offender was white, if the offense was a misdemeanor, and if the victim was representing an institution. The practical experience of VOM programs, however, is not consistent with this finding.

Offenders were sometimes advised by lawyers not to participate (Schneider, 1986). And some simply didn't want "to be bothered" (Coates and Gehm, 1985).

The voluntary nature of VOM is a self-selection factor overlaying these findings. The high levels of satisfaction may have something to do with the opportunity to choose. Perhaps those

who are able to choose among justice options are more satisfied with their experiences.

Several studies noted victims' willingness to participate was driven by a desire to receive restitution, to hold the offender accountable, to learn more about the why of the crime and to share their pain with the offender, to avoid court processing, to help the offender change behavior, or to see that the offender was adequately punished. Offenders choosing to participate often wanted to "do the right thing" and "to get the whole experience behind them" (Coates and Gehm, 1985; Perry, Lajeunesse, and Woods, 1987; Umbreit, 1989; Roberts, 1995; Umbreit, 1995; Niemeyer and Shichor, 1996).

Expressions of satisfaction with VOM are consistently high for both victims and offenders across sites, cultures, and seriousness of offenses. Typically, eight or nine out of ten participants report being satisfied with the process and with the resulting agreement (Davis, 1980; Coates and Gehm, 1985; Perry, Lajeunesse, and Woods, 1987; Marshall, 1990; Umbreit, 1991, 1994, 1995; Umbreit and Coates, 1993; Warner, 1992; Roberts, 1995; Carr, 1998; Roberts, 1998).

Participants in one British study (Umbreit and Roberts, 1996) yielded some of the lowest satisfaction scores among the studies reviewed. While 84 percent of those victims engaged in face-to-face mediation were satisfied with the mediation outcome, the bulk of the victims did not meet face to face with an offender. For those involved in indirect mediation, depending on shuttle mediation between parties without face-to-face meetings, 74 percent were satisfied with their experience. These findings were consistent with an earlier study based in Kettering, where a small sub-sample of participants were interviewed, indicating 62 percent of individual victims and seventy-one percent of corporate victims were satisfied (Dignan, 1990). About half of the offenders responding reported being satisfied. Participants involved in face-to-face mediation were more satisfied than those who worked with a go-between.

Victims often reported being satisfied with the opportunity to share their stories and their pain resulting from the crime event. A victim stated she had wanted to "let the kid know he hurt me personally, not just the money . . . I felt raped" (Umbreit, 1989). Some expressed satisfaction with their role in the process. One victim said: "we were both allowed to speak...he (mediator) didn't put words into anybody's mouth" (Umbreit, 1988).

Another female victim indicated, "I felt a little better that I've stake in punishment"

(Coates and Gehm, 1985). Another indicated that "it was important to find out what happened, to hear his story, and why he did it and how" (Umbreit and Coates, 1992). Numerous victims were consumed with the need for closure. A victim of violent crime indicated that prior to mediation, "I was consumed with hate and rage and was worried what I would do when he got out" (Flaten, 1996).

Of course not all victims were so enamored of the process. A distinctly small but vocal minority of victims were not pleased with the program. A male victim complained: "It's like being hit by a car and having to get out and help the other driver when all you were doing was minding your own business" (Coates and Gehm, 1985). A Canadian stated: "The mediation process was not satisfactory, especially the outcome. I was not repaid for damages or given compensation one year later. The offender has not been adequately dealt with. I don't feel I was properly compensated" (Umbreit, 1995).

Offenders generally report surprise about having positive experiences. As one youth said, "He understood the mistake I made, and I really did appreciate him for it" (Umbreit, 1991). Some reported changes: "After meeting the victim I now realize that I hurt them a lot...to understand how the victim feels makes me different" (Umbreit and Coates, 1992). One Canadian offender stated his pleasure quite succinctly: "Without mediation I would have been convicted" (Umbreit, 1995).

The following comment reflects the feelings of a relatively small number of offenders who felt that victims at least occasionally abused the process: "We didn't take half the stuff she said we did; she either didn't have the stuff or someone else broke in too" (Coates and Gehm, 1995). An offender in Albuquerque (Umbreit and Coates, 1992) also believed that the process allowed the victim too much power: "the guy was trying to cheat me...he was coming up with all these lists of items he claimed I took." Some offenders felt powerless to refute the accusations of victims.

Secondary analysis of satisfaction data from a U.S. study and a Canadian study yielded remarkably similar results (Bradshaw and Umbreit, 1998; Umbreit and Bradshaw, 1999). Using step-wise multiple regression procedures to determine those variables most associated with victim satisfaction, three variables emerged to explain over 40 percent of the variance. In each study, the key variables associated with victim satisfaction were: 1) the victim felt good about the mediator, 2) the

victim perceived the resulting restitution agreement as fair, and 3) the victim, for whatever reason, had a strong initial desire to meet the offender. The last variable supports the notion that self-selection and choice are involved in longer-run satisfaction. These findings also underscore the important role of the mediator, and, of course, the actual outcome or agreement resulting from mediation.

These high levels of satisfaction with victim-offender mediation also translated into relatively high levels of satisfaction with the criminal justice system. Where comparison groups were studied, those victims and offenders going through mediation were far more satisfied with the criminal justice system than those going through traditional court prosecution (Davis, 1980; Umbreit and Coates, 1993; Umbreit, 1995). For example, a multi-site U.S. study of VOM in four states (Umbreit & Coates, 1993) found that victims of juvenile crime were significantly more likely to be satisfied (79 percent) with the manner in which the justice system dealt with their case than similar victims (57 percent) who went through the regular court process.

Fairness

Related to satisfaction is the question of fairness. Many of the studies reviewed asked participants about the fairness of the mediation process and of the resulting agreement (Davis, 1980; Coates and Gehm, 1985; Umbreit, 1988, 1989, 1991, 1995; Coates and Umbreit, 1992).

Not surprisingly, given the high levels of satisfaction, the vast majority of VOM participants (typically over 80 percent) across setting, cultures, and types of offenses reported believing that the process was fair to both sides and that the resulting agreement was fair. Again, these experiences led to feelings that the overall criminal justice system was fair. Where comparison groups were employed, people exposed were more likely to feel that they had been treated fairly than those going through the traditional court proceedings. In a study of burglary victims in Minneapolis, Umbreit found that 80 percent of those undergoing VOM experienced the criminal justice system as fair, compared with only 37 percent of burglary victims who did not participate in VOM (Umbreit, 1989).

As expected from the quantitative numbers on fairness, statements from victims and offenders about fairness reflected that assessment. Common comments included: "The mediator was not biased, she was not judgmental" (victim) and "he listened to every-

one during the meeting" (offender). (Umbreit and Coates, 1992). A few, however, did not feel the same way. "He seemed more like an advocate for the kid," and "she seemed kind of one-sided to the victim" (Umbreit and Coates, 1992) reflect perceived imbalance and unfairness in the mediation process. While the negative data that emerged was quite small in proportion to the overall positive findings, negative statements offered helpful insight into how the mediation process may have unintended consequences for the participants.

These overall positive experiences of satisfaction and fairness, however, have generated support for VOM as a criminal justice option. When asked, typically nine out of ten participants would recommend a VOM program to others (Coates and Gehm, 1985; Umbreit, 1991).

Restitution

Early on, restitution was regarded by program advocates as an important by-product of bringing offender and victim together in a face-to-face meeting. Restitution was considered somewhat secondary to the actual meeting where each party had the opportunity to talk about what happened. The current emphasis on humanistic "dialogue-driven" mediation (Umbreit, 1997) reflects this traditional emphasis on restitution being of secondary importance. Today, a few jurisdictions see VOM as a promising major vehicle for achieving restitution for the victim. These jurisdictions view the meeting as necessary to establish appropriate restitution amounts and garner the commitment of the offender to honor a contract. Victims frequently report that while restitution was the primary motivator for them to participate in VOM, what they appreciated most about the program was the opportunity to talk with the offender (Coates and Gehm, 1985; Umbreit and Coates, 1992).

In many settings, restitution is inextricably linked with victim-offender mediation. About half the studies under review looked at restitution as an outcome of mediation (Collins, 1984; Coates and Gehm, 1985; Perry, Lajeunesse and Woods, 1987; Umbreit, 1988; Galaway 1989; Umbreit, 1991; Umbreit and Coates, 1992; Warner, 1992; Roy, 1993). Of those cases that reached a meeting, typically 90 percent or more generated agreements. Restitution in one form or another (monetary, community service, or direct service to the victim) was part of the vast majority of these agreements. Looking across the studies,

it appears that approximately 80-90 percent of the contracts are reported as completed. In some instances, the length of contract exceeded the length of study.

One study was able to compare restitution completion between those youth participating in VOM with a matched group who did not (Umbreit and Coates, 1993.) In that instance, 81 percent of participating youth completed their contracts contrasted with 57 percent of those not in the VOM program, a finding that was statistically significant. In another study comparing an Indiana county that integrated restitution into victim-offender mediation with a Michigan county that imposed restitution without mediation, no difference in completion rates were found (Roy, 1993). Each was just shy of 80 percent completion.

Diversion

Many VOM programs are nominally established to divert youthful offenders into less costly, time consuming, and (it is believed) less severe options. Although diversion is a goal lauded by many, others express concern about the unintended consequence of widening the net, that is, ushering in youth and adults to experience a sanction more severe than they would have if VOM did not exist. While much talk continues on this topic, there is a dearth of study devoted to it. Only a handful of the studies reviewed here address this question.

One of the broadest studies considering the diversion question was conducted over a three-year period in Kettering, Northamptonshire, England (Dignan, 1990). Offenders participating in the VOM program were matched with similar non-participating offenders from a neighboring jurisdiction. The author concludes that at least 60 percent of the offenders participating in the Kettering program were true diversions from court prosecution. Jurisdictional comparisons also led him to conclude that there was a 13 percent widening-the-net-effect, much less than local observers would have predicted.

An agency based in Glasgow, Scotland, where numbers were sufficiently large to allow random assignment of individuals between the VOM program and a comparison group going through the traditional process, found 43 percent of the latter group were not prosecuted (Warner, 1992). However, most of these pled guilty and were fined. This would suggest that VOM in this instance was a more severe sanction and indeed widened the net of government control.

In a very large three-county study of mediation in North Carolina, results on diversion were mixed (Clark, Valente, Jr., and Mace, 1992). In two counties, mediation had no impact on diverting offenders from court. However, in the third county the results were quite dramatic. The authors concluded: "The Henderson program's effect on trials was impressive; it may have reduced trials by as much as two-thirds."

Mediation impact on incarceration was explored in an Indiana-Ohio study by comparing consequences for 73 youth and adults going through VOM programs with those for a matched sample of individuals processed in the traditional manner (Coates and Gehm, 1985). VOM offenders spent less time incarcerated than did their counterparts. And when incarcerated, they did county jail time rather than state time. The length and place of incarceration also had substantial implications for costs.

Recidivism

While recidivism may be best regarded as an indicator of society's overall response to juvenile and adult offenders, it is a traditional measure used to evaluate the long-term impact of justice programs. Accordingly, a number of studies designed to assess VOM have incorporated measures of recidivism.

Some simply report rearrest or reconviction rates for offenders going through the VOM program under study (Carr, 1998; Roberts, 1998). Since no comparison group or before/after outcomes are reported, these recidivism reports have local value, but offer very little meaning for readers unfamiliar with typical rates for that particular region.

One of the first studies to report recidivism on VOM was part of a much larger research project on restitution programs (Schneider, 1986). Youth randomly assigned to a Washington, D.C. VOM program were less likely to have subsequent offenses resulting in referral to a juvenile or adult court than youth in a comparison probation group. These youth were tracked for over 30 months. The results were 53 percent and 63 percent; the difference was statistically significant. A third group, those referred to mediation but refusing to participate, also did better than the probation group. This group's recidivism prevalence was 55 percent.

Marshall and Merry (1990) report recidivism on two programs handling adult offenders in Coventry and Wolverhampton, England. The results are tentative but encour-

aging. In both sites, the offenders were divided into the following groups: those who did not participate in mediation at all, those who were involved in discussions with staff even though their victims were unwilling to participate, those who were involved in indirect mediation, and those who met their victims face-to-face. Offender records were analyzed to determine criminal behavior for comparable periods before referral to program and after program intervention.

In Coventry, while there was no statistically significant differences between the "no work" or no participation group and the others, those who went through direct mediation and those who received individual attention even though their victims were unwilling to meet, did better, that is, either they committed fewer crimes or less serious offenses.

In Wolverhampton, the indirect mediation group fared best, with 74 percent improving their behavior compared to 55 percent direct mediation, 45 percent individuals receiving staff attention only, and 36 percent for those not involved in the program. The authors regard these findings as highly tentative and remain puzzled about why in one site indirect mediation fared so much better than direct while the reverse was found in the other.

The study based in Kettering, England (Dignan, 1990) compared recidivism data between the VOM offenders who went through face-to-face mediation with those who were exposed only to "shuttle mediation." The former group did somewhat better than the latter: 15.4 percent and 21.6 percent. As with satisfaction measures reported earlier, face-to-face mediation seems to generate better results both in the short run and in the longer run than the less personal indirect mediation.

In a study of youth participating in VOM programs in four states, youth in mediation had lower recidivism rates after a year than did a matched comparison group of youth who did not go through mediation (Umbreit and Coates, 1992). Overall, across sites, 18 percent of the program youth re-offended, compared to 27 percent for the comparison youth. Program youth also tended to reappear in court for less serious charges than did their comparison counterparts.

The Elkhart and Kalamazoo county study (Roy, 1993) found little difference in recidivism between youth going through the VOM program and the court-imposed restitution program. VOM youth recidivated at a slightly higher rate, 29 percent to 27 percent. The

author noted that the VOM cohort included more felons than did the court-imposed restitution cohort.

A study of 125 youth in a Tennessee VOM program (Nugent and Paddock, 1995) reported that these youth were significantly less likely to re-offend than a randomly selected comparison group: 19.8 percent to 33.1 percent. The VOM youth who did re-offend did so with less serious charges than did their comparison counterparts.

A sizeable cohort of nearly 800 youth going through mediation in Cobb County, Georgia between 1993 and 1996 was followed along with a comparison group from an earlier time period (Stone, Helms, and Edgeworth, 1998). No significant difference in recidivism rates was found: 34.2 percent mediated to 36.7 percent non-mediated. Three-quarters of the mediated youth who returned to court did so because of violation of the conditions of mediation agreements.

In a recent article, Nugent, Umbreit, Wiinamaki and Paddock (2001) conducted a rigorous reanalysis of recidivism data reported in four previous studies involving a total sample of 1,298 juvenile offenders, 619 who participated in VOM and 679 who did not. Using logistic regression procedures, the authors determined that VOM youth recidivated at a statistically significant 32 percent lower rate than non-VOM youth, and when they did re-offend they did so for less serious offenses than the non-VOM youth.

All in all, recidivism findings across a fair number of sites and settings suggest that VOM is at least as viable an option for recidivism reduction as traditional approaches. And in a good number of instances, youth going through mediation programs are actually faring better.

Cost

Relative costs of correctional programs are difficult to assess. Several studies reviewed here addressed the issue of costs.

Cost per unit case is obviously influenced by the number of cases handled and the amount of time devoted to each case. The results of a detailed cost analysis in a Scottish study were mixed (Warner, 1992). In some instances, mediation was less costly than other options and in others more. The author notes that given the "marginal scope" of these programs it remains difficult to evaluate how much they would cost on a scale large enough to affect overall program administration.

Evaluation of a large-scale VOM program in California led authors to conclude that cost

per case was reduced dramatically as the program went from being a fledgling to being a viable option (Niemeyer and Schichor, 1996). Cost per case was \$250.

An alternative way of considering the cost impact of VOM is to consider its effect on the broader system. Reduction of incarceration time served can yield considerable savings to a state or county (Coates and Gehm, 1985). Reduction of trials, such as in Henderson County, North Carolina, where trials were reduced by two-thirds, would have tremendous impact at the county level (Clarke, Valente Jr., and Mace, 1992). And researchers evaluating a VOM program in Cobb County, Georgia point out that while they did not do a cost analysis, time is money (Stone, Helms, and Edgeworth, 1998). The time required to process mediated cases was only a third of that needed for non-mediated cases.

The potential cost savings of VOM programs when they are truly employed as alternatives rather than as marginal showcase additions is significant. Yet a cautionary note must continue to be heard. Like any other program option, these programs can be swamped with cases to the point that quality is compromised. And in the quest for savings there is the temptation to expand the eligibility criteria to include those who would not otherwise penetrate the system or to take on serious cases that the particular program staff are ill equipped to manage. Staff and administrators must be prepared to ask, "Cost savings at what cost?"

VOM and Crimes of Violence

In 1990, a survey of victim-offender mediation program, in the juvenile justice system noted that most programs excluded violent offenders and sex offenders (Hughes and Schneider, 1990). Two-thirds of cases reported by VOM programs in a 1996-97 survey (Greenwood and Umbreit, 1998) involved offenders with misdemeanor offenses. Forty-five percent of reporting programs worked only with juveniles while nine percent handled adults only. The remainder worked with both. These figures support the notion that VOM is often used as a "front-end" diversionary option often working with "less serious" cases. In fact, the largest VOM programs in the United States, some receiving over 1,000 referrals a year, serve as a diversion of young offenders with little or no prior court involvement from formal processing in the juvenile court.

Many program staff contend that in order to work with burglary and moderately seri-

ous assault cases programs must accept the less serious cases. Others would argue that these so-called "less serious" cases still involve human loss and tragedy. And still others claim that making crime a human problem for offenders at these less serious levels will prevent more serious crimes from occurring. As indicated above when discussing recidivism, there is at least some modest empirical support for these contentions.

Without disparaging the work of VOM programs dealing in cases perceived and defined as "less serious," there are signs of at least a subtle shift in the utilization of VOM. In the above-mentioned 1996-97 survey, many program administrators indicated that programs "are being asked to mediate crimes of increasing severity and complexity." And "virtually all interviewees indicated that advanced training is necessary in working with cases of severe violence." (Greenwood and Umbreit, 1998).

Apart from the general pressure to take on more severe and complex cases, some individuals and programs specialize in working with the most violent kinds of crime. Studies involving murder, vehicular homicide, manslaughter, armed robbery, and sexual assault in such disparate locations as New York, Wisconsin, Alaska, Minnesota, Texas, Pennsylvania, Ohio, and British Columbia (Umbreit, 1989; Roberts, 1995; Flatten, 1996; Umbreit, Bradshaw, and Coates, 1999; Umbreit and Brown, 1999; Umbreit and Vos, 2000) are yielding important data for shaping mediation work with violent offenders and victims of violent crime.

These very intense, time-consuming mediation efforts have shown promising, positive results. Victims who seek and choose this kind of encounter and dialogue with an individual who brought unspeakable tragedy to their lives report feelings of relief, a greater sense of closure, and gratitude for not being forgotten and unheard. In several states, lists of victims seeking to meet with violent offenders far exceed the resources available to accommodate the victims' desires.

Conclusion

Victim-offender mediation has received considerable research attention—more than many other justice alternatives. With over 20 years of experience and research data, there is a solid basis for saying: 1) for those choosing to participate—be they victims or offenders—victim-offender mediation and dialogue engenders very high levels of satisfaction with

the program and with the criminal justice system; 2) participants typically regard the process and resulting agreements as fair; 3) restitution comprises part of most agreements and over eight out of 10 agreements are usually completed; 4) VOM can be an effective tool for diverting juvenile offenders from further penetration into the system, yet it may also become a means for widening the net of social control; 5) VOM is as effective (if not more so) in reducing recidivism as traditional probation options; 6) where comparative costs have been considered, VOM offers considerable promise for reducing or containing costs; 7) there is growing interest in adopting mediation practices for working with victims and offenders involved in severely violent crime and preliminary research shows promising results, including the need for a far more lengthy and intensive process of preparing the parties.

For at least a significant minority of folks involved in the justice system, VOM is regarded as an effective means for holding offenders accountable for their actions. While there is a fairly extensive base of research on victim-offender mediation across many sites supporting this contention, far more work needs to be done. Most of the studies reported offer results that are at best suggestive because of the limitations of their research methodology. Far more rigorous studies, including random assignment, control groups and longitudinal designs, are required. Yet in the real world of field research in the criminal justice system, the 25-year experience of victim-offender mediation has become one of the more promising and empirically grounded reform movements to emerge during the last quarter of the twentieth century.

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Intensive Probation for Domestic Violence Offenders¹

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DOMESTIC VIOLENCE is a serious problem in American society. Exhaustive research by sociologist Richard J. Gelles has revealed that violence is a common occurrence in over 25 percent of the homes in the United States.² Supporting this finding is data from the FBI Uniform Crime Reports that indicates that over 4 million American women report being battered by a spouse or boyfriend each year. The Uniform Crime Reports have also indicated that over 40 percent of female homicide victims in the United States each year are killed by a spouse, ex-spouse, or boyfriend. Domestic violence is clearly a severe national problem.

In Kane County, Illinois, a suburb of Chicago, the criminal justice system has made a valiant effort to address the problems of family violence. Through better enforcement strategies and stricter prosecution efforts, the Kane County system of justice has increased the number of convictions for spouse abusers. However, with the increase in the number of convicted domestic violence offenders has come an increased burden on the county's probation department. The number of violent offenders being placed on probation has increased markedly, causing new problems in supervising these violent offenders.

In response to some of these issues, Kane County Court Services has developed an intensive probation program to supervise the most serious of these violent offenders. This intensive domestic violence probation program singles out high-risk, felony domestic-violence offenders and places them under stricter supervision than that of normal probation cases. The felony domestic-violence offenders are subjected to more frequent office visits, repeated home visits, and are more closely monitored as they progress through a

specialized treatment program. The intensive probation program also involves an unusual twist with the establishment of contact between the probation officer and the victim of the abuse, in order to help ensure the victim's safety. The program has been effective in the public safety role by motivating offenders to rehabilitate and exposing new acts of violence that may otherwise have gone undetected. It is also quite possible that the program has saved the lives of some of the victims.

Domestic Violence in Kane County

Kane County, Illinois, is the western-most suburban county of the Chicagoland metropolitan area. Anchored by the city of Elgin (population 80,000) in the north, and the city of Aurora (population 103,000) in the south, Kane County contains a healthy mix of urban, suburban, and rural communities. Yet like any other community in the nation, domestic violence is a continuing problem for the residents of Kane.

In 1997, the Kane County Health Department surveyed several law enforcement agencies, social service agencies, and community coalitions to determine the most serious problems facing the county. Domestic violence was unanimously voted the county's most serious crime problem. In response to this finding, many government resources were quickly focused on combating domestic violence through better detection, investigation, and prosecution.

Police officers from various agencies in the county were put through extensive in-service training on how to deal with domestic violence calls. The Kane County State's Attor-

ney Office, under the direction of State's Attorney David Akemann, secured a grant from the Illinois Criminal Justice Information Authority and hired a special police trainer to provide this domestic violence training for all of the police officers in the county. The grant also covered the purchase of dozens of specialized Polaroid cameras, which were distributed to all of the police agencies in order to better document injuries during investigations. The Aurora Police Department, the largest municipal agency in the county, developed a specialized domestic violence investigations unit with three investigators assigned full time to follow up on domestic battery reports and assist victims. This unit became housed in a local battered women's shelter so that the investigators could have easier access to many types of victim services.

As the enforcement efforts increased, the Kane County State's Attorney Office established a special unit to prosecute all domestic-violence cases within the county. Also funded through a grant from the Illinois Criminal Justice Information Authority, this unit consisted of assistant state's attorneys, victim advocates, secretarial staff, and a criminal investigator. This team focused on developing solid cases and pressing through with prosecutions, even in situations where the victim had been uncooperative or unwilling to testify. The mind-set of this team is that family violence is a serious crime and full prosecution of these violent offenders is required.

As a direct result of these increased enforcement and prosecution efforts, the number of defendants prosecuted for domestic-violence-related offenses rose by several hundred cases. Although domestic violence can include violence between adult siblings,

between parents and adult children, between cousins or any other combination of household members, the vast majority of arrests and cases brought to prosecution in Kane County involved a man battering his wife or girlfriend.

Most of the domestic-violence offenders who were being successfully prosecuted had not committed an act violent enough to result in permanent serious bodily injury to the victim. Therefore, the majority of those being convicted for domestic-violence offenses did not receive prison sentences. The majority were ordered to undergo a specialized domestic-violence counseling program and received a sentence of probation. Unfortunately, research has shown that in many cases family violence occurs for a long time in a relationship before an arrest of the abusive partner ever takes place.³ So even if no permanent injury took place, many of these domestic-violence offenders on probation have a long history of abusing their victims.

Supervising Domestic Violence Offenders

The supervision of domestic violence offenders on probation can be difficult, challenging, and sometimes very dangerous. One problem with domestic-violence offenders is that most do not think that they have done anything that deserves punishment. Whereas most criminal offenders are internally aware that they have committed a crime, many domestic-violence offenders believe that using violence against their child, wife, or girlfriend should be a legal right. They have been socialized to believe that they have a right to use violence to control their families.⁴ This makes motivating the offender to change his behavior very difficult, since he sees no moral reason to change.

Another issue is that domestic violence is usually a pattern of behavior, rather than an isolated event. In most cases the offender has psychologically and physically abused his victim many times before the criminal justice system finally became involved.⁵ This means that for many domestic violence offenders this is a routine behavior, and one that is likely to continue if the offender returns to the family. This pattern of behavior is usually changed only through intensive psychological counseling.⁶

Yet another problem with supervising domestic violence offenders is that in the majority of spousal abuse cases the victim will return to reside with the offender. This phenomenon occurs for a number of reasons,

such as fear, low self-esteem, financial dependency, or family pressure, just to name a few. As a result, domestic-violence offenders on probation are at an increased risk to abuse the same victim again. Not only has the offender not changed his perceptions of his behavior since his conviction, but the same victim-offender relationship exists that led to the offense in the first place.⁷

Substance abuse is also an issue frequently linked to violence in the home. Although substance abuse is not the direct cause of the violence, it does cloud the decision-making process, lower inhibitions, and increase the risk of irrational behavior. As a result, supervising a domestic-violence offender often requires treating both the violent behavior and a chemical addiction.⁸

Domestic violence offenders on probation often have a high propensity for committing new acts of violence in general. There are seven factors associated with determining the imminent danger of new violent acts. These factors are 1) a perceived loss of personal power and control; 2) interpersonal conflict issues; 3) a desire to seek attention; 4) psychological disorders; 5) substance abuse; 6) brain damage; and 7) a history of violent behavior.⁹ Domestic violence offenders possess many of these factors when convicted and sentenced to probation. The offender must report to a probation officer, submit to drug tests, receive home visits, undergo counseling, and be forbidden to travel outside the state. In addition, he is labeled as a violent criminal by society. As a result the offender can easily feel a profound loss of power and control in his life.

The nature of a domestic-violence offense would suggest that the offender also has issues of interpersonal conflict in his home life. The offender's narcissistic thinking that he has a right to use violence to control his family suggests psychiatric issues that need to be addressed. As has already been mentioned, substance abuse is also common among domestic-violence offenders. Lastly, since domestic-violence behavior involves a long pattern of abuse, there is usually a long history of previous violent behavior. It would appear that by the very status of being a domestic-violence offender, the probationer automatically fulfills five of the seven risk factors for imminent violence. Therefore, all domestic-violence offenders can be assumed to be at an elevated risk to commit a new violent act if allowed back into the community. This makes probation supervision of the offender in the community especially difficult.

These various concerns were taken into consideration by Kane County when the number of domestic-violence offenders on probation rose dramatically in 1997. Probationers on domestic-violence charges appeared more resistant to rehabilitation, they resumed their controlling behaviors with the same victim, and they had an elevated propensity for new violence. Upper management within Kane County Court Services attempted to handle at least the most high-risk cases with a more intensive level of supervision through the development of a felony domestic-violence intensive-probation program.

The Development of the Domestic Violence Officer Program

With the great increase in the number of domestic-violence cases on probation, Kane County Court Services was concerned about the presence of high-risk offenders who were in danger of causing serious harm to their victims now that they were back in the community. Consequently, Kane County Court Services developed a specialized program to select higher-risk domestic-violence offenders for specialized supervision. Implemented on November 7, 1998 by Court Services Executive Director James Mueller, and funded by a grant from the Illinois Criminal Justice Information Authority, the Domestic Violence Officer (DVO) probation program focuses on providing stricter supervision standards for repeat and serious family violence offenders.

The screening criteria for placement on the DVO program is a sentence of supervised probation for a domestic-violence-related felony, and an order to complete a 26-week domestic-violence counseling program. These criteria catch the most violent offenders through the felony conviction requirement. An offender who, for the first time, simply shoved his wife or threatened her verbally could only be convicted of a misdemeanor offense, such as simple domestic battery or assault. This type of offender would not be selected for the DVO program because of the misdemeanor status of the offense. However, if the offender committed an act of violence that caused bodily injury, the act would constitute the higher offense of aggravated battery, a felony. This felony offender would be placed into the program because of the felony nature of this serious offense.

Offenders with a history of abusive behavior would also be selected for the program through these screening criteria, even if each of the past offenses did not cause any great bodily injury. In Illinois, if a person is convicted of a simple battery against a household member, it is considered a misdemeanor domestic battery offense. However, once convicted of a simple domestic battery charge, any subsequent domestic battery charges are upgraded to felonies. So those offenders with a previous history of misdemeanor domestic battery convictions are selected into the program due to the felony status of the new conviction even if no major injury has ever resulted from their violence. The documented pattern of their violent behavior indicates the danger of such offenders.

Probationers placed in the DVO program are subjected to stricter supervision standards than other types of offenders. A regular probationer who has been convicted of a violent offense is required to report to the probation office about twice a month for at least the first six months of supervision. If the probationer makes steady progress, he may have this requirement reduced to once a month after a year has past. However, offenders assigned to the DVO program must begin by reporting at least once a week. When the offender is fully enrolled and participating in a domestic-violence counseling program, then the reporting requirement may be reduced to every other week. When the offender has successfully completed his counseling program, and has not violated any of the rules of his probation, he may be removed from the DVO program completely and transferred to regular probation supervision.

Supervision in the community is also increased for the high-risk DVO offender. While a probationer under regular probation supervision usually receives a home visit from a probation officer every other month, a probationer under the DVO program receives a home visit at least once a month until he successfully completes all counseling. The purpose of the home visit for the DVO program is to ensure that the offender is providing correct information about his place of residence, detect any new abuse that may be occurring in the home, detect any evidence of substance abuse, and reinforce to the offender that he is under observation by the criminal justice system. The visiting probation officer also attempts to develop a rapport with the offender's victim and hopefully open a pathway of communication between the victim and the probation officer.

Because so many battered women eventually return to their abusive relationships, the DVO program was also designed to incorporate a victim-contact component. When an offender is first placed on probation in the DVO program, the supervising officer sends the victim a brief letter explaining the basic conditions of the offender's sentence, a listing of the free victim counseling and shelter resources in the area, and an invitation for open communication with the probation officer. As previously mentioned, this attempt to establish communication with the victim is reinforced while home visits are conducted.

If the victim chooses not to have contact with the probation officer, this desire is respected. However, the invitation for communication remains open if the victim changes her mind later. When the victim returns to the offender she is almost always placed back into the weaker, submissive role. Having the ability to report new abuse to the probation officer, which would cause the offender's probation to be modified or revoked, may strengthen her position within the relationship.¹⁰ Furthermore, even if the victim keeps silent about new abuse, she may display visible physical or psychological signs that the abuse is continuing. A properly trained probation officer may be able to detect these signs and investigate further.

The Domestic Violence Counseling Component

The last major part of the DVO program is the requirement that all of the offenders complete a 26-week, domestic-violence counseling program. This counseling program deals with more than simply issues of anger management. If the problem were only anger control, then the offender would be violent with anyone who makes him angry. In domestic-violence situations the offender specifically targets a weaker family member for the purposes of control, not just because he is angry.¹¹

The domestic-violence counseling programs focus on some techniques of anger management, reinforce the fact that violence is never appropriate, and break down socialized beliefs that a man must control his woman and children. The counseling seeks to reveal to the offender that his violence is a crime, and that feelings of self-esteem will never be achieved through controlling others. Although domestic violence counseling programs around the country vary in length from a few weeks to several months, the pro-

grams have shown some success in reducing violent behavior and breaking down improper stereotypes about a man's role within the family.¹²

As has been mentioned, substance abuse is often an issue in domestic violence cases, so substance-abuse counseling is frequently required. If alcohol or drug abuse is detected by the domestic-violence counseling agency, the offender is referred out to complete substance-abuse counseling in addition to the domestic-violence counseling. If the probation officer detects substance-abuse issues, then the officer can also order the offender to complete this type of counseling, with the authority of the court to punish non-compliance. Research has shown that requiring domestic violence offenders to complete both substance abuse and domestic violence counseling has been more successful at reducing future violence than just one of these two types of counseling.¹³

Program Evaluation

The DVO program was implemented in November 1998, and began supervising 25 high-risk domestic-violence offenders. As of April 2001, there have been some early indications that suggest the program is very successful. The progress of the first 25 offenders placed into the DVO program was compared with a control group of similar offenders (n=32) who completed their probation sentences in the three years preceding the existence of the DVO program. Comparisons of these two groups has demonstrated that for the first 24 months after being sentenced to probation, the offenders in the DVO program were less likely to be arrested for a new criminal offense and less likely to be arrested for a new violent offense. For those offenders who did violate their probation sentences, those in the DVO program generally received much harsher sanctions for their violations.

The control group was created by selecting all offenders sentenced from 1995 to 1997 who met the selection criteria for the DVO program (conviction of a domestic-violence-related felony with a sentence of supervised probation and 26 weeks of domestic violence counseling). The offenders in the DVO program were found to be less likely to be rearrested for a new criminal offense during the first 24 months after being sentenced. In the control group, 78 percent (n=25) of the offenders were rearrested for a criminal offense within 24 months of beginning their sen-

tences, while only 64 percent (n=16) of the offenders in the DVO program were rearrested. The offenders in the DVO program were also less likely to be rearrested for a new violent crime. Of the DVO program offenders, 52 percent (n=13) were rearrested for a new violent offense within 24 months, while 59.4 percent (n=19) of the control group experienced a new arrest for a violent offense.

The DVO program also appears to have been successful in detecting, documenting, and punishing violations committed by the offender while on probation. The offenders in the DVO program received harsher sanctions than the control group for committing a new criminal offense, committing a new violent offense, and for failing to complete the counseling program. Of the 16 DVO program offenders who committed a new criminal offense, 81.3 percent (n=13) were committed to prison terms in the Illinois Department of Corrections. By comparison, only 40 percent (n=10) of the control group offenders with new arrests were sent to prison. Of the 19 control group offenders who committed new violent offenses, only 52.6 percent (n=10) went to prison, while 92 percent (n=12) of the DVO program offenders with new violence went to prison. Only 52.6 percent (n=10) of the control group offenders who failed to complete the counseling program within 24 months were sent to prison, but 81.3 percent (n=13) of the DVO offenders who failed to complete counseling were committed to prison. Being assigned to the DVO program seemed to identify the offenders as high-risk cases and their violations were dealt with more severely by the court.

This early analysis of the program suggests some success in improving offender competency by reducing recidivism. It also appears that the program promotes both public safety and offender accountability with harsher sanctions for violating the conditions of the sentence. The first 25 offenders who were assigned to the DVO program were 14 percent less likely to commit a new criminal offense of any kind. Of those DVO program offenders who did commit a new criminal offense, they were 7.4 percent less likely to be arrested for a violent offense. When found to have committed a new criminal offense, the DVO program offenders were over 40 percent

more likely to receive a prison term as a punishment for violating probation. They were also over 28 percent more likely to go to prison for failure to complete the 26-week domestic-violence counseling program.

At this early stage it appears as though the DVO program is having a positive impact on the lives of some offenders and has possibly helped ensure the safety of victims and the community. However, a longer-term study with larger test and control samples is recommended before the program can be deemed a success at rehabilitating felony domestic violence offenders. Nevertheless, in October 2000, the DVO program was recognized by the local battered women's shelters with a prestigious community service award for its efforts to reduce violent behavior in the community.

Conclusion

Domestic violence is a serious issue in most communities and Kane County, Illinois, has taken aggressive actions to address the problem. Through increased investigation and prosecution efforts, more domestic violence offenders have been convicted of their crimes, causing an increase in the number of high-risk violent offenders on probation. Kane County Court Services has responded by developing an intensive probation program specifically designed for the high-risk, felony domestic-violence offender. The program subjects probationers to more frequent office and home visits, substance abuse counseling, and domestic violence counseling. The program also breaks new ground as it seeks to directly cooperate with, and protect, the victim of the probationer.

Thus far the program appears successful at preserving community safety, holding offenders accountable, and improving the non-violent coping skills of the offenders. In preserving community safety, the program has been successful at catching several offenders when they had committed new acts of violence. The program has held offenders more accountable for their actions through closer supervision and applying stiffer sanctions if the offender does not comply with his sentence. Lastly, the program assists the offender in developing better social skills by offering

treatment that corrects the dysfunctional, abusive behavior patterns of the offender.

It is too early to present conclusive evidence about the success of the Domestic Violence Officer program; however, the short-term results appear promising. The criminal justice system in Kane County has sent a clear message to family-violence offenders in the community. Domestic violence is a serious crime and will not be permitted to continue.

Endnotes

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Therapeutic Community Treatment May Reduce Future Incarceration: A Research Note

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IMPRISONMENT FOR drug-related offenses is the primary strategy for crime control in the United States. As a consequence, increased reliance on imprisonment for drug offenders has resulted in the tripling of the United States prison populations since 1980 (Beck, 1999; Cohen & Canela-Cacho, 1994). Drug offenders accounted for over 250,000 prisoners in 1997 alone; 21 percent of state, 63 percent of federal prisoners (Mumola, 1999). Moreover, half of state inmates and a third of federal prisoners reported committing their current offense under the influence of alcohol or drugs (Mumola, 1999). Recent estimates from the Arrestee Drug Abuse Monitoring Program (ADAM) are that 68 percent of the arrestees in the United States test positive for one or more drugs (NIJ, 1999).

There are several consequences of imprisonment policies for drug offenses. First, these policies have contributed to large increases in criminal justice costs, because of substantial increases in prison populations. At year end 1999, state prisons were operating between 1 percent and 17 percent above capacity, while federal prisons were operating at 32 percent above capacity (Beck, 2000). Based on current policies and practices, the nation's inmate population is projected to reach two million by late 2001 (Beck & Karberg, 2001). National corrections costs, including probation and parole, were recently reported to be more than \$30 billion annually (Mauer, 1997) and continued imprisonment of drug users will require building new prisons at an estimated cost of about \$75,000 per prison cell (Blumstein, 1995). Second, imprisonment policies have had minimal crime reduction effects on drug offenders, as evidenced by the

fact that traditional sanctions have already been imposed on many repeat offenders and have failed to prevent continued drug use or criminal activity (Cohen & Canela-Cacho, 1994; Mauer, 1997). And third, the disproportionate impact of these policies is felt by minority populations and communities (Tonry, 1995). Although drug use cuts across class and racial lines, drug law enforcement has been directed at inner-city minority communities (Mauer, 1997). Rose and Clear (1998) suggest that overreliance on imprisonment can actually lead to the social conditions that increase crime, such as urban communities facing economic hardship due to the removal of large numbers of adult males. The increased numbers of single-parent households and unsupervised youth that result have been shown to be associated with increases in crime rates (Sampson, 1985; Sampson & Groves, 1989).

Many social scientists recognize the inability of traditional criminal justice policies to deal with the extensive drug problem in this country (Mauer, 1997). Fishbein (1990) contends that mandatory minimum sentences designed to "get tough" on drug crime have had limited success because they fail to address the underlying problems of addiction. The recent development of over 275 drug courts across the United States indicates a growing acceptance that court-ordered community-based treatment may be a promising alternative to imprisonment of drug offenders (Deschenes, Turner, & Greenwood, 1995). Zimring and Hawkins (1995) concur, stating that crime reduction by means of imprisonment lasts no longer than the last day of incarceration. The authors claim that

influencing behavior through appropriate treatment will have a greater likelihood of reducing crime by that offender.

One alternative to incarceration may be placement in a residential therapeutic community. Therapeutic communities (TCs) for substance abuse were first established in the late 1950s, as a self-help alternative to existing treatments, particularly for heroin addicts (McCusker et al., 1995). Today TCs are one of the most common residential treatment modalities available for substance abusers with any type of drug addiction. Length of stay in residential TCs can vary from 15 to 24 months and often requires outpatient treatment (or after-care) immediately following the inpatient treatment phase (DeLeon & Rosenthal, 1989). Traditional TC programs may also be modified to serve a particular clientele, such as adolescents, women only or with children, criminal justice referrals, or specific cultural groups (DeLeon, 2000; DeLeon, Melnick, Schoket, & Jainchill, 1993).

Findings from the Treatment Outcome Prospective Study (TOPS) on 10 TCs reported that clients needed six to 12 months of treatment in order to reduce recidivism, and at least a year to reduce use of drugs; however, decreases have been found among clients who stayed in treatment for as little as 50 days (Condelli & Hubbard, 1994). More recent findings from a national sample of community-based programs that participated in the Drug Abuse Treatment Outcome Study (DATOS) found that stays of three months or longer generally predicted better follow-up outcomes (Simpson, Joe, Broome, Hiller, Knight, & Rowan-Szal, 1997), including higher rates of post-treatment employment

and earnings (Condelli & Hubbard, 1994; French, Zarkin, Hubbard, & Rachal, 1993).

There is controversy over the duration of treatment needed for positive outcomes (McCusker et al., 1995). Over the years, studies have repeatedly found that longer programs have lower completion rates and research has shown that success is closely related to a client's completion of the program (Heit, 1991; Martin, Butzin, & Inciardi, 1995; Nemes, Wish, & Messina, 1999). Another correlate of success is outpatient treatment immediately following inpatient treatment (Nemes et al., 1999), and it has been suggested that lengthy programs need to consider shortening the inpatient phase and increasing the outpatient phase in order to reduce client attrition and costs (Condelli, 1986; DeLeon & Rosenthal, 1989; Hiller, Knight, Devereux, & Hathcoat, 1996).

Clients may enter treatment for a variety of reasons including legal, family, employment, or medical pressures, as well as the desire to terminate addiction and associated behaviors (DeLeon, 2000). Both external and internal motivation are believed to play important roles in the treatment process and recovery (Farabee, Prendergast, & Anglin, 1998). Clients who remain in treatment the longest appear to be those who possess a continued motivation to change (DeLeon & Rosenthal, 1989); although clients entering treatment under legal coercion (e.g., most often referral or mandates from the court, probation, or parole) have consistently been found to stay in treatment longer than voluntary admissions, which would result in an indirect relationship between legal coercion and positive treatment outcomes (DeLeon, 1988). Moreover, Farabee et al. (1998) found that the use of coercive measures not only increased the likelihood of offenders remaining in treatment, but also increased the likelihood of offenders entering treatment early in their substance-abusing careers, which has also been associated with more positive treatment outcomes (DeLeon & Jainchill, 1986). Moreover, studies have shown there is little difference in TC treatment outcomes for legally referred clients compared with non-legally referred clients (DeLeon, 1988).

Although there is a substantial amount of knowledge about TCs, many of the prior studies could have important limitations. First, only one study has randomly assigned clients to treatment programs with different durations (McCusker et al., 1995). Second, many of the studies analyzed data from very low

follow-up rates, potentially producing a sample biased towards easier to find and less deviant respondents. And third, the majority of the studies have relied primarily on self-report measures of recent drug use and criminal activity, rather than objective measures (e.g. urine tests, arrest and conviction records). Previous research has found substantial underreporting of cocaine use at follow-up (Messina, Wish, & Nemes, 2000) and Wish, Hoffman, and Nemes (1997) have outlined the potential problems of self-reports in the absence of objective measures.

In this study we use findings from the District of Columbia Treatment Initiative (DCI) to look at whether completing treatment in two residential TCs of varying length might be an effective strategy for reducing the likelihood of a subsequent incarceration.

The District of Columbia Treatment Initiative (DCI)

The DCI was a randomized experiment designed to test the efficacy of providing TC treatment and subsequent outpatient treatment of different lengths and intensity to clients entering treatment in Washington, D.C. The DCI study examined client outcomes in an experiment that addressed many of the limitations of prior research. Clients were randomly assigned to one of two 12-month programs with different lengths of inpatient and outpatient treatment. Objective measures (urine tests and criminal justice data) and self-reports were collected during the pre- and post-treatment periods. And, the very high follow-up rate achieved minimized sample bias in the treatment outcome findings.

The primary difference between the Abbreviated Inpatient and Standard Inpatient TCs was the length of inpatient and outpatient treatment provided. The Standard Inpatient Program offered 10 months of inpatient treatment followed by two months of outpatient services, and the Abbreviated Inpatient Program offered six months of inpatient treatment followed by six months of outpatient services. Persons who sought treatment at the Central Intake Division (CID) run by the D.C. Alcohol and Drug Abuse Services Administration (ADASA) or who were ordered by the court to obtain treatment were eligible to volunteer to participate in the DCI. A more detailed description of the DCI appears in Nemes, Wish, and Messina (1998).

As part of this extensive outcome study, we found that treatment completion was related to marked reductions in drug use at fol-

low-up and post-discharge arrests, as well as increased employment (Nemes et al., 1999). We also discovered that clients interviewed in the community were much more likely to have completed treatment than clients interviewed in prison (44 percent vs. 10 percent). It appeared reasonable to hypothesize that treatment completion had reduced the likelihood of being incarcerated at follow-up. We first considered the obvious possibility that this relationship was circular, with clients being terminated from treatment *after* they had been arrested and incarcerated. Yet, we found that only four clients in our sample reported being terminated from treatment because of an arrest. We excluded these four clients from further analysis. A complete description of the DCI clients is provided in the following section.

Methods

Subjects

A total of 412 clients were randomly assigned to the Standard ($n = 194$) or Abbreviated Inpatient ($n = 218$) programs. An effort to locate and reinterview all 412 clients began 31 months after the first client left treatment. To qualify for a follow-up interview, clients must have completed a tracking information form and signed a consent form at the baseline interview, agreeing to participate in the follow-up. The follow-up time period was targeted for six months post-discharge (e.g., discharge dates reflect the last day of outpatient services for treatment completers and the last day of inpatient or outpatient treatment for those who drop out). However, the follow-up time period actually averaged about 19 months post-discharge.

We successfully reinterviewed 380 (93 percent) of the 408 clients in the target sample (four respondents were deceased and dropped from the follow-up study). Of the 28 clients not followed up, two refused to participate and three were scheduled multiple times but never kept their appointments. Twenty-three persons could not be contacted. For the purpose of this study we excluded the four clients who reported being terminated from treatment due to an arrest, leaving a final sample of 376 clients.

Clients ranged in age from 19 to 55 years, with a mean age of 32. Approximately 72 percent of the sample are male ($n=271$) and the majority are black (99 percent, $n=372$). Clients completed an average of 11 years of education and 70 percent had never been married

($n=260$). Ninety-two percent ($n=345$) of the sample had a history of prior arrest, with an average of 7.8 adult arrests prior to treatment admission. This was a primarily cocaine-abusing sample—52 percent of the clients were diagnosed with cocaine/crack as their primary drug disorder ($n=161$) and 41 percent had problems with both cocaine and heroin ($n=127$).

Data Collection

Extensive baseline interview information was collected for each client at admission. All clients were administered the Individual Assessment Profile (IAP) before random assignment to treatment (Wish et al., 1997). The IAP is a structured interview that provides detailed demographic and drug-use information concerning all facets of the client's life (Flynn et al., 1995). Immediately after the IAP interview, clients received the Reading Comprehension Subtest of the Peabody Individual Achievement Test-Revised, which measured the client's reading grade level. Clients who were found to be only marginally literate were not asked to proceed with any written psychological tests (Hoffman et al., 1995), but were eligible for treatment (20 percent read below the sixth grade level) (Karson & Gesumaria, 1997). Those who had an appropriate reading grade level were administered a battery of psychological tests, which included the Beck Depression Inventory, the Brief Symptom Inventory, the Millon Clinical Multiaxial Inventory II, the State-Trait Anger Expression Inventory, the Trail Making Test, and the Structured Clinical Interview for DSM-III-R (SCID-I and SCID-II).

The Individual Assessment Profile Post-Discharge Follow-up Questionnaire (IAPF) was administered at follow-up. Criminal records were obtained from the D.C. Pretrial Services Agency and pre- and post-treatment arrests were coded as measures of criminal histories.

Results

We first used bivariate analyses to identify factors that were associated with incarceration at follow-up and immediately found that only 6 percent of the 105 women were incarcerated at follow-up compared with 24 percent of the men ($n=65$). Due to the very low number of women incarcerated ($n=6$), we limited our analyses to the 271 male clients.

In addition to treatment completion status, we looked at a number of demographic, criminal history, and substance-abuse history

TABLE 1.

Percent of Men Incarcerated at Follow-up, by Client Characteristics
($n=271$)^a

Characteristics	% Incarcerated	P-value
Age at Admission		.01
19–25 ($n=44$)	48	
26–30 ($n=86$)	24	
31–35 ($n=71$)	18	
>36 ($n=70$)	14	
Education at Admission		.21
11 years or less ($n=176$)	26	
12 years or more ($n=93$)	18	
Ever Had Legitimate Job		.35
Yes ($n=245$)	23	
No ($n=24$)	29	
Marital Status at Admission		.09
Married/Living As ($n=41$)	17	
Divorced/Separated ($n=38$)	13	
Never Married ($n=190$)	27	
Criminal Justice Status at Admission		.01
None ($n=78$)	4	
Probation, Parole, Bail, Jail ($n=192$)	32	
Total Prior Arrests		.01
0–1 ($n=33$)	0	
2–5 ($n=68$)	19	
6–9 ($n=74$)	30	
>10 ($n=95$)	32	
Primary Drug Problem		.01
Marijuana ($n=4$)	100	
Alcohol ($n=9$)	33	
Heroin ($n=8$)	38	
Cocaine ($n=112$)	21	
Heroin & Cocaine ($n=94$)	14	
Prior Treatment		.05
Yes ($n=123$)	19	
No ($n=145$)	28	
SCID Diagnosis		.41
No Disorder ($n=73$)	25	
Other Disorders ($n=16$)	6	
Depression ($n=15$)	33	
Antisocial Personality Disorder ($n=123$)	19	
Treatment Program Status		.01
Did Not Graduate ($n=173$)	36	
Graduated ($n=98$)	7	
Treatment Program Attended		.98
Standard Inpatient ($n=138$)	24	
Abbreviated Inpatient ($n=133$)	24	

^aNumbers vary slightly due to missing data.

TABLE 2.
Coefficients of Logistic Regression Assessing Incarceration at Follow-up
(*n*=222)

Variables	Adjusted Odds Ratio			
	Beta	P-value	Exp (B)	% Change in Odds
Age	-0.1004	.01	0.9045	-10
Total Prior Arrests	0.0511	.13		
C.J. Status at Admission				
[None]				
Probation, Parole, Bail, Jail	2.7447	.01	15.5605	+1,457
Primary Drug Disorder				
[Alcohol/Marijuana]		.02		
Heroin	0.9275	.45		
Cocaine	-1.2851	.13		
Heroin & Cocaine	-1.8683	.04	0.1544	-85
Prior Drug Treatment				
[No]				
Yes	0.0917	.83		
Treatment Status				
[Did Not Graduate]				
Graduated	-2.8257	.01	0.0593	-94
Constant	0.9796	.51		

[Brackets] indicate reference category.

variables collected at treatment admission that we thought might be related to post-treatment incarceration. Table 1 shows that six of the eleven variables that we examined were significantly related to being incarcerated at follow-up. Most notably, men who dropped out of treatment (36 percent vs. 7 percent), who were under 25 years old at admission (48 percent vs. 24 percent vs. 18 percent vs. 14 percent), and who had extensive involvement with the criminal justice system prior to treatment (e.g., criminal justice status at admission and prior arrests) were most likely to be incarcerated at follow-up. Clients who were under some form of criminal justice supervision (e.g., probation, parole, on bail, or in jail) prior to treatment (32 percent vs. 4 percent), and who were arrested six or more times prior to treatment (30 percent vs. 19 percent) were most likely to be incarcerated at follow-up.

Furthermore, a very small number of clients whose primary admitting drug problem was marijuana were more likely to be incarcerated at follow-up (100 percent vs. 33 percent vs. 38 percent vs. 21 percent vs. 14 percent), compared to primary problems with alcohol, heroin, or cocaine (with or without heroin). And, clients who had received prior

substance-abuse treatment were significantly less likely to be incarcerated at follow-up (19 percent vs. 28 percent). Education completed prior to admission, employment history, marital status, SCID diagnoses, and treatment program attended were not related to post-treatment incarceration.¹

Logistic regression analysis was performed to determine the degree of the association between treatment completion and incarceration at follow-up while controlling for significant client characteristics and other related factors found in the bivariate analyses. Adjusted odds ratios were used to interpret statistically significant effects:

$$[\text{Exp}(\text{B}) - 1] \times 100 = \text{adjusted odds ratio.}$$

Odds ratios for categorical variables represent the odds of the respective outcome for clients who had the attribute indicated by the variable, relative to the odds for clients in a se-

lected reference category.

Age and total prior arrests were entered into the regression equation as continuous variables, and primary drug problems of alcohol and marijuana were combined due to the low number of clients within each category. Table 2 shows that three treatment admission variables—age, primary drug problem, and criminal justice status—remained significantly related to incarceration at follow-up (prior drug treatment and total prior arrests were no longer significant). Each one-year increase in the age of a client reduced the odds of being incarcerated by 10 percent. Having a primary drug problem of cocaine and heroin combined reduced the odds of being incarcerated at follow-up by 85 percent, compared to having a problem with marijuana or alcohol. However, formal criminal justice supervision at treatment admission increased the odds of incarceration at follow-up by over 1000 percent.

After controlling for treatment admission variables, treatment completion remained significantly related to incarceration at follow-up. Completing treatment reduced the odds of being incarcerated at follow-up by 94 percent. Due to the significant effect of treatment completion, we felt it necessary to report the characteristics of treatment completers from previous findings with this sample (Nemes et al., 1999). Additional logistic regression analyses (not shown here) revealed that older clients diagnosed with heroin dependence were more likely to complete treatment. In addition, clients who were under criminal justice supervision at admission were more likely to complete treatment than those who had no criminal status. It is important to note that the treatment program attended (Abbreviated Inpatient or Standard Inpatient) was not a significant predictor of treatment completion. This finding takes on added significance in view of other findings showing that completing treatment was related to positive outcomes regardless of type of treatment program attended.

Discussion

Our findings suggest that completion of treatment was associated with considerable reductions in incarceration at follow-up in this high-risk population. Even after controlling for the large negative effect of being under formal criminal justice supervision at admission (i.e., a high-risk population), completing treatment remained an important factor associated with substantially lower probabili-

¹SCID-generated diagnostic categories are based on hierarchical categories and may include one or more of the previous disorders. For example: Clients diagnosed with depression may also be diagnosed with other Axis I and Axis II disorders. Clients diagnosed with antisocial personality disorder (APD) may also have other disorders.

ties of incarceration. This result is consistent with our prior findings indicating that treatment completion was related to a number of other positive outcomes at follow-up (Nemes et al., 1999), even after controlling for a multitude of other variables related to treatment outcomes, such as inpatient treatment services (Messina, Nemes, Wish, & Wraight, 2001), antisocial personality disorder (Messina, Wish, & Nemes, 1999), and gender (Messina, Wish, & Nemes, 2000).

One finding that is difficult to interpret is the small handful of marijuana/alcohol users that were at an increased risk of being incarcerated. The only drug that has been experimentally shown to cause aggression is alcohol (Reiss & Roth, 1993), which could be associated with the commission of more violent crimes that usually result in incarceration. In fact, more crimes are committed under the influence of alcohol than under the influence of all illegal drugs combined (Boyum & Kleiman, 1995). Yet, our bivariate analyses indicate that this high-risk group was clearly driven by the small number of marijuana users. The relationship between drugs and crime is complex and not that easy to understand. Boyum and Kleiman (1995) report that those who sell drugs publicly are more likely to be involved in predatory crimes and drug sales have been found to have a strong association with committing numerous crimes. We explored the possibility that this small group was more likely to have previously been involved in drug trafficking and found that all of the groups were equally likely to have had a previous arrest for drug sales.

Although our findings indicate that treatment completion is associated with a reduced likelihood of being incarcerated at follow-up, it is difficult to identify the mechanism behind these findings. Is it treatment completion or client compliance that is most important? Clients who are motivated to complete treatment could also be the most motivated to do well after treatment. Previous findings from the DCI outline the difficulties of identifying clients that are likely to complete treatment (Nemes et al., 1999). Two consistent findings are that older clients (Condelli & Hubbard, 1994), and those that are court-ordered to obtain treatment (DeLeon, 1988; DeLeon, 2000) are generally more likely to remain in treatment. Regard-

less of the "completion versus compliance" dilemma, the findings from this study should be replicated. If persons who complete treatment in a TC are less likely to be incarcerated at follow-up, residential treatment may be one answer to the rising costs of the criminal justice system in the United States, as well as to the huge social costs to minority populations.

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Female Offenders— Walking Through Enhanced Supervision

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A NON-TRADITIONAL approach to supervising offenders can provide them with structure in a seemingly unstructured environment. Many of our offenders live on a chaotic roller coaster with very little chance of getting off the ride. A continuous frustration to many probation officers is getting offenders stable in the office only to send them back into their chaotic environment, where they return to their “normal” way of dealing with problems. When officers provide structure in an unstructured environment, offenders can learn coping skills that they will carry with them when they are not with their officer.

The Northern District of Texas, Garland Division, conducted a women’s issues group that consisted of female offenders (mental health, drug, white collar, and general offenders) under federal supervision. The women’s group revealed that many of our female offenders were suffering from depression and lack of motivation, which was exacerbated by their being overweight. We hypothesized that if we were able to get the offenders walking, then they would not only improve their physical appearance, but also their self-esteem and motivation.

A Program They Could Own

The women from the original women’s issues group were approached with the idea of starting “their” own walking group, getting together one day a week to walk as a group. Several women became very excited about the concept and began not only to anticipate what would come from this group, but to help officers plan the program. This gave the women ownership of the program and therefore made them responsible for its success. Key to the success of this type of group is to allow the

women to think they have the choice to attend; thus the officer doesn’t have to waste time breaking through their guard. Although the group was not mandatory for any of the women referred, some were strongly encouraged to attend. Often this is important to get them to attend the group for the first time, after which their peers will keep them coming back.

Once plans were underway, the next step was to find a centrally located area in Dallas, Texas, that would provide walking trails with a relaxing atmosphere. We found this at White Rock Lake, located in the middle of the city, which made it easy for every participant to reach within 25 minutes. Other female offenders outside the women’s issues group were referred to the walking group. For those women whose officers may not have considered referring them, we created a flyer for the lobby to entice interest. The wording of the flyer was developed by both officers and offenders. The flyer read: “Do you need some time for yourself? Would you like to be around other women who understand your circumstances? Would you like to feel better about yourself physically and do something about it?” Many offenders told us that the wording of the flyer really got them interested in the group.

To provide tangible means of measuring progress, a female deputy with the U.S. Marshals Office was asked to come in to calculate the group’s body fat. Knowing that women would not show up for a group if they knew they were going to be weighed or measured, the officers sent out letters advising them that our first meeting would be in the office with a guest speaker. They were instructed to come dressed in shorts and t-shirts or bring this at-

tire with them. Ironically, although they were instructed to bring shorts, not a single woman in the group did so. Although they did not know specifically what they were going to be subjected to with this guest speaker, we believe that they intentionally did not wear shorts in order to maintain control of what was going to happen in the group.

When the women arrived, the marshal was already in the room and the women naturally thought that she was a part of the group. When she was introduced as a U.S. marshal, every group member became paralyzed with fear that they had been tricked and were all going to jail. In general, these offenders had never had a positive contact with a U.S. marshal; their contact consisted of being arrested. One of the offenders had actually been arrested by this same deputy and was quick to announce this to the group. The women went through a series of emotions in just a few seconds; terror, which quickly turned to anger, and then a sense of relief when they realized they were not going to jail. The group immediately unified to revolt against getting their body fat measured. Officers attempted to defuse the revolt by stating that they would go first. In response, a participant stepped forward and said that she would go first. The offenders were given envelopes in which to place their results if they chose not to know their results immediately. They were then told that the deputy was sworn to secrecy and nobody had to know their percentage of fat. By the time the deputy completed everyone’s test, including the officers, participants had loosened up and were joking with one another, sharing their body fat percentage with everyone in the group. By the time the class was over, the ladies had trust in the group, they

had trust (for the first time) in the deputy, and they had found a way to laugh about a very uncomfortable situation.

We had not intended to walk during this first meeting; however, the group insisted we get started. Participants united and decided as a group that they would walk around the area for a short time. From this experience, they learned how to make a decision as a team, present it to the “boss,” and execute their plan.

Learning Life Skills

The group experience begins before participants even leave the house: They experience their motivation to come to the group. Before attending this program, many offenders had little motivation to get out of bed, much less exercise. The walking group gives these women something to look forward to: talking with other women who understand what they are going through, knowing that someone cares if they show up or not, and doing something to make themselves feel better.

As the group has continued, it has become clear that the original hypothesis (walking will decrease depression while increasing self-esteem and motivation) underestimated the power of this group. There are many life skills that these women are learning without being aware of it and, because of this, there is no resistance so they are able to take the learned skills home with them. First, walking becomes a symbol of moving forward in life. Offenders are physically moving to achieve the goal of finishing that day's walk. Each woman shows up with a goal, whether it be to finish the walk, push to finish last week's territory in a shorter time, or even keep up with the fastest walker. They may have accomplished their goal just by showing up. They must learn to accept their accomplishments as well as their limitations.

Offenders are learning how to work as a team through leadership and encouragement. They are learning to make decisions together and plan for the future. For example, one day the officer got caught up at the office and was late getting to the lake. This left the women with a dilemma: go ahead and walk or wait? As a group they determined that they would go ahead and walk, but walk the circular trail so they could watch for the officer's arrival. They further considered how to handle this situation in the future and determined which path they would take so that any late-comers would know where to find them.

Learning to set appropriate limits without feeling guilty is often a hard lesson for female

offenders to learn. One day was very humid and hot. All the women were having a hard time finishing the normal walk, but Sharon in particular was having problems. Sharon, an extroverted single mother in her mid 30's, has a troubled teenager over whom she has little control. Sharon has been unable to set limits and stick to them without validation from her peers. On this particular day, Sharon's normal walking partner did not show up. Sharon was having great difficulty keeping up with the others and became more frustrated by the minute. This appeared to be a perfect opportunity to discuss accepting one's limits. We discussed the fact that many women have a hard time saying “no” and that it is important for them to listen to their minds and bodies to become aware of when they need to stop pushing. Sharon was given “permission” to tell the others in the group that they were pushing her too hard and she would not be keeping up. She was encouraged to do this without the guilt generally associated with saying “no.” When she set her limit and accepted that she wasn't going to keep up with the rest of the group, she slowed down to a pace that was comfortable for her. She found support when another woman decided to keep her company. Her officer also stayed by her side until she finished the walk. This gave Sharon positive, experiential practice in being aware of her limitations, expressing these limitations appropriately, and following through with her wishes.

Learning alternative ways to deal with anger is another skill the women are building. One woman came to group one day annoyed about the lack of support she receives from her family of origin. As we walked, she talked about her frustration that she has always been there for her family, but when she needed them, they were nowhere to be found. As she became more agitated, she began to walk briskly until she was moving at a slow jog. After she released her anger, her pace naturally slowed back down. This process allowed her to express her anger in a physically healthy manner.

A Case in Point

The walking group, an apparently unstructured activity, in fact gave the offenders a loose, adaptable structure within which they were able to learn skills that have enhanced their lives and their supervision. However, it has helped Nicole in almost every aspect of her life. Nicole is serving a three-year term of supervised release for Using a Facility of Interstate Commerce to Promote and Facilitate

Unlawful Activity Involving Prostitution. When she was first released from prison, she was very guarded and verbal about not letting probation know anything personal about her. As the weeks went on, she became very depressed and suicidal, and eventually wouldn't leave her home. She attended the original women's issues group only to keep her officer “off her back.” However, during the group, she began to open up, finding a non-judging trust with her peers. Nicole was one of the first to jump at the opportunity to participate in the walking group. In fact, she pushed to get the group started early. The first day of the group was a turning point for Nicole. The deputy who measured our body fat was the deputy who had arrested Nicole on her instant offense. Although she was scared, she participated in the measurements, thanked the deputy for coming, and was able to joke that it was nice to see the deputy leave without her in handcuffs. Nicole has made remarkable progress in her personal life. Before the walking group, Nicole got up in the morning only to get her daughter off to school and promptly returned to bed. She suffers from major depressive disorder and was non-compliant with medications prescribed for this disorder. She used the excuse that she couldn't take her anti-depressant because she was afraid that it would make her gain even more weight. Until her supervision, Nicole had never worked a legal job in her life and was terrified of the rejection she might face if she began to seriously seek employment. Nicole came weekly to the walking group and made much progress. The first day we met at the lake, she could not locate the meeting place, but drove around the lake for an hour. Instead of becoming frustrated and angry, she realized how relaxed she felt just being close to the water. The following week, she was at the meeting place early and announced that she had been coming out to the lake daily to walk. Nicole quickly became a leader in the group, pushing others to try to pick up the pace and go a little further. Those who couldn't keep up developed the goal of being able to keep up with her in the future. Nicole became compliant with her medication and not only began to feel better, but was looking great. One day, Nicole complained to the group as they walked that she had filled out an application several months earlier at Wal Mart and was annoyed because she had never received a response. The group suggested that she take the initiative and follow up with Wal Mart. She took the group's advice and drove straight to Wal Mart, which hired her on the spot.

Levels of Benefit

The walking group has met regularly for the past seven months. During this time, we have had 15 offenders participate. The level of benefit varies from participant to participant. Three have found full-time professional jobs. Two of these women have informed their employers that they are participating in an exercise program and have asked for flexibility in their schedules on walking day to allow continued attendance. Their employers agree to this most of the time. Recently, one of the walkers admitted to her officer that she had used cocaine. Obviously, this is a serious violation of her supervision, in addition to being against the law. However, because of the working relationship she had built with her officer through her participation in the group,

she admitted to feeling guilt for the first time ever in her life. She faced consequences for her actions and continues to walk weekly with the group. Another woman has attended every week without fail. Although she continues to be unemployed, she has become more active in the community, doing volunteer work and spending less time at home (which had been adding to her depression).

Not all participants have enjoyed the walking group. One woman came to the group a couple of times and decided that she did not like walking and hated the heat. Although she no longer participates in the group, it has been easier for her officer to break through her anger and supervise her because she knows her officer cares. Regardless of the level of personal benefit, offenders

have become more open with their supervising officers, which allows officers to be proactive in their supervision of these offenders.

Conducting a walking group has given structure to the offenders in a non-traditional way. The group was started with the simple idea of forming a program with offenders so they could walk together. It has allowed offenders to physically move forward in their lives while learning valuable life skills. Skills learned in the group have helped not only the participants but also the officers. Offenders quickly realized that officers are human, that they care and are interested in offender's progress. In turn, offenders trust officers. Officers are given an opportunity to witness remarkably rapid progress emerging from a program that has enhanced their ability to supervise these women in the community.

UP TO SPEED

A Review of Research for Practitioners

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Reviewing and Clarifying the Role of Religion in Reducing Crime and Delinquency

BY BYRON R. JOHNSON

Many concerned with the wellbeing of civil society have been particularly intrigued by the possible role of religion, religious practices, or faith-based groups. As a researcher, I am intrigued not only with these questions, but with empirical answers to how, for better or worse, religion affects the way people actually live their lives. Indeed, over the last several decades scientists have begun to carry out a great deal of such empirical work and we are now able to objectively answer many of these questions. In fields ranging from medicine to the social and behavioral sciences, scholars have studied the influence of religion and religious practices on a wide range of health and social outcomes. These scientific pursuits have yielded an impressive body of empirical evidence that too often goes unnoticed by the academy, public policy experts, and even those who occupy the pews of America's houses of worship. In this paper, I review research on the influence or impact of religion on an array of social and behavioral outcomes, as well as research assessing the effectiveness of faith-based organizations. I conclude with relevant policy recommendations.

Religious Practices and Outcomes—A Review of the Research

Over the last several decades a notable body of empirical evidence has emerged on the relationship between religion or religious practices and a host of outcomes. In a recent book published by Oxford University Press, Harold Koenig and colleagues Michael McCullough and David Larson have systematically reviewed much of this work.¹ This lengthy and

meticulous review of over a thousand studies focuses on scholarship appearing in refereed journals, and documents that religious practices or religious involvement are associated with beneficial outcomes in both mental and physical health. These outcome categories include, for example, hypertension, mortality, depression, alcohol use/abuse and drug use/abuse, and suicide. Each of these areas is relevant either directly or indirectly to the subject of crime and delinquency. Reviews of additional social science research also confirm that religious commitment or involvement in religious practices is significantly linked to reductions in both delinquency among youth and adolescent populations and criminality in adult populations. I summarize below a number of these relevant research literatures.

Hypertension

Hypertension is defined as a sustained or chronic elevation in blood pressure. It is the most common of cardiovascular disorders and affects about 20 percent of the adult population. Not surprisingly, social epidemiologists are interested in the effects of socio-environmental determinants of blood pressure. In recent years, epidemiological studies have found that reported higher levels of religious activities are associated with lower blood pressure. Our review of the research indicates that 77 percent of the studies reviewed ($n=30$) conclude that religious activities or involvement tend to be linked with reduced levels of hypertension. Further, church-based hypertension intervention programs have achieved considerable documented success in lowering blood pressure within African-American congregations.² Given that 50 million Americans suffer from high blood pressure, it seems prudent to conduct additional research to determine if and how religious communities may be potential sources of hypertension control.

Mortality

A significant body of research reveals an association between intensity of participation in religious activities and greater life expectancy. Involvement in a religious community is consistently related to lower mortality and longer survival in 75 percent of the published studies. This association is found independent of the effect of confounders such as age, sex, race, education, and health.³ In fact, longitudinal research in a variety of different cohorts has also documented that frequent religious attendance is associated with a significant reduction in the risk of dying during follow-up periods as long as 28 years.⁴

Depression

Depression is the most common of all mental disorders and people with depression are also at increased risk for use of hospital and medical services and for early death from physical causes.⁵ A total of 102 studies examine the religion-depression relationship and 68 percent find that religious involvement tends to be associated with lower incidence of depression. People who are frequently involved in religious activities and who highly value their religious faith are at reduced risk for depression. Religious involvement seems to play an important role in helping people cope with the effects of stressful life circumstances. These findings have been replicated across a number of large, well-designed studies and are consistent with much of the cross-sectional and prospective cohort research that has found less depression among the more religious.

Suicide

Suicide now ranks as the ninth leading cause of death in the United States. This is particularly alarming because suicides tend to be underestimated, since many of these deaths are coded as accidental. A substantial literature documents that religious involvement is associated with lower rates of suicide, suicidal

behavior, and suicidal ideation, as well as less tolerant attitudes toward suicide across a variety of samples from many nations. In total, 87 percent of the studies reviewed on suicide found these beneficial outcomes.

Promiscuous Sexual Behaviors

Out-of-wedlock pregnancy, often a result of sexual activity among adolescents, is largely responsible for the nearly 25 percent of children age six or younger who are below the federal poverty line. According to the Centers for Disease Control, unmarried motherhood is also associated with significantly higher infant mortality rates. Further, sexual promiscuity increases significantly the risk of contracting sexually transmitted diseases. Studies in our review generally show that those who are religious are less likely to engage in premarital sex or extramarital affairs or to have multiple sexual partners. We found that approximately 97 percent of the studies reviewed ($n=38$) reported significant correlations between increased religious involvement and lower likelihood of promiscuous sexual behaviors.

Drug and Alcohol Use

The abuse of alcohol and illicit drugs ranks among the leading health and social concerns in the United States today. According to the National Institute for Drug Abuse, approximately 32 million Americans engage in binge drinking, and 11 million Americans are heavy drinkers. Additionally, some 14 million Americans are current users of illicit drugs.⁶ Both chronic alcohol consumption and abuse of drugs are associated with increased risks of morbidity and mortality.⁷ Well over one hundred drug and alcohol studies examine the relationship between religiosity and drug or alcohol use and abuse, and 90 percent of these studies ($n=151$) conclude that participation in religious activities is associated with a lessened tendency to use or abuse alcohol or drugs. These findings remain significant regardless of the population under study (i.e., children, adolescents, and adult populations).

Delinquency

The role of religion in reducing or preventing crime and delinquency has been debated for many years, and yet, until recently, there was a lack of consensus about the nature of this relationship. In an effort to bring some clarity to this area, this review summarizes findings from several systematic reviews of the research in this area.

Dating back to Hirschi and Stark's (1969) classic study "Hellfire and Delinquency," there has been an interest in uncovering whether religion decreases, increases, or essentially does not affect criminal behavior. Hirschi and Stark (1969) discovered that no relationship existed between levels of religious commitment among youth and measures of delinquency. Subsequent replications both supported (Burkett and White, 1974) and refuted Hirschi and Stark's original finding (Higgins and Albrecht, 1977; Albrecht et al., 1977; Jensen and Erikson, 1979). Stark et al. (1982) later suggested that these contradictory findings were the result of the moral makeup of the community being studied. Stark and his colleagues suggested that areas with high church membership and attendance rates represented "moral communities," while areas with low church membership typified "secularized communities." Consequently, studies of delinquency in moral communities yielded an inverse relationship between religious commitment measures and delinquency (Albrecht et al., 1977), while areas with low church membership rates failed to generate the inverse relationship (Hirschi and Stark, 1969). In other words, one would expect to find an inverse relationship between religiosity and delinquency in moral communities and find little or no effect of religiosity on individuals in secularized communities.

Several literature review articles and a steady stream of important delinquency studies have made increasingly obvious the consistent and growing evidence that religious commitment and involvement help protect youth from delinquent behavior and deviant activities.⁸ Recent evidence suggests that such effects persist even in communities typified by decay and disorganization.⁹ There is mounting evidence suggesting that religious involvement can lower the risks of a broad range of delinquent behaviors, including both minor and serious forms of criminal behavior.¹⁰ Recent evidence also suggests that religious involvement may have a cumulative effect throughout adolescence and thus may significantly lessen the risk of later adult criminality.¹¹ Additionally, there is growing evidence that religion can be used as a tool to help prevent high-risk urban youths from engaging in delinquent behavior.¹² Religious involvement may help adolescents learn "pro-social behavior" and give them a greater sense of empathy toward others—thereby decreasing the likelihood of committing acts that harm other people. Similarly, once individu-

als become involved in deviant behavior, participation in specific kinds of religious activity may help steer them back to a course of less deviant behavior and, more important, away from potential career criminal paths.¹³

Research on adult samples is less common, but tends to represent the same general pattern, that religion reduces criminal activity by adults. An important study by T. David Evans and colleagues found that religion, indicated by religious activities, reduced the likelihood of adult criminality as measured by a broad range of criminal acts. The relationship persisted even after secular controls were added to the model. Further, the finding did not depend on social or religious contexts.¹⁴ A small but growing literature focuses on the links between religion and family violence. Several recent studies report that regular religious attendance is inversely related to abuse among both men and women.¹⁵ All total, 80 percent of these crime and delinquency studies ($n=45$) reviewed show reductions in delinquency and criminal acts to be associated with higher levels of religious activity and involvements.¹⁶

In sum, a review of the research on religious practices and health outcomes indicates that, in general, higher levels of religious involvement are associated with reduced hypertension, longer survival, lower incidence of depression, lower levels of drug and alcohol use and abuse, lower incidences of promiscuous sexual behaviors, reduced likelihood of suicide, lower rates of delinquency among youth, and reduced criminal activity among adults. This body of research demonstrates that those who are most involved in religious activities tend to fare better with respect to important and yet diverse outcome factors. Religious commitment is now beginning to be recognized by scholars in disciplines like medicine, physical and mental health, sociology, and criminology as a key protective factor, shielding youth from a number of harmful outcomes. At the same time, a similar body of research consistently finds that religious commitment also promotes or enhances beneficial outcomes like well-being,¹⁷ hope,¹⁸ meaning and purpose,¹⁹ self-esteem,²⁰ and educational attainment.²¹ The review of a large number of studies across multiple disciplines, with diverse samples and methodologies, leaves the inescapable conclusion that the empirically documented effect of religion on physical and mental health outcomes is remarkably positive.

Faith-Based Organizations

Faith-based organizations (FBOs) like the Salvation Army, Lutheran Social Services, Teen Challenge, Prison Fellowship, or Catholic Charities have been part of public life for decades, but the dialogue has recently taken on a new and higher public profile. By some estimates, FBOs provide \$20 billion of privately contributed funds to social service delivery for over 70 million Americans annually. While an impressive and mounting body of evidence shows that higher levels of religious practices or involvement are linked to reductions in various harmful outcomes, does a similar body of evidence evaluate the effectiveness of FBOs? The short answer is that rigorous evaluation of FBOs is not commonly found in the form of published studies. What research has been completed, however, reveals that FBOs are on the whole quite effective.²² A number of studies have documented that faith-based programs are effective, especially when compared to a non-faith-based intervention. Preliminary evaluations of faith-based drug treatment and offender rehabilitation programs²³ in prisons as well as aftercare settings,²⁴ based on overtly religious modalities, find them more effective in reducing relapse²⁵ and lowering recidivism.²⁶ Similarly, church-based health care initiatives targeting hypertension, diabetes, and maternal and child health have been found to be particularly effective in African-American congregations.²⁷

Conclusions

Our review of the literature on faith-based organizations reveals two very basic facts. First, what we do know about their effectiveness is positive and encouraging. FBOs appear to have considerable advantages over comparable secular institutions in helping individuals overcome difficult circumstances (e.g., imprisonment and drug abuse). Second, although this literature is positive, it is also limited. The most rigorously studied faith-based entity to date—faith-based prison programs like Prison Fellowship—still requires much more long-term research. A host of other services that FBOs provide such as housing, welfare-to-work, alcohol and drug treatment, education, after-school programs, and any number of outreach programs to disadvantaged populations have not been subjected to the most serious kind of evaluation research.

By any measure, this area of social science research is underdeveloped. But for several reasons, the prospects for future research are impressive. First, FBOs are now receiving long

overdue attention for the services they provide. This attention has resulted in new academic interest in the study of religion, and hopefully in the rigorous investigation of FBOs. Rigorous research is needed on: 1) faith-based mentoring of at-risk youth, such as children of prisoners; 2) after-school programs for children that provide faith-based literacy and other basic skills; 3) faith-based alternative sentencing programs or aftercare programs; and 4) faith-based prison programs like those operated by Prison Fellowship and Kairos. Second, and possibly even more important, the scientific study of religion has grown in impressive ways over the past several decades. Researchers are now in a position to cite hundreds of solid studies in peer-reviewed journals that indicate a striking correspondence between religiosity and general health and wellbeing. Third, above all the political and financial considerations, what we know about the effectiveness of religion via FBOs represents the tip of the iceberg for what we already know about the positive impact of religion in a host of other areas outlined earlier.

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THE CUTTING EDGE

A Survey of Technological Innovation

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Finding Online Criminal Justice Materials

With the Internet growing at a phenomenal rate, a major problem has become how to find relevant information when there are hundreds of millions of web pages located on hundreds of thousands of servers around the world. The initial reaction to the Web as an information resource can be overwhelming, much like the first experience of walking into a large library and seeing row after row of books. As libraries moved from card catalogs to electronic catalogs to searchable article databases, finding resources became much easier.

The Internet has been considered a major research source only for a few years; thus ways to search it are still in their infancy. Attitudes toward the overall value of materials found on the Web vary. Some are wary because anyone can post a Web site, whether they can back up their ideas with facts or not. However, materials on the Web can be used effectively if they are judged by the same standards as other research; e.g. is the author a known authority, does the page have a bibliography and/or hyperlinks to support its claims, are the statements plausible, do they agree or disagree with what you have read elsewhere, etc. Knowing the differences between "sensational," "popular," "substantive news/general interest," and "scholarly" publications helps too, as all of these types of information are available. Becoming a discriminating Web researcher is a must.

Where Can I Find Specifically Criminal Justice Materials?

There are many locations one can check for criminal justice information. Where best to look depends upon what type of information you are seeking: scholarly articles and conference papers, government reports and funded research, crime statistics, international crime trends, or more personal information such as arrest records or correctional inmate

data. The latter has created considerable debate among those who want easy Internet access to all public records and privacy advocates who want such records made unavailable to ordinary citizens.

There are specific index and abstract databases for the social sciences, but few dedicated to criminology or criminal justice. Social science listings include: PsychInfo, Psychcrawler, Wilson Social Sciences Abstracts Full Text, International Bibliography of the Social Sciences, and ERIC. ERIC offers educational research, and is a good source to search for juvenile justice-related materials such as at-risk students. Medline offers access to medical journals. Some of these databases require entry through a university library portal or an agency site license.

Criminal Justice Abstracts is the most comprehensive database available within our discipline, but can be accessed online only through a library that subscribes to it. Criminal Justice Abstracts provides citations, with abstracts, to the world's literature in criminology, including trends, crime prevention and deterrence, juvenile delinquency, juvenile justice, police, courts, punishment, and sentencing. Sources include comprehensive coverage of international journals, books, reports, dissertations, and unpublished papers on criminology and related disciplines.

Even more useful is the NCJRS Abstract Database, and it's free! The National Criminal Justice Reference Service Abstracts Database contains summaries of more than 150,000 criminal justice publications, including federal, state, and local government reports, books, research reports, journal articles, and unpublished research such as ASC and ACJS conference papers. Many of the items in the database are directly linked to full text copies of the materials. If not, NCJRS will mail you a copy of the documents or send items via interlibrary loan. Strangely, while the subject terms used in this database are all listed

in the National Criminal Justice Thesaurus, a 300+ page reference tool listing more than 6,000 keywords, this document is not available online.

Crime statistics and other agency reports may or may not be in the NCJRS database. Below is a tutorial on specifically how to locate crime statistics. It was formulated by Steve Cooper, University of California, Irvine.

Locate Crime Statistics on the Web:

A. Uniform Crime Reports (UCR)

- Step 1: Go to the FBI's website at <http://www.fbi.gov>
- Step 2: Click on the link to the Uniform Crime Reports
- Step 3: Click on the link to the year of the UCR that you desire. You should now see a list similar to this one:

Section I—Summary of the Uniform Crime Reporting Program

Section II—Crime Index Offenses Reported

Section III—Crime Index Offenses Cleared

Section IV—Persons Arrested

Section V—Incidents of Family Violence: A Special Study

Section VI—Law Enforcement Personnel

Section VII—APPENDICES

If you want an overview of the UCR, go to Section I. If you want to know how many crimes were reported to the police (for example, how many robberies were reported to police in California) then go to Section II. If you want to know how many people were arrested (for example, how many people were arrested for murder in California) then go to Section III. If you want detailed information regarding those arrested for various offenses

(for example, how many Whites were arrested for rape), then go to Section IV.

Frequently Asked Questions (FAQs) of the UCR

<http://www.fbi.gov/ucr/faqs.htm>

B. *Sourcebook of Criminal Justice Statistics*

- Step 1: Go to the Sourcebook's website, located at:

<http://www.albany.edu/sourcebook>

If you are looking for data on the number and types of criminal justice agencies and employees, criminal justice expenditures, workload of agency personnel, and State-by-State statutory information, go to Section 1—Characteristics of the criminal justice systems. If you are looking for data on the results of nationwide public opinion polls on such matters as fear of victimization, the death penalty, gun control, drug use, and ratings of law enforcement and judicial system performance, go to Section 2—Public attitudes toward crime and criminal justice-related topics. If you are looking for data from several indicators of the extent of illegal activities, then go to Section 3—Nature and distribution of known offenses. These contain surveys of individuals and households that may have been victims of crime, proportions of persons reporting that they have used various drugs or participated in other illegal activities, and law enforcement agency counts of offenses reported to them.

If you are looking for data that include tabulations of arrestees by age, sex, race, and geographic area; proportions of known crimes cleared by arrests; and counts of illegal goods and assets seized, go to Section 4—Characteristics and distribution of persons arrested. If you are looking for data on the number of juveniles and adults processed through the courts and on the characteristics, dispositions, and sentences of defendants, go to Section 5—Judicial processing of defendants. If you are looking for data about persons on probation and parole, juveniles in custody, persons in local jails, population and movement of inmates in state and federal prisons, and characteristics of state and federal prison inmates, go to Section 6—Persons under correctional supervision. The section also presents data on offenders executed and offenders currently under sentence of death.

For additional information regarding the Sourcebook:

<http://www.albany.edu/sourcebook/1995/about.html>

C. *National Crime Victimization Survey (NCVS)*

- Step 1: Go to the U.S. Department of Justice's Bureau of Justice Statistics

website: <http://www.ojp.usdoj.gov/bjs/>

- Step 2: Click on the link for "Crimes and Victims"

If you want general information about victimology, click on "Criminal victimization, general." If you want detailed information about the female victims, elderly victims, teenage victims, etc., click on "Victim characteristics." If you want information about types of crime, victim/offender relationship, weapon use, place of occurrence, cost of crime, etc., click on "Characteristics of crime."

One-stop shopping for federal agency statistics is available at FedStats. The Bureau of Justice Statistics offers access to a number of criminal justice-related statistics. The site includes the ability to drill down and has downloadable spreadsheet data. State information on crime stats and other criminal justice agency data are maintained by Statistical Analysis Centers in each state, with centralized efforts coordinated by JRSA. Crime stats for universities and colleges are available, too.

For criminal justice researchers and students who need data to analyze for research methods and stats classes, the National Archive of Criminal Justice Data serves as the final resting place for data sets resulting from funded research projects. Unfortunately, the data sets, code books, and other materials are not organized in a user friendly way. Expert knowledge on how to import the data sets into SPSS or SAS is required. However, the archive's maintainer, the Inter-university Consortium for Political and Social Research, has a sponsored summer program to provide training. According to ICPSR, the Summer Program in Quantitative Methods of Social Research offers a comprehensive, integrated program of studies in research design, statistics, data analysis, and social methodology. Basic methodological and technical training is offered, along with opportunities for advanced work in specialized areas.

For more user friendly data, pay a visit to the National Consortium on Violence Research site. Besides UCR and NVS data, NCOVR maintains supplemental homicide reports, city-level aggravated assault data, and hospital reports.

International and comparative data is more difficult to find but available. The United Nations Interregional Crime and Jus-

tice Research Institute maintains an exhaustive library on the prevention and control of criminality and deviance as well as related social problems, such as drug abuse, maladjustment, etc. The library collection includes some 6000 authors, as well as more than 300 series and 600 publishers.

An effort to index government reports, plus journalistic and Web resources on international topics is ongoing at the World Justice Information Network, directed by Sergey Chapkey. According to its mission statement, WJIN is an Internet-based system for sharing open source information on crime, justice and the rule of law among policy makers, executives, criminal justice and law enforcement officials, international organizations, researchers and other academics, students, civic activists, journalists and concerned citizens worldwide. They also offer a news story clipping service featuring international crime and criminal justice topics.

People are now looking to the Web for personal information about other people that has never been easily available—unless you hired a private detective—and was in some cases "protected." There appears to be a great deal of interest in using search tools to run criminal background checks. As of yet this service is not being made available by state agencies to private citizens. But, given that in some states like Florida such information is subject to Sunshine laws and available as public records, it is only a matter of time before enterprising entrepreneurs set up Web sites and start charging for access. Services such as Net Detective promise to provide this kind of information.

Net Detective Promises

- Locate emails, phone numbers, and street addresses
- Get a copy of your FBI file
- Find debtors and locate hidden assets
- Check driving and criminal records
- Locate old classmates, missing family member, or a long-lost love
- Do background checks on employees before you hire them
- Investigate family history, birth records, death records, and social security records
- Discover how unlisted phone numbers are located
- Check out your new or old love interest

- Verify your credit reports so you can correct any wrong info
- Track anyone's internet activity to see the sites they visit
- Explore secret web sites that conventional search engines miss.

<http://www.reversephonedirectory.com/netdet2000/>

Both court and correctional records databases are moving to the Web, but not without some controversy. The practical difficulty of getting at court and corrections documents kept the privacy question a non-issue until the Internet changed the world. The law has always recognized that court documents were public, and theoretically they were, but the practical difficulty of reviewing those documents kept them effectively private. Forcing citizens to come to the courthouse and then charging outrageous copying fees deterred most. Technology now makes those documents 'in fact' public and instantly accessible. How citizens will use this information only time will tell.

Potential employers, rental agents, and creditors would certainly want this data. I often tell my students they can use the local county clerk's database to screen potential dates as all misdemeanor and felony convictions dating back to 1984 are listed. Some states are blocking commercial use of the information and/or making finding information so difficult most can't get to what they want.

Many states already maintain searchable online databases of convicted sexual predators and sexual offenders, as public access to these was mandated as part of legislation such as Megan's Law. Actually, the law did not require online access to the records, but states decided to provide it. These databases contain current addresses and photos of convicted offenders. In 1999, a group of Oregon convicted sex offenders sued to block the opening of that state's registry. The Florida Department of Corrections is one among many that offers online databases including all inmates and those under probation or parole supervision.

Debates pitting individual privacy rights vs. access to public government records are certain to continue. The United States holds a position somewhat in the middle compared to Canada and the U.K. Canada offers its citizens greater privacy protections, while the U.K. has long held that its citizens do not have the right to access government-collected information. Human rights and Constitutional rights advocates argue that the release of government-held information is the only way to fully disclose

certain illegal or unethical state actions. For example, sites that help citizens obtain FBI files and other government records under the Freedom of Information Act have appeared.

Of course, FOIA information could be misused, just like any of these kinds of records. The FOIA law includes a privacy provision and a personal privacy exemption from release of government records. This exemption involves a balancing of the public's interest in disclosure against the degree of invasion of privacy that would result from disclosure. If a request involves this exemption, the requester must provide a brief explanation of the public benefits from disclosure, and how that disclosure sheds light on government activities, so that it can be determined whether any invasion of privacy resulting from disclosure would be "clearly unwarranted."

Additional Resources:

PsychInfo

<http://www.silverplatter.com/catalog/psyi.htm>

Psychcrawler

<http://www.psychcrawler.com/>

Wilson Social Sciences Abstracts Full Text

<http://www.silverplatter.com/catalog/wsaf.htm>

International Bibliography of the Social Sciences

<http://www.silverplatter.com/catalog/ibss.htm>

ERIC Database Search

<http://www.accesseric.org/searchdb/searchdb.html>

Medline

<http://www.nlm.nih.gov/databases/freemedl.html>

Medical Journal Finder

<http://mjf.de/>

Criminal Justice Abstracts

<http://www.silverplatter.com/catalog/cjab.htm>

NCJRS Abstracts Database

<http://www.ncjrs.org/database.htm>

Bureau of Justice Statistics

<http://www.ojp.usdoj.gov/bjs/>

FedStats

<http://www.fedstats.gov/>

Federal Justice Statistics Resource Center

<http://fjsrc.urban.org/index.shtml>

JRSA State Statistical Analysis Centers

<http://www.jrsainfo.org/sac/index.html>

U.S. Academic Crime Statistics Link Guide

http://www.crime.org/links_academic.html

National Archive of Criminal Justice Data

<http://www.icpsr.umich.edu/NACJD/home.html>

National Consortium on Violence Research

<http://www.ncovr.heinz.cmu.edu>

Agencies Providing Criminal Justice Information

<http://www.fsu.edu/~crimdo/info.html>

Cybrary

<http://talkjustice.com/cybrary.asp>

APB News.com

<http://www.apbnews.com/>

United Nations Interregional Crime and Justice Research Institute

<http://www.unicri.it>

World Justice Information Network

<http://www.justinfo.net/>

Interpol

<http://www.interpol.int/>

Net Detective 2000

<http://www.reversephonedirectory.com/netdet2000/>

Lexis-Nexis Public Records Searches

<http://www.lexis-nexis.com/business/pubrec/>

Due Diligence Data

<http://world.std.com/~mmoore/>

An Open and Shut Case

<http://govtech.net/publications/gt/1999/nov/MagstoryA/magstorya.shtml>

Leon Co., FL Clerk of Courts

<http://www.clerk.leon.fl.us/>

Florida Dept. of Corrections Inmate Population Information Search

<http://www.dc.state.fl.us/activeinmates/inmatesearch.asp>

Florida Dept. of Corrections Supervised Population Information Search

<http://www.dc.state.fl.us/activeoffenders/offendersearch.asp>

Florida Dept. of Law Enforcement Sexual Offenders/Predators Search

http://www.fdle.state.fl.us/Sexual_Predators/index.asp

Freedom of Information Act Services

<http://www.foiaservices.com/>

JUVENILE FOCUS

By ALVIN W. COHN, D.CRIM.

President, Administration of Justice Services, Inc.

Gangs

The youth gang problem has spread beyond the largest cities and traditional urban areas in the U.S., with all 50 states reporting the presence of gangs by the late 1990s, according to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The study, based on data compiled from 1970 to 1998, also showed that the geography of gangs has changed dramatically over that time. In the South, for example, the number of gang-plagued cities has risen 33-fold and this region now ranks second among regions nationwide in this category. However, researchers report that the rate of growth that prevailed during the later 1990s will decrease in the early 2000s and that the actual number of gang localities could drop as well.

Youth Drinking

Statistics vary on the level of youth drinking, but most show that at-risk behaviors, including drinking, are declining among students under age 17. However, the decline among college students is not that significant. The ongoing 1999 Harvard College Alcohol Survey, which tracks nearly 15,000 students, found 44 percent were binge drinkers (five or more drinks in one sitting for men; four or more for women) in 1999, about the same rate as in 1993. When the Harvard School of Public Health College compared schools that ban alcohol with schools that don't, they found that 38 percent of students at schools that ban alcohol are binge drinkers, compared with 48 percent at schools without such a ban.

Juvenile Homicides

Juvenile homicide arrests have fallen to their lowest rate in a generation as the wave of violence that passed through teenage America in the past decade continues to ebb, according to the FBI. The crime data show that about 1,400 children ages 10 to 17 were charged with murder in 1999, a 68 percent drop from 3,800

during the height of the crack epidemic in 1993 and the lowest number since comprehensive national reports on teenage homicide were first pulled together in 1980. It was the nation's fifth consecutive year of declining juvenile crime. According to the FBI, the data show that 4.7 youths per 100,000 were charged with murder in 1999. At its peak in 1994, the rate was 14.2.

For all violent crime, the rate of youth arrests dropped 23 percent from 1995 to 1999, which was much faster than the 12 percent drop recorded for adults. The youth violent crime rate of 339 per 100,000 was the lowest since 1988, with the greatest decline among young black males. However, reports show black males ages 14 to 17 are still six times as likely to commit a violent crime as their white counterparts and six times as likely to be homicide victims.

Teens and Ecstasy

Use of the "club drug" Ecstasy, a mainstay of raves and dance parties, continues to rise dramatically among American adolescents, according to the 26th annual Monitoring the Future Study, conducted by the University of Michigan Institute for Social Research, which surveyed 45,000 students in grades 8, 10, and 12. Among eighth-graders, use of Ecstasy increased 3.1 percent in 2000, up from 1.7 percent in 1999. Among 10th-graders, the use rose 5.4 percent from 4.4 percent. Among 12th-graders, its use rose to 8.2 percent from 5.6 percent.

Among other findings:

- Overall use of cocaine among 12th-graders dropped to 5 percent in 2000 from 6.2 percent in 1999.
- Use of steroids among 10th-graders increased 2.2 percent from 1.7 percent.
- Marijuana remains the most widely used illicit drug, with 16 percent of eighth-graders,

32 percent of 10th-graders, and 37 percent of 12th-graders indicating some use in the past year.

- Alcohol use has remained stable, but 43 percent of eighth-graders, 65 percent of 10th-graders, and 73 percent of 12th-graders had used alcohol during the past year.

Single-Father Households

The number of households headed by single fathers increased by almost 62 percent in the past decade, according to the U.S. Census Bureau. Though their numbers are still small, they increased at a rate more than twice that of single mothers. Households headed by a single father with his children at home rose from 1,354,540 in 1990 to 2,190,989 in 2000. The increase in single dads outpaced the growth of single moms, who increased 25 percent to 7,561,874 from 1990 to 2000.

According to the 2000 Census, just 23.5 percent of households are "traditional" families—a married couple and minor children. That is down from 25.6 percent a decade earlier.

Babies and Hearing Loss

Sixty-five percent of American babies are tested for hearing loss, up from just 25 percent just two years ago, according to a Utah State University study. As many as 34 states now require infant hearing tests and other states are expected to require them in the immediate future. Each year, more than 12,000 American babies are born with hearing loss, including 4,000 who are profoundly deaf, which makes hearing impairment the most common birth defect in the U.S.

The Campaign for Hearing Health has a full report, which can be found on its Web at www.hearinghealth.net. Among the report's highlights:

- 25 states screen 90 percent of babies or more; seven screen at least 70 percent; and

- 13 plus D.C. screen at least 35 percent. All have systems to assure quality, training, and follow-up.
 - Five states screen fewer than 35 percent of babies: California, which screens 19 percent; Nevada, 31 percent; New York, 16 percent; Ohio, 22 percent; and Vermont, 30 percent.
 - Legislation on universal hearing screening policies is pending in Michigan, Nevada, Ohio, Pennsylvania, Tennessee, Vermont, and Washington.
- Only about one to two percent of babies screened are sent for evaluation to determine the degree and type of hearing loss, and to provide hearing aids or other assistance. But studies show that for about 30 to 50 percent of babies referred for diagnostic evaluation, researchers can find no record of whether they received it.

Juvenile Punishment

An online poll by publisher Scholastic Inc. finds 62 percent of youths in first through eighth grades say that juvenile offenders should not be punished as adults, while 38 percent of the respondents say they should. Boys overwhelmingly oppose punishing juveniles as adults, 64 percent to 36 percent. Girls are more evenly divided, with 53 percent favoring adult punishment and 47 percent opposed.

Well-Being of Children

By most measures, life improved for America's children during the 1990s, with infant mortality, high school dropout, and births to teenagers all falling. For many measures, improvement was evident in every state, according to a Kids Count report on 10 indicators. On seven of the 10 measures, the national numbers improved between 1990 and 1998, and for two others, the nation has improved since then. Only one indicator showed a negative trend: an increasing number of babies being born dangerously small. In 1990, seven percent of babies were born weighing less than about 5.5 pounds, putting them in danger of developmental problems. By 1998, it was 7.6 percent, a nine percent jump explained by an increase in fertility treatments that has led to more twins and triplets and to older women giving birth.

Among other findings between 1990 and 1998:

- Infant mortality – death during the first year – fell by 22 percent, but much higher in poor communities.
- Child deaths for children ages one to 14 fell by 23 percent, which is credited to medical advances and a general decrease in deaths due to car crashes.
- Teen deaths by accident, homicide, or suicide fell by 24 percent, which amount to more than three in four deaths among teenagers.
- The high school dropout rate fell by 10 percent. In 1998, nine percent of 16- to 19-year-olds had dropped out, down slightly from 10 percent in 1990. But there was a significant variation across the country, with the rate rising in 18 states and falling in 24.
- Child poverty was level from 1990 to 1998, but it fell over the next two years and in 1999 reached 16.9 percent, its lowest level since 1979.

The full report can be found at www.kidscount.org.

Men as a Minority Group

Men have emerged as the new minority group on four-year college campuses across the nation and the trend has left some college admissions officers scrambling to figure out why. Liberal arts colleges have been hit the hardest by this gender imbalance and are having difficulty enticing male applicants away from schools with strong technological and engineering programs. A study released by the National Center for Education Statistics revealed that in 1998, male students were awarded just 43.9 percent of bachelor's degrees, which reflects a steady decline since 1993 when it hit 45 percent.

Earlier Math

Eighth-grade students soon may be expected to know algebra and geometry – math that is routinely taught in middle school in top industrialized countries but postponed until high school in most U.S. school systems. The new requirements, developed by a coalition of governors and educators, are aimed at redefining middle school math skills so that U.S. students can compete with those in other developed countries. An international study five years ago found U.S. students' math performance plummeted between grades four and eight and ranked near the bottom by the 12th grade. The proposed requirements would encourage strong computational and reasoning skills, the ability to work with abstract

ideas and complex measurements, and the skills to interpret data and solve “real life” problems.

Parental Quality Time

Children in two-parent households spend more time with their mothers and fathers than they did 20 years ago, according to research conducted by the University of Michigan. These children spend four to six more hours per week with their parents in 1997 than they did in 1981. This increase was noted whether both parents worked or the mother stayed at home. The gains reported were significant: In 1997, children ages three to 12 spent about 31 hours a week with their mothers, a gain of six hours over 1981, and 23 hours a week with their fathers, a gain of four hours. For single mothers, time spent with their children did not change. The study did not examine time spent with single fathers.

Animal Cruelty

Teenage boys commit an extremely high number of acts of cruelty to animals, reports the Humane Society of the United States. Based on a year-long study, the agency says 21 percent of animal cruelty cases also involved family violence. Based on information from more than 1,600 cases of animal cruelty and neglect reported during 2000, it was found that 94 percent of intentional animal cruelty incidents were committed by males and 31 percent were committed by people age 18 and younger, with four percent in that group under age 12. Of all cases of abused animals, 76 percent were companion animals, 12 percent were farm animals, seven percent were wildlife, and five percent involved animals from more than one of these groups.

Teens and Welfare Reform

Welfare reforms that encourage mothers to work appear to cause increases in smoking, drinking, and school suspensions among adolescents, according to a study reported by the Northwestern University/University of Chicago Joint Center for Poverty Research. Welfare reform programs that both encourage parental employment and financially support working families show reduced poverty, improved academic performance, and fewer behavioral problems for elementary-age school children, but for adolescents, such programs seem to have a negative effect. The evidence for such findings suggests that the cause is related to less home-based supervision by adults.

Child Abuse

OJJDP recently reported that substantiated child abuse cases fell 33 percent between 1992 and 1998, with a 30 percent decline in 36 of the 47 states that reported data. The decline is related to a change in one or more aspects of child abuse: a decline in actual incidences, a change in reporting behavior, and changes in programs within child protective services.

College Women Victimization

According to a study reported by the National Institute of Justice (NIJ) and conducted in the spring of 1997, of women who were enrolled in college at the start of the fall 1996 semester, approximately three percent experienced a completed or attempted rape. Approximately 1.7 percent reported that they had been raped since the beginning of the academic year, 1.1 percent had been victims of attempted rape, and 1.7 percent had been coerced into having sex. About 13 percent said that they had been stalked.

Latinas and Education

A study by the American Association of University Women reveals that Latinas' futures are influenced by their families, their culture, their peers and teachers, and the media. Latinas often value staying close to their families instead of going away to college. Peer pressure, the report asserts, can contribute to this effect by creating a sense that going away to college means "acting white." Stereotypes held by teachers and counselors, such as an assumption that students who speak Spanish are likely to be gang members, discourage academic success. Such stereotypes, as well as the notion that Latinos/Latinas' low rates of educational

achievement stem from too little desire to be educated, are largely created by the media.

Among other study findings:

- The high school graduation rate for Latinas is lower than for girls in any other racial or ethnic group.
- Latinas are less likely to take the SAT exam than are their white or Asian counterparts and those who do score lower on average than those groups of girls.
- Compared with their female peers, Latinas are under-enrolled in Gifted and Talented Education (GATE) courses and under-represented in advanced placement courses.
- Latinas are the least likely of any group of women to complete a bachelor's degree.

The full report can be obtained at www.aauw.org/2000/latina.html.

Teenage Brides

Teenage brides are far more likely than older women to see their marriages break up within 10 years, according to the National Center for Health Statistics (NCHS). Nearly half of marriages in which the bride is 18 or younger end in separation or divorce; for brides 25 and older, one-quarter of the marriages break up in that time span. NCHS also reports that marriages in general are much less likely to last than a generation ago. While one in three ends in a break-up today, the rate was no more than one in five failures in 1973. The study also reveals that nearly 40 percent of second marriages for women end in separation or divorce within 10 years, up from 29 percent in 1973.

College Drinking

Although most universities have instituted responsible drinking programs, it is estimated that nearly two-thirds of college students average less than one drink a day, according to the U.S. Department of Education. The average number of alcoholic drinks consumed weekly by college students includes: freshmen—8.5 for males and 3.7 for females; sophomores—9.1 for males and 3.8 for females; juniors—9.5 for males and 4.1 for females; and seniors—10.1 for males and 2.3 for females.

Two-Parent Families

The U.S. Census Bureau reports the percentage of children living with their birth-parents increased in the early 1990s. Of the 71.5 million children living in the U.S. in the fall of 1996, those living with both parents rose from 51 percent in 1991 to 56 percent in 1996. Researchers assert two-parent families tend to raise children who are better off economically, live in better neighborhoods, and receive a better education.

School Bullying

Weekly or occasional threats, ridicule, name-calling, hitting, and other forms of harassment and intimidation in school are facts of life for one in 10 children in school. Researchers studied 15,686 public and private school students in grades six through 10 and found that 13 percent reported bullying others; 6.3 percent reported they had been both the bully and the victim; and that male students were more likely than females to report bullying or being bullied; and that the practice was more common in junior than senior high schools.

YOUR BOOKSHELF ON REVIEW

Prison Life: A Guard's Perspective

Newjack: Guarding Sing Sing. By Ted Conover. New York, New York.: Vintage Books, 2001. 331 pp. \$14.00 paper.

REVIEWED BY TODD JERMSTAD
BELTON, TEXAS

Newjack: Guarding Sing Sing, is the latest offering from investigative journalist Ted Conover. In this book the author looks at the New York State penitentiary system and reflects on the broad implications of the United States' high rate of incarceration for society as a whole. Most prison books are either written from the perspective of inmates or examine the mores of prisoners; this book is written from the viewpoint of a prison guard. Thus Conover offers a fresh insight on the often debated but still unresolved issues of crime and crime control policies in America.

Conover's interest in investigating America's prisons had developed over a number of years, as he became aware of the tremendous increase in the U.S. prison population over the last several decades. He wanted to study the effects of this rapid prison expansion on society at large. Moreover, Conover had closely reviewed available literature on penology by reading books and reports dealing with current sentencing practices, recent criminal justice policies, past efforts to reform prisons, and descriptions of life behind bars. Noting that there is very little material examining prisons from the vantage point of those employed to confine a growing and increasingly dangerous population of inmates, he decided that this approach would be the freshest means of shedding new light on America's prisons.

When Conover's initial request to study New York prisons was rebuffed by state prison officials, he did the next best thing. He submitted an application to become a correc-

tional officer and successfully passed the civil service examination. Months later he was notified that he had been selected for employment and proceeded to attend the basic training academy for new correctional officers, or newjacks, as they are called in the prison system.

Originally, Conover had planned only to go through the training academy. New York State's correctional officers take two months of classroom instruction mixed with military style "boot camp" physical activities. Despite the apparent thoroughness of the training, the academy still cannot prepare a graduate for what to expect in a prison environment. An officer only learns how to handle inmates through first-hand experience. Thus, once Conover had graduated from the academy, he decided to work as a correctional officer at Sing Sing for an additional six months.

Sing Sing is one of the most famous prisons in the United States. It is also one of the oldest. Located a short distance from New York City on the banks of the Hudson River, it is the prison where the phrase "going up the river" originated. Surprisingly, many of its buildings dating from the nineteenth century are still in use. Because of its age and its location in one of the most affluent counties in the United States (Westchester County), state officials have considered closing Sing Sing. Nevertheless, due to the rapid increase in prison population in the State of New York, Sing Sing has remained open.

Sing Sing consists of two vast multiple-storied cell blocks, known as A-Block and B-Block. The prison houses 2,369 inmates, 1,726 of whom have been convicted of violent offenses. Most of these offenders are from New York City and the great majority are members of minorities. Almost all of the offenders come from impoverished neighborhoods and upon their eventual release from prison, they invariably return to these neighborhoods.

The starting salary for a newjack in the State of New York is \$23,824 a year. After eight

years of service, a correctional officer can see his salary rise to \$40,000 a year. After 20 years of service, a correctional officer is eligible to retire. Most of the 71 prisons in the State of New York are located in upstate New York and find their employment base in rural areas where jobs are scarce. In the last 25 years, New York has seen a rapid expansion of its prisons. Fifty new prisons have been built during this period and the prison population has risen from 16,000 inmates to 70,000 today.

Because starting salaries are so low and the cost of living is so expensive in Westchester County, few correctional officers desire to work at Sing Sing. The result is that Sing Sing is often where newjacks (who have no choice in their initial assignment) begin their careers as correctional officers. However, for Conover, who lived in New York City, the assignment to Sing Sing was ideal. Thus for the next six months, he commuted from the city to the prison every day.

Conover is no sentimentalist. He recognizes that many of the inmates housed in Sing Sing are terrible persons who if left in the free world would prey upon the innocent and if not closely watched while in prison would terrorize each other. He also does not regard correctional officers with any hostility, but views them as people of varying degrees of ability and temperament who on the whole are decent, hard-working citizens. Most correctional officers come from blue-collar backgrounds and have limited post-high-school education. Nevertheless, these people can sympathize with offenders whom they realize come from very adverse environments without condoning the harm these criminals have caused.

Correctional work can be best described as long periods of boredom broken by intermittent periods of terror. Apprehension and concern are constantly on the minds of all correctional officers. No one can predict when inmate violence may erupt. Consequently,

officers must always be on their guard. There is no trust between inmates and officers and very little interpersonal interaction. Moreover, officers are continuously subject to name calling, profanity, and the hurling of bodily fluids at them. To add to the difficulties of rookie officers, newjacks lack the experience of seasoned officers and thus are never certain how they will respond to an emergency or disturbance. Finally, the turnover rate for correctional officers is extremely high and this leads to instability in the prisons.

Obviously, this type of work environment is quite stressful. Although a correctional officer may try to leave his job behind when he is off duty, Conover notes that this is nearly impossible. All too often, job-related stress affects the home life of correctional officers. Correctional officers suffer disproportionately higher rates of alcoholism, depression, domestic violence incidents, and divorce than people in the general public. Not only does serving as a correctional officer take a heavy toll on a person's personal life, but the lack of concern by the public for their difficulties also contributes to this strain.

In addition to managing the regular population in a prison, officers also have inordinate obstacles in dealing with problem inmates. For example, officers have tremendous difficulties addressing the high levels of mental disturbances among the inmates. Conover estimates that of the 70,000 persons confined in the New York prison system, five percent of the population (or 3,500 persons) are seriously and persistently mentally ill (i. e., needing institutionalized treatment). He further estimates that another ten per cent of the population (or 7,000 persons) are under the supervision of a psychiatrist or taking some form of medication. Nevertheless, New York prisons only have 1,000 beds available for inmates with mental illnesses. Moreover, while many inmates suffered from mental disturbances prior to being incarcerated, mental problems are often greatly aggravated by being confined. The sheer logistical problems of constantly moving inmates back and forth to see their psychiatrist for counseling or a nurse to receive their medication are daunting. However, the true difficulty is trying to manage a regular prison population that is interspersed with people who have severe psychological problems.

The second group of inmates that cause serious problems for correctional officers are the incorrigibles. These offenders range from those who constantly violate the rules of the

prison to those who violently lash out at those around them. For rule violators, the typical punishment is to keep them locked in their cells all day except for one hour of daily exercise and several showers per week. For the uncontrollably violent, the solution is to keep them in solitary confinement in a "supermax" unit at the prison facility.

Conover notes that the percentage of "keeplocks," i.e., those confined to their cells on the blocks, and those confined in solitary have risen dramatically over the years. This has increased the number of cells dedicated to the confinement of one individual. Besides the obvious threats of violence that these individuals pose, once again the logistical problems are great. Teams of correctional officers are needed to handle the truly violent, and the keeplocks need officers to accompany them individually to showers and recreation areas.

Conover points out that another great obstacle in serving as a correctional officer is dealing with the bureaucracy of the prison system. Rules in prison settings are numerous and even slight deviations can cause an officer to be "written up." Nevertheless, rules applying to inmates are not uniformly enforced and the onus is on the rookie correctional officer to guess which rules apply and which ones do not. Additionally, many rules mandated by the prison authorities have little correlation to existing prison conditions and sometimes the enforcement of multiple rules leads to contradictory results. Finally, supervisors are not always sympathetic to the plight of their subordinates, especially new officers, and some correctional officers are known to abuse or degrade their fellow officers.

What conclusions does Conover draw from his eight-month stint as a correctional officer? First, Conover notes that inmates in today's prisons are even more alienated from American society than inmates of past generations. Despite acknowledging their crimes, inmates by and large believe that they are being unjustly punished. One reason given is that while most inmates are minorities, correctional officers as well as most other persons in the criminal justice system are white. Inmates see racial injustice as permeating society and their lives as having been disfigured from birth. Therefore they do not believe that they are responsible for the crimes they have committed.

Second, Conover makes the reasonable, if often unacknowledged, observation that people who go to prison do not come out of that experience as better human beings. In part, this is because the idea of rehabilitation

has been largely abandoned in our society. We do not truly believe that rehabilitation works and the primary purpose of incarceration today is incapacitation. The trouble with our current penal policies is not that those committing violent crimes do not belong in prison. It is that almost all of these people will eventually be released into free society to cause even more devastation in the lives of others.

A third observation of Conover is that our present sentencing policies have affected a whole generation of people, primarily those living in inner cities, in ways that previous policies have not affected past generations and in ways that we have not anticipated. Conover argues that the massive incarceration that has occurred in the last several decades, and more importantly, the equally massive release of prison inmates back into the free world has created a new societal phenomenon, that of prison culture. In many neighborhoods and residences, hardly a person exists who does not know someone who has spent time in prison or has not done so himself. The mores and norms of life behind bars have now been carried over into society at large, including mainstream society, as we now see in such popular trends as rap music and fashion wear.

Understandably, sociologists have devoted great energy to studying criminal life, marginalized groups, and the dispossessed. However, surprisingly, sociologists have paid very little attention to the growth of prison culture (as opposed to prison life). This is an area that needs to be seriously studied. Unless we examine how the expansion of prisons in America during the 1980s and 1990s now affects social life, we will find formulating effective criminal justice policies for the twenty-first century very difficult.

One may still ask how Conover's conclusions relate to the insights he gathered by observing prison conditions from the standpoint of a correctional officer. There are presently almost a quarter of a million persons employed in prisons throughout the United States. This number has grown exponentially over the last two decades. Not only are prisons a major employer in the United States, but also the circumstances of correctional officers have a significant impact on the quality of life in this country. We cannot ignore the plight of correctional officers -- their low pay, dreary working conditions, and lack of public esteem. For better or for worse, prisons and hence their employees now form a substantial component of American society. Therefore the sociology of prison work needs to be evaluated and understood.

Second, and maybe more important, the quality of life in prisons needs to be addressed. People on the right tend to reject improvements in prison conditions, believing that if prisons are more harsh and punitive, they will better deter crime. People on the left, on the other hand, view the use of penitentiaries as a self-defeating means of combating crime and therefore discount improvements made in prison settings as either futile or counterproductive. The reality is that in the next couple of decades, large numbers of persons are going to be released from prisons. If, as Conover maintains, prison life now only makes people worse, then we shall see more, not less, crime in the years to come.

Therefore the amenities provided in prisons must be addressed. This is neither a popular nor a particularly glamorous approach to penal reform, but confinement in prisons is now a way of life for many people and is likely to remain a common means of deterring criminals for the foreseeable future. As such, prisons must be safe, clean and orderly places. Moreover, meaningful programs need to be in place to give offenders hope, since someday, we will meet these same people face to face in the free world.

Ted Conover has written a thoughtful and poignant book. Perhaps it has now become a

cliche to quote Oliver Wendell Holmes "that the way to judge the worth of a civilization is by examining the way it treats its prisoners." People tend to forget that the concept of the penitentiary was invented in the early years of this republic in the hopes that a democratic and free society could reform, if not rehabilitate, its miscreants. This should still be the hope and goal of our great republic.

Books Received

The Handbook of Victim Offender Mediation: An Essential Guide to Practice and Research. By Mark Umbreit. San Francisco: Jossey-Bass Publishers, 448 pp., \$69.95.

Prevention and Control of Juvenile Delinquency. Third edition. By Richard J. Lundman. New York, NY: Oxford University Press, 2001, 322 pp., \$25.95, softcover.

Spiritual and Religious Diversity in Prisons. By Josiah N. Opata. Springfield, IL: Charles C Thomas, 2001, 201 pp., hardcover.

Correctional Contexts: Contemporary and Classical Readings. Second Edition. By Edward J. Latessa, Alexander Holsinger, James W.

Marquart, Jonathan R. Sorenson. Los Angeles, CA: Roxbury Publishing Co., 2001, 517 pp., softcover.

Class, Race, Gender, and Crime: Social Realities of Justice in America. By Gregg Barak, Jeanne M. Flavin, Paul S. Leighton. Los Angeles, CA: Roxbury Publishing Co., 2001, 302 pp., softcover.

Crime Profiles: The Anatomy of Dangerous Persons, Places, and Situations. Second Edition. By Terance D. Miethe, Richard C. McCorkle. Los Angeles, CA: Roxbury Publishing Co., 2001, 284 pp., softcover.

Doing Time: An Introduction to the Sociology of Imprisonment. By Roger Matthews. New York, NY: Palgrave, 2001, 288 pp., softcover.

Trauma and Cognitive Science: A Meeting of Minds, Science, and Human Experience. Edited by Jennifer J. Freyd, Anne P. DePrince. Binghamton, NY: The Haworth Press, 2001, 335 pp., softcover, \$49.95.

REVIEWS OF PROFESSIONAL PERIODICALS

Canadian Journal of Criminology

REVIEWED BY ROBERT A. TAYLOR, SR.

"Mandatory Minimum Sentences: A Utilitarian Perspective," by Thomas Gabor (July 2001)

The backdrop for this article centered around a case involving a Saskatchewan farmer who killed his disabled daughter. The farmer later claimed that the act constituted a compassionate killing and subsequently appealed his mandatory life sentence to the Canadian Supreme Court.

As is the case in the United States, the promulgation of mandatory minimum sentences (MMS) has increased significantly in Canada over the past several years. In Canada, MMS have come under attack by scholars and special interest groups who view such MMS as ineffective, costly, and racially biased. According to the author, over two dozen offenses in the Canadian criminal code carry mandatory minimum sentences. In the United States, approximately 60 offenses carry mandatory penalties in the federal system alone, and state legislators across the country have quickly jumped on the mandatory minimum sentence bandwagon in an effort to appear tough on crime.

The author addresses several criticisms that are commonly leveled against mandatory sentences. As a basis for his research, Gabor reviewed the most recent scholarly literature on the subject. He found most of his literature from American legislation, including the now famous "three strikes" laws that were initially adopted by the state of California but quickly spread across the United States.

Research reveals that the primary criticisms of MMS involve questionable crime prevention benefits, fiscal and human costs, violation of proportionality in sentencing, disproportionate effects on minorities, and their encroachment upon judicial powers. Other criticisms of mandatory sentences fo-

cus on their inflexibility, failure to achieve deterrence, and the costs to taxpayers. In addition, the author details several harsh criticisms levied against mandatory minimum sentences by scholars and advocates attending a symposium held at New York University earlier this year. During that symposium, MMS were characterized as "the politicians' criminal justice snake oil," suggesting that politicians support these sentences to demonstrate that they are tough on crime. In addition, several national organizations such as the National Association of Women and the Law have adamantly and vocally criticized the effectiveness of MMS.

The author points out that in Canada, the resistance to MMS dates back a decade ago, when the Canadian Sentencing Commission recommended the abolition of mandatory minimum sentences on the grounds that they: 1) remove incentives to plead guilty and thereby increase trial rates, case processing times, and workloads; 2) foster prosecutorial manipulation in charging and plea-bargaining, both to induce guilty pleas and to avoid the imposition of sentences prosecutors view as unduly harsh; 3) often result in sentences that are excessively harsh; and 4) prevent judges from considering special circumstances concerning the defendant that might suggest some other sentence. Moreover, by definition, mandatory sentencing provisions tend to impose some strict limits on the ability of courts to consider aggravating or mitigating factors in sentencing.

The author relates several anecdotes demonstrating grossly disproportionate sentences, such as the California case where someone with two prior convictions stole a slice of pizza from picnickers on a beach and was subsequently sentenced to 25 years to life under the state's Three Strikes law, or the one-year prison sentence for an aboriginal man in Australia convicted of stealing a towel from a clothesline to be used as a blanket.

In an effort to present the full picture of MMS, the author discusses the flip side of mandatory sentences, such as disparity in sentencing, excessive judicial discretion, and the likelihood of fiercely disproportionate sentences. The article also examines varying forms of mandatory sentences and deals specifically with issues of cost effectiveness. Gabor uses illustrations to provide examples of how varying types of mandatory sentencing laws might be implemented. The majority of Canada's mandatory minimum sentences are triggered on a first conviction (e.g., murder, using firearms in a criminal offense). As an example, in the case of impaired driving, there is a minimum fine but no mandatory prison sentence for a first conviction. A second conviction carries a 14-day minimum prison sentence and a third or subsequent conviction carries a 90-day minimum prison term.

The offenses triggering mandatory minimum sentences can also be distinguished in terms of their scope. Although some of these laws are triggered by one specific offense (e.g., murder), others are triggered by a whole range of offenses (e.g., Three Strikes laws). Although people often associate MMS with long-term institutional confinement, these sentences actually vary widely. Specifically, short-term mandatory prison sentences, such as a 14-day sentence for impaired driving or failing to provide a breath sample, may be appropriate.

Gabor concludes with the suggestion that sentencing guidelines similar to those adopted by the U.S. federal system may be preferable to MMS because they may succeed as well in bringing about predictable sentences, without the rigidity of mandatory minimum sentences. The guidelines allow judges to depart from the guidelines when mitigating or aggravating circumstances so dictate. The reasons for such departures are made explicit and are thus transparent, in contrast to the more secretive manner in which prosecutors cir-

cumvent mandatory penalties in Canada. In addition, believing there is a conspicuous lack of thorough evaluation of the mandatory penalties in Canada, the author recommends more research before MMS are either categorically dismissed or embraced wholesale. Until more research is conducted, the author contends that the legislative agenda will primarily be determined by political considerations and a small number of tragic events.

Crime and Delinquency

REVIEWED BY CHRISTINE J. SUTTON

“Challenges Incarcerated Women Face as They Return to Their Communities: Findings From Life History Interviews,” by Beth E. Richie (July 2001)

The July 2001 issue of *Crime and Delinquency* was devoted to inmates' reentry into the community after incarceration and the challenges facing them. Author Beth E. Richie narrowed the focus of her article even further, discussing the challenges incarcerated women face, as well as what additional services social programs need to offer this population. Richie used data from several qualitative studies, including interviews of incarcerated women.

The author begins by compiling an informative profile of women incarcerated in jail and prison in 1998 and 1999 in the United States. The number of incarcerated women is growing, at rates greater than those for men. In 1998, 22 percent of all arrestees (3.2 million) were women in the United States; 75,000 were in state prisons and nearly 10,000 were in federal facilities. Overall, 11 women out of 1,000 will be incarcerated at some point in their lives. Even more startling is the fact that 1.3 million children under the age of 18 have mothers under correctional supervision. Two thirds of the women are non-white.

Non-violent and drug-related offenses account for the majority of the offenses committed by this population group. Most of the incarcerated women are young and poor—the median age is 35 and 35 percent of incarcerated women had monthly income of less than \$600. Only 39 percent had a high school diploma or a general equivalency diploma (GED).

When we turn to health and mental health issues, at least 60 percent of the women incarcerated in state prison in 1999 reported a history of physical and sexual abuse, both as children and as adults. Positive HIV rates and other sexually transmitted disease rates were

also high. Fifty percent of all incarcerated women report that they were using drugs and/or alcohol at the time of their arrest and most associate chronic problems with their long-term drug and alcohol addiction. The majority of these offenders also had significant psychological problems, which were not diagnosed. Without treatment during incarceration, these women returned to their communities with serious diagnostic and treatment needs for mental health problems.

During their time in jail or prison, most of these women also had the challenge of trying to maintain relationships with their children. This was hindered by limited opportunities for visitation and by financial hardship. In addition, in many cases the custodial parent was an abusive partner.

Besides all these competing challenges, many women who have been incarcerated and released face the challenges of trying to regain custody of their children, find a job and a place to live, and also get into a substance abuse program to satisfy a condition of probation or parole. The impact of all these problems is exemplified by the author's inclusion of a 26-year-old woman's account: "I start my day running to drop my urine (drug testing). Then I go to see my children, show up for my training program, look for a job, go to an AA meeting and show up at my part-time job. I have to take the bus everywhere, sometimes eight buses for 4 hours a day. I don't have the proper outer clothes. I don't have money to buy lunch along the way, and everyone who works with me keeps me waiting, so that I am late for the next appointment. If I fail any one of these things and my Probation Officer finds out, I am revoked. I am so tired that I sometimes fall asleep on my way home from work at 2 a. m. and that is dangerous, given where I live. The next day I start all over again. I don't mind being busy and working hard...that's part of my recovery. But this is a situation that is setting me up to fail. I just can't keep up, but I want my kids."

As the author emphasizes, competing needs without social support to realistically meet them seriously limits a woman's chances for success in the challenging process of reintegration. The demands multiply and compound each other, and services are typically offered by agencies in different locations. Those in the field of probation and parole need to assess whether the community supervision requirements are in fact obstacles to success, because they impose unreasonable

location and time constraints for recently released women, who have very limited financial means. Perhaps professionals in the field need to assist these women in daily planning and have the needed resources available so success can be achieved. Those involved in community supervision need to ask themselves whether the imposed conditions are feasible. In the last part of the article, the author argues the need for social change in enhanced service delivery and systemic change in low-income and minority communities. Released women need comprehensive programs, better treatment, wrap-around services, empowerment programs and opportunities for self-sufficiency. Discharge planning programs, ex-offender peer group support, mother-child programs, low-cost day care and intermediate sanctions all emerge as potential programmatic initiatives. Successful programs need to be publicized and replicated in more communities. Besides the subject population, the true benefitters of such programs would be the children of female offenders—making a dent in the recidivism rates of these women might lessen the number of children following in their mothers' criminal footsteps.

The Prison Journal

REVIEWED BY SAM TORRES

“Rehabilitating Felony Drug Offenders Through Job Development: A Look Into A Prosecutor-Led Diversion Program,” by Hung-En Sung (Vol. 81, no. 2, June 2001).

Sung's article examines a program developed in 1990 by the Kings County District Attorney's Office (KCDA): Brooklyn's Drug Treatment Alternative-to-Prison (DTAP) Program. The DTAP program was created on the premise that diverting nonviolent drug offenders would enhance their reintegration into the community. Program developers hoped that participation would help offenders resist relapse into drugs and crime better than had they received a sentence of imprisonment. Legal coercion is a critical aspect of the program and a "hammer over the head" approach is used to motivate participants to stay in treatment. The KCDA targets nonviolent drug felons who have committed their crimes to support their drug addiction and who face mandatory prison sentences under New York's Second-Felon Offender Law. Eli-

gible defendants who are motivated to participate in treatment plead guilty to a felony and are then required to participate in 15 to 24 months of residential treatment. The services provided are all within the structure of the residential setting and include counseling, educational and vocational programs, on-site medical care, and help in locating suitable housing upon completion.

The DTAP Program follows an intensive-surveillance treatment that strives to ensure public safety while keeping the threat of incarceration credible. The KCDA uses an enforcement team to apprehend offenders and return them to court for sentencing on the original felony charges if they leave the program prior to completion. The "hammer-carrot" approach provides immediate consequences for those who leave treatment before successful completion while rewarding those who successfully graduate by dismissing their charges. In this respect, the program shares some elements of the popular drug-court model. Like drug-court programs, the DTAP was developed to provide alternatives for nonviolent drug offenders that would benefit more from treatment than imprisonment. The development of the program was also stimulated by research findings suggesting that recidivism is determined greatly by post-release factors such as the ability to obtain and maintain a job. The foundation for the program, as reported by Sung, was that "by helping offenders to adopt a more conventional and productive lifestyle, publicly funded programs can successfully reduce recidivism."

Sung addresses the role of "human capital enhancement" in drug prevention and control and the fact that it has not been properly recognized in the professional literature. "Human capital enhancement" simply refers to educational instruction and job training. The author emphasizes that, historically, these have been viewed as "ancillary" interventions in the treatment of substance abusers rarely provided in *nonresidential* programs. The basic goal of DTAP is to increase the offender's "competitiveness" in the world of "legitimate work" and thus encourage a more responsible and productive lifestyle. DTAP uses a three-part approach, bringing together the drug treatment system, the criminal justice system, and the business community to achieve their goals of enhancing the human and social capital of the participants. "Human capital" refers to the offender's education and job skills while "social capital" refers to networking and

job market information. The goal, therefore, is to improve the basic educational or job skills of offenders and then instruct offenders on how to get a job. The training/services provided include life skills enhancement, a General Education Development (GED) course, vocational training, a job developer's assistance in locating a job, and the use of a Business Advisor Council to facilitate job opportunities in the community. Vocational training is a key component of DTAP, with programs in home health care, commercial driving, copying and printing, counseling, auto mechanics, and data entry. Offenders also learn how to write resumes and how best to present themselves during job interviews.

Sung reports that this is a "retrospective, nonexperimental study based on official records" and "the recidivism analysis was based on official arrest data maintained by the New York State Division of Criminal Justice Services." Findings from the study reflect that "graduates" averaged 32 years of age with 12 years of regular drug use. Sixty percent were Hispanic, 35 percent were African-American, and 94 percent reported drug use on a daily or almost daily basis. The criminal records of participants averaged one juvenile "arrest" and three adult "arrests." Heroin was the drug of choice, followed by cocaine. The participants showed evidence of socioeconomic disadvantage, with 69 percent of the 319 participants interviewed not having completed high school. Unemployment was an almost universal experience. It should be noted that Sung focused on the 409 participants who had successfully "completed treatment." Of the 409 completing treatment, 319 were interviewed right after treatment entry and again at the time of program completion.

Figures on the educational component show that 243 offenders participated in the GED program and of this number only 26 percent felt ready to take the test. Of the 63 offenders who took the test, only half (or about 31) passed. Of the 319 graduates who participated in the vocational component, 63 percent were involved in one or more training programs and 78 percent of these completed their training before graduation. Interestingly, 63 percent of the graduates found employment on their own, independent of the job developer. The job developer thus focused his attention on those who had not found a job or who had found a job but subsequently lost it. The third component of the triadic approach, the Business Advisory Council, seems to have contributed little to assisting graduates in lo-

ating employment. Only four of the graduates accepted employment from participating members of the Council. This was partly due to the mismatch between the needs for highly skilled labor and the generally low qualifications of the graduates.

As of October 1999, 69 percent (280) of the 406 graduates *were candidates for employment* compared to 26 percent (105) who had been working before the arrest that led to participation in the DTAP Program. Ninety-two percent were employed at the time of data collection, in fields including food services, *commercial driving, building maintenance, construction, office management, security, health care, substance abuse counseling, sales, and retail management.* "Their earnings ranged from minimum wages to \$34,000 per year." The study also found that legal employment was associated with decreased rates of recidivism. Of those DTAP graduates not working at the time of treatment completion, 33 percent were rearrested during the three-year follow-up period compared to 13 percent of those who were working full-time or part-time.

I agree with the author that intensive residential treatment that focuses on the resocialization of the offender is best suited for the hardcore substance-abusing offender. However, the optimal period of "long-term" residential treatment is subject to debate. In the DTAP program presented here, the length of program participation was 15 to 24 months. In my experience with this target population, I have observed monumental drop-out rates for programs that are at the optimal period of between 9 to 12 months duration. Research reflects that after 12 months there is little or no further improvement in the success rates and success may even diminish beyond 12 months. Still, given the high drop-out rate for the 9-12 month term, my agency opted to require offenders to participate in residential treatment for a shorter period, ranging from 4 to 6 months. Interestingly, the author does not give the total number of offenders referred to the DTAP program nor, more significantly, the number who dropped out and at what stage. This information is critical and should have been included. Instead, Sung focuses on the 406 DTAP participants who *successfully completed treatment*. That criminal offenders generally are socioeconomically disadvantaged and in need of educational and vocational training is hardly a subject of debate, and the KCDA is to be commended for their progressive efforts at

developing strategies that hold offenders accountable while using legal coercion to motivate them to enter and remain in treatment.

Offenders in this program were heavy-weight substance abusers--on average, they had 12 years of *regular* drug use, and the drug of choice was heroin. The information on criminal history was murky, since the author presents the average number of arrests rather than convictions. Therefore, officially, one would have to consider whether these are chronic, serious offenders, or nonviolent first-time offenders. Furthermore, the study examines "success" based on arrest data. Since this is a diversion program and jurisdiction usually terminates when the program is completed, no supervision follows. Anyone involved with substance abusers, treatment, and community corrections knows well that program completion is only one stage in the treatment of substance abusers. Aftercare and supervision are critical components of this type of strategy. High relapse rates are common with substance abusers who complete treatment, but this study gives no clue of how many of those completing treatment relapsed into drug abuse. I suspect, if this area were explored, we would find extraordinarily high rates of relapse.

The data on GED completion reflects that this population, as expected, has serious de-

ficiencies adversely affecting their employability. Only 16 percent of those who participated in the GED program (31 out of 194) successfully passed the test. The question that is then raised is whether these offenders were educationally or vocationally able to compete in the job market upon successful completion of the program. While the author does not give clear data on wages earned upon program completion, the article does report that "earnings ranged from minimum wages to \$34,000 per year." A specific breakdown should have been provided to determine whether the program was successful in helping offenders find meaningful employment. The author seems to provide a clue to the type of jobs and wages earned by the graduates by noting that, "the post-industrial marketplace is not well prepared to permanently absorb rehabilitated offenders and *only provides them with small contracting or clerical jobs* in personal and retail services *where employees often ignore regulations governing minimum wages, unemployment insurance, and worker's compensation.*" Finally, my experience as a former U.S. probation officer supervising substance-abusing offenders caused a red flag to go up when I noted that some of the "fields" where offenders were working included commercial driving, building maintenance, health care, and security. Recall that these participants had

average 12-year drug histories with self-report use of daily or almost daily. These four "fields" seem to cry out for a discussion of what occupations might present a foreseeable risk and thus be inappropriate for many of these offenders. The field of security seems to be especially problematic.

Those evaluating programs that motivate offenders into treatment through threats of negative consequences for non-compliance need to assess how sanctions are administered for violations. In many jurisdictions, effectiveness is diminished because offenders realize quickly that such threats are not credible. In this article, the author fails to address how the KCDA and/or the courts addressed noncompliance and/or violations of court orders. Violations and noncompliance issues will, as most probation officers well know, range from minor to serious, and not all violations are reported to the court. On the other hand, when violations are reported, judges will often give offenders a second or even third opportunity for treatment. Still, despite some rather serious questions raised by the DTAP Program and this study, the strategy developed by the KCDA aims in the right direction of providing protection to the community while coercing substance-abusing offenders to seek treatment.

IT HAS COME TO OUR ATTENTION

State Parole

The Bureau of Justice Statistics has come out with a report on "Trends in State Parole, 1990-2000" (NCJ-184735), authored by BJS statisticians Timothy A. Hughes, Doris J. Wilson, and Allen J. Beck. The authors report that almost four out of every ten people discharged from parole in 1999 had successfully completed their term of supervision in the community. Those released from state prison by a parole board had higher success rates (54 percent) than those whose release was required by law (33 percent). Ninety-seven percent of the adults on parole had been convicted of a felony. These rates are similar to those recorded through the past decade, though there are differences when the numbers are broken down. For instance, success rates among black parolees from 1990 to 1999, increased from 33 to 39 percent, and success rates among Hispanic parolees rose from 31 to 51 percent. Meanwhile, among white parolees, success rates actually fell slightly, from 44 to 41 percent. (In 1999, 47 percent of those released to state parole were black, 35 percent white, 16 percent Hispanic, and 1 percent "other.")

The total number of adults under state parole supervision by the end of 2000 had risen 30 percent from the number of state parolees in 1990, with most of this increase occurring early in the decade. Thirty-five percent of those entering parole in 1999 were drug offenders, up from 27 percent in 1990.

The report notes that by the end of last year, 15 states had abolished parole board authority for releasing all offenders, and 5 more had abolished such authority for releasing certain classes of violent offenders. On average, those released from prison by parole boards in 1999 had served 35 months prison time, compared with 33 months for those released by mandatory parole.

Those interested in the full report can find it on <http://www.ojp.usdoj.gov/bjs/abstract/>

[tsp00.htm](http://www.ojp.usdoj.gov/tsp00.htm). Additional criminal justice materials are located on the Office of Justice Programs homepage at <http://www.ojp.usdoj.gov>.

Mental Health in State Prisons

The Bureau of Justice Statistics has produced a special report by BJS statisticians Allen J. Beck and Laura M. Maruschak on "Mental Health Treatment in State Prisons, 2000." As of mid-year 2000, out of the 1,558 adult state correctional facilities (local jails and federal facilities were not included), 1,394 provided some sort of mental health services to inmates, with almost 70 percent of them reporting that they screen inmates at intake. Sixty-five percent do psychiatric assessments, 51 percent offer 24-hour mental health care, 71 percent administer therapy and/or counseling by trained mental health professionals, 73 percent dispense psychotropic medications and 66 percent assist prisoners after release in obtaining community mental health services. One out of every eight state prisoners was receiving some sort of mental health therapy, with 16 percent of all state prisoners being diagnosed as mentally ill. (Almost 79 percent of those diagnosed as mentally ill were undergoing therapy or counseling; about 60 percent of the mentally ill were receiving psychotropic medications such as anti-depressants, stimulants, sedatives, tranquilizers or other anti-psychotics.)

Beck and Maruschak note that the percentage of inmates in mental health therapy or on psychiatric medications was higher in female prisons, with more than a quarter of female prisoners in therapy and 20 percent on medication.

On average, one out of every 10 state inmates was receiving psychotropic medication, but this number rose to one in five in Hawaii, Maine, Montana, Nebraska and Oregon. Three states—North Dakota, Rhode Island, and Wyoming—had no special psychiatric fa-

cilities for prisoners. These placed prisoners needing to be separated from the general prison population in state hospitals, prison infirmaries, or special needs units within general confinement facilities.

Single copies of this report can be obtained from the BJS clearinghouse number: 1-800-732-3277. The fax number for orders for mail delivery is 410/792/4358. The report is also available online at: <http://www.ojp.usdoj.gov/bjs/abstract/mhtsp00.htm>. For other Bureau of Justice materials, check the BJS web site at: <http://www.ojp.usdoj.gov/bjs/>. Additional criminal justice materials are available from the Office of Justice Programs homepage at: <http://www.ojp.usdoj.gov>.

HIV in Prisons and Jails

Another Bureau of Justice Statistics report issued this past summer notes that HIV rates in the nation's prisons remained stable between 1995 and 1999, while AIDS-related deaths among prisoners dropped sharply (from 100 state inmates per 100,000 in 1995 to 20 per 100,000 in 1999). As of the end of 1999, the number of HIV-infected inmates nationwide was 25,757, including 24,607 state inmates and 1,150 federal prisoners, out of a total national prison population of 1,283,902. Rates of HIV infection were highest in New York prisons (9.7 percent), followed by the District of Columbia (7.8 percent) and Rhode Island (6.9 percent). Oregon, South Dakota and North Dakota tied for lowest place with 0.2 percent, followed by West Virginia (0.3 percent), and Idaho and Iowa (0.4 percent). The HIV infection rate in state prisons was higher for females than for males in all regions and most states. Nationwide, 2.1 percent of male inmates and 3.4 percent of female inmates had tested HIV positive. Among federal prisoners, 6 percent of all inmates who died in prison died of AIDS-related causes.

This report is available through the Internet at: <http://www.ojp.usdoj.gov/bjs/>.

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